

[Guide to Minutes](#)

These Minutes were confirmed by City Council on February 13, 2002.

[Agenda Index](#)

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

**TUESDAY, DECEMBER 4, 2001,  
WEDNESDAY, DECEMBER 5, 2001, AND  
THURSDAY, DECEMBER 6, 2001**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

10.2 **CONFIRMATION OF MINUTES**

Councillor Berardinetti, seconded by Councillor Sutherland, moved that the Minutes of the Council meeting held on the 6th, 7th and 8th days of November, 2001, be confirmed in the form supplied to the Members, which carried.

**PRESENTATION OF REPORTS**

- 10.3 Councillor Pitfield presented the following Reports for consideration by Council:

Report No. 15 of The Policy and Finance Committee,  
Report No. 17 of The Administration Committee,  
Report No. 11 of The Economic Development and Parks Committee,  
Report No. 13 of The Planning and Transportation Committee,

Report No. 16 of The Policy and Finance Committee,  
Report No. 13 of The Community Services Committee,  
Report No. 12 of The Economic Development and Parks Committee,  
Report No. 14 of The Planning and Transportation Committee,  
Report No. 17 of The Works Committee,  
Report No. 18 of The Administration Committee,  
Report No. 19 of The Administration Committee,  
Joint Report No. 1 of the Planning and Transportation  
Committee and The Economic Development and Parks Committee,  
Report No. 9 of The Midtown Community Council,  
Report No. 9 of The North York Community Council,  
Report No. 10 of The Humber York Community Council,  
Report No. 10 of The Etobicoke Community Council,  
Report No. 9 of The Toronto East York Community Council,  
Report No. 11 of The Scarborough Community Council,  
Report No. 8 of The Board of Health, and  
Report No. 5 of The Nominating Committee,

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

- 10.4 Councillor Pitfield, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 10 of The Audit Committee,

and moved, seconded by Councillor Rae, 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.

#### 10.5 **DECLARATIONS OF INTEREST**

Councillor Chow declared her interest in Notice of Motion I(2), moved by Councillor Bussin, seconded by Councillor Walker, pertaining to 245 College Street - Reimbursement of Community Legal Expenses, in that her principal residence is in the vicinity of the proposed development.

Councillor Di Giorgio declared his interest in Clause No. 13 of Report No. 17 of The Works Committee, headed "Drain Grant Appeal for 1804 Dufferin Street (Ward 17 - Davenport)", in that the applicant is a relative of an employee of his office.

Councillor Disero declared her interest in Clause No. 31 of Report No. 16 of The Policy and Finance Committee, headed “Toronto Port Authority - Claim Against the City of Toronto et al”, in that she is named in a litigation proceeding; and in Clause No. 17 of Report No. 10 of The Etobicoke Community Council, headed “Appointment of Citizens to the Etobicoke Community Preservation Panel”, in that she is a tenant of one of the applicants; and in Item (l), entitled “Preliminary Report - Application to Amend the Official Plan and Zoning By-law and Application for Site Plan Approval - (Diamante Urban Corporation/Davenport Developments Inc.) 76 and 100 Davenport Road (Toronto Centre-Rosedale, Ward 27)”, as embodied in Clause No. 51 of Report No. 9 of The Toronto East York Community Council, headed “Other Items Considered by the Community Council”, in that she owns property in the vicinity of the subject property.

Councillor Feldman declared his interest in Clause No. 21 of Report No. 18 of The Administration Committee, headed “Lease of the Jolly Miller - 3885 Yonge Street”, in that his principal residence is in the vicinity of the subject property.

Councillor Korwin-Kuczynski declared his interest in Clause No. 1 of Report No. 11 of The Economic Development and Parks Committee, headed “Harmonized Policy for the Removal of Ornamental Fruit-Bearing Trees (All Wards)”, in that his wife has an interest in a property that has a crab apple tree; and in Clause No. 2 of Report No. 14 of The Planning and Transportation Committee, headed “Harmonization of the Noise By-law”, in that he owns a leaf blower.

Mayor Lastman declared his interest in Clause No. 21 of Report No. 16 of The Policy and Finance Committee, headed “Harmonization of Business Improvement Area Practices and Procedures (All Wards)”, and Clause No. 7 of Report No. 12 of The Economic Development and Parks Committee, headed “2002 Business Improvement Area Operating Budgets: Report No. 1 (All Wards)”, in that his son is the President of the Kennedy Road BIA.

Councillor Layton declared his interest in Notice of Motion I(2), moved by Councillor Bussin, seconded by Councillor Walker, pertaining to 245 College Street - Reimbursement of Community Legal Expenses, in that his principal residence is in the vicinity of the proposed development.

Councillor Li Preti declared his interest in Clause No. 6 of Report No. 9 of The North York Community Council, headed “On-Street Parking Prohibitions - Fletcherdon Crescent - Ward 8 - York West”, in that he owns property in the subject area.

Councillor McConnell declared her interest in Clause No. 16 of Report No. 16 of The Policy and Finance Committee, headed “Ongoing City Administration of the Provincial Funding and Approvals for Various Programs Under the Shelter, Housing and Support Division”, in that her husband works for one of the organizations named; and in Motion I(2), moved by Councillor Bussin, seconded by Councillor Walker, pertaining to 245 College Street - Reimbursement of

Community Legal Expenses, in that she is a member of the Metro Credit Union. Councillor Shiner declared his interest in Item (n), entitled "Status Report – St. Andrews Playground and Kew Beach Playground (Trinity-Spadina, Ward 20; Beaches-East York, Ward 32)", as embodied in Clause No. 51 of Report No. 9 of The Toronto East York Community Council, headed "Other Items Considered by the Community Council", in that his family has an interest in property within the subject area.

Councillor Silva declared an interest his Clause No. 19 of Report No. 16 of The Policy and Finance Committee, headed "Drain Grant Policy and Appeals Process", in that he once applied for this program.

Councillor Sutherland declared his interest in Clause No. 11 of Report No. 10 of The Audit Committee, headed "Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services", insofar as it pertains to a proposed amendment thereto, in that he was a member of the Toronto Transition Team.

Councillor Walker declared his interest in Clause No. 31 of Report No. 16 of The Policy and Finance Committee, headed "Toronto Port Authority - Claim Against the City of Toronto et al", in that he is named in a litigation proceeding.

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

### **10.6 The following Clauses were held by Council for further consideration:**

Report No. 15 of The Policy and Finance Committee, Clause No. 1.

Report No. 17 of The Administration Committee, Clauses Nos. 1 and 2.

Report No. 11 of The Economic Development and Parks Committee, Clauses Nos. 1 and 2.

Report No. 13 of The Planning and Transportation Committee, Clause No. 1.

Report No. 16 of The Policy and Finance Committee, Clauses Nos. 2, 4, 14, 18, 19, 20, 21, 22, 24, 27, 29, 31, 33 and 34.

Report No. 13 of The Community Services Committee, Clauses Nos. 1, 5, 8, 9, 10, 11, 12, 16, 20 and 21.

Report No. 12 of The Economic Development and Parks Committee, Clauses Nos. 1, 4, 6, 7, 8, 13 and 14.

Report No. 14 of The Planning and Transportation Committee, Clauses Nos. 1, 2, 3 and 8.

Report No. 17 of The Works Committee, Clauses Nos. 1, 2, 3, 5 and 20.

Report No. 18 of The Administration Committee, Clauses Nos. 1, 2, 3, 10, 23, 25 and 27.

Report No. 19 of The Administration Committee, Clause No. 1.

Joint Report No. 1 of The Planning and Transportation Committee and The Economic Development and Parks Committee, Clauses Nos. 1 and 2.

Report No. 9 of The Midtown Community Council, Clauses Nos. 4, 16, 18, 19, 20 and 32.

Report No. 9 of The North York Community Council, Clauses Nos. 3, 10, 13 and 14.

Report No. 10 of The Humber York Community Council, Clauses Nos. 1, 2, 3, 4, 5, 29, 30, 35 and 49.

Report No. 10 of The Etobicoke Community Council, Clauses Nos. 13, 17, 22 and 26.

Report No. 9 of The Toronto East York Community Council, Clauses Nos. 2, 3, 7, 9, 20, 21, 48 and 50.

Report No. 11 of The Scarborough Community Council, Clause No. 14.

Report No. 8 of The Board of Health, Clauses Nos. 1 and 3.

Report No. 10 of The Audit Committee, Clauses Nos. 1, 7, 9, 10 and 11.

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

Report No. 16 of The Policy and Finance Committee, Clauses Nos. 20 and 24.

Report No. 13 of The Community Services Committee, Clauses Nos. 1, 5, 8, 9 and 11.

Report No. 12 of The Economic Development and Parks Committee, Clause No. 14.

Report No. 14 of The Planning and Transportation Committee, Clause No. 3.

Report No. 18 of The Administration Committee, Clauses Nos. 3 and 27.

Joint Report No. 1 of The Planning and Transportation Committee and The Economic Development and Parks Committee, Clause No. 2.

Report No. 10 of The Humber York Community Council, Clause No. 4.

Report No. 10 of The Etobicoke Community Council, Clauses Nos. 17 and 26.

Report No. 10 of The Audit Committee, Clauses Nos. 1 and 7.

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

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

**10.7 Clause No. 2 of Report No. 17 of The Administration Committee, headed “Exchange of Interests in Land Portions of the Keele Valley Landfill Site (Vaughan)”.**

*Motion:*

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

“It is further recommended that the joint report dated November 29, 2001, from the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) authority be granted for the City to enter into an agreement with York Major Holdings Inc. (“York Major”) to effect an exchange of interests in land at the Keele Valley Landfill site on the terms outlined in the body of this report;
- (2) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses;
- (3) Recommendation No. (2)(b)(i) of Clause No. 2 of Joint Policy and Finance and Works Committee Report No. 2, as adopted by Council at its meeting held on August 1, 2, 3 and 4, 2000, be amended to require the City of Vaughan to first enact a temporary Zoning By-law

to permit composting at the Avondale Facility to continue until December 31, 2003, instead of until May 31, 2004; and

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

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

**10.8 Clause No. 14 of Report No. 16 of The Policy and Finance Committee, headed “Early Childhood Education, Development and Care Pilot Project”.**

*Motion:*

Councillor Duguid moved that the Clause be amended by deleting from Recommendation No. (2) embodied in the report dated October 26, 2001, addressed to the Community Services Committee, from the Acting Commissioner of Community and Neighbourhood Services, as embodied in the Clause, the words “Social Services Stabilization Reserve Fund”, and inserting in lieu thereof the words “Child Care Expansion/Pilot Project Reserve Fund”, so that such recommendation shall now read as follows:

- “(2) expenditure commitments for the remaining allocated funds within the Child Care Expansion/Pilot Project Reserve Fund, of up to \$184,200.00 for each pilot or \$553,200.00 in 2002, \$553,200.00 in 2003 and, in principle, \$553,200.00 in 2004, be approved.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

**10.9 Clause No. 6 of Report No. 12 of The Economic Development and Parks Committee, headed “Increased Security at the Toronto Water Facilities and the Impacts on the Film Industry (Various Wards)”.**

*Motion:*

Councillor Ashton moved that the Clause be amended by deleting from Recommendation No. (1) embodied in the joint report dated November 1, 2001, from the Commissioner of Economic Development, Culture and Tourism, and the Commissioner of Works and Emergency Services, as amended by the Economic Development and Parks Committee, the

word “Councillor”, and inserting in lieu thereof the words “Councillors”, so that such recommendation shall now read as follows:

- “(1) a sub-committee of the Film Liaison Industry Committee (FLIC) meet with City staff, the local Councillors and industry participants to discuss what accommodations can be made for future filming at Water and Wastewater facilities; and”.

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

**10.10 Clause No. 4 of Report No. 9 of The Midtown Community Council, headed “Introduction of Permit Parking on the East Side of the Eastern Branch of Mount Pleasant Road Between Balliol Street and Davisville Avenue (St. Paul’s - Ward 22)”.**

*Motion:*

Councillor Walker moved that the Clause be amended by deleting from Recommendation No. (3) embodied in the report dated November 6, 2001, from the Manager, Right-of-Way Management, Transportation Services, District 1, as embodied in the Clause, the word “daily”, wherever it occurs, and inserting in lieu thereof the words “Monday to Friday, except Public Holidays”, so that such recommendation shall now read as follows:

- “(3) the one hour parking restriction on the east side of the eastern branch of Mount Pleasant Road be amended from 8:00 a.m. to 6:00 p.m., Monday to Friday, except Public Holidays, to 10:00 a.m. to 6:00 p.m., Monday to Friday, except Public Holidays;”.

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**10.11 Clause No. 2 of Report No. 10 of The Humber York Community Council, headed “Sign By-law Variance Application for 140 Rogers Road, Owner: Aldo and Linda Vicenzi; Applicant: Astral Media Outdoor Advertising (Nick D’Bona) (Davenport, Ward 17)”.**

*Motion:*



Councillor Disero moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002, and the City Clerk be requested to include, in the forthcoming report to the Administration Committee on the harmonization of polling procedures, a polling procedure for sign variances.

*Vote:*

The motion by Councillor Disero carried.

- 10.12 **Clause No. 3 of Report No. 10 of The Humber York Community Council, headed “Sign By-law Variance Application for 327 Oakwood Avenue, Owner: Domenic Bonavota; Applicant: Astral Media Outdoor (Nick D’Bona) (Davenport, Ward 17)”.**

*Motion:*

Councillor Disero moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002, and the City Clerk be requested to include, in the forthcoming report to the Administration Committee on the harmonization of polling procedures, a polling procedure for sign variances.

*Vote:*

The motion by Councillor Disero carried.

- 10.13 **Clause No. 29 of Report No. 10 of The Humber York Community Council, headed “Reduction in Speed Limit to 40 km/h Hanson Road, Blandford Street and Rockvale Avenue (Eglinton-Lawrence, Ward 15)”.**

*Motion:*

Councillor Korwin-Kuczynski moved that the Clause be amended by deleting the street name “Hanson Avenue”, wherever it occurs in the Clause, and inserting in lieu thereof the street name “Hanson Road”.

*Votes:*

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.

- 10.14 **Clause No. 35 of Report No. 10 of The Humber York Community Council, headed “Bartlett Avenue between Bloor Street West and Shanley Avenue - Request to Remove the ‘No Standing’ and ‘No Parking’ Regulations in the Vicinity of Premises 50R Bartlett Avenue (Pendell Boiler Limited) (Davenport, Ward 18)”.**

*Motion:*

Councillor Silva moved that the Clause be amended by deleting the street name “Shanley Avenue” wherever it occurs in the Clause, and inserting in lieu thereof the street name “Shanly Avenue”.

*Votes:*

The motion by Councillor Silva carried.

The Clause, as amended, carried.

**10.15 Clause No. 2 of Report No. 9 of The Toronto East York Community Council, headed “Draft By-laws - Official Plan Amendment and Rezoning – 255 Bremner Boulevard (Trinity-Spadina, Ward 20)”.**

*Motion:*

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

“It is further recommended that all documentation related to development at the Roundhouse site clearly refer to Hydro One’s Purchase Option and reflect Hydro One’s plans for the site, which is the land bounded by Bremner Boulevard to the north, Lake Shore Boulevard West to the south, Rees Street to the west and the Roadhouse building to the east.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**10.16 Clause No. 20 of Report No. 9 of The Toronto East York Community Council, headed “Commercial Boulevard Parking - Empire Avenue and Booth Avenue Flanks of 835 Queen Street East (Toronto-Danforth, Ward 30)”.**

*Motion:*

Councillor Rae moved that the Clause be struck out and referred back to the Toronto East York Community Council for further consideration.

*Vote:*

The motion by Councillor Rae carried.

10.17 **Clause No. 21 of Report No. 9 of The Toronto East York Community Council, headed “Commercial Boulevard Parking - Empire Avenue Flank of 825 Queen Street East (Toronto-Danforth, Ward 30)”.**

*Motion:*

Councillor Rae moved that the Clause be struck out and referred back to the Toronto East York Community Council for further consideration.

*Vote:*

The motion by Councillor Rae carried.

10.18 **Clause No. 1 of Report No. 17 of The Works Committee, headed “Pilot Program - Publication Box Enclosures”.**

*Motion:*

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

“It is further recommended that:

- (1) any future Requests for Proposals be designed in such a way as to ensure competitive bids; and
- (2) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on a mechanism to ensure current and future programs are maintained in a clean state.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

10.19 **Clause No. 18 of Report No. 16 of The Policy and Finance Committee, headed “Disposal of Residual Solid Waste”.**

*Motions:*

(a) Councillor Di Giorgio moved that the Clause be amended:

- (1) to provide that the City of Toronto only commit to Republic the shipment of the 450,000 tonnes of municipal waste currently disposed of at Arbor Hills, at this time; and

- (2) by adding thereto the following:

“It is further recommended that:

- (a) the City of Toronto explore other options for the disposal of the additional garbage that must be redirected from the Keele Valley landfill site, including other hosts in Canada or the United States; and
  - (b) the City of Toronto support the Provincial Government’s initiative to establish a special purpose body to develop a co-ordinated waste division strategy for the Greater Toronto Area that encourages:
    - (i) shared facilities; and
    - (ii) continued involvement in the landfill business.”
- (b) Councillor Mammoliti moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee outlining recommendations for an alternate plan, other than those precluded by the contract or already determined by City Council this term.”
- (c) Councillor Layton moved that the Clause be amended by adding thereto following:
- “It is further recommended that the Commissioner of Works and Emergency Services, in preparing reports on alternative waste disposal technologies, be requested to canvass Members of Council, in order to determine in which areas of the City there would be political support for incineration or thermal technology applications.”
- (d) Councillor Korwin-Kuczynski moved that motion (b) by Councillor Mammoliti be amended by adding thereto the words “only if garbage cannot be shipped to Michigan”.

*Votes:*

Adoption of Part (1) of motion (a) by Councillor Di Giorgio:

Yes - 2	
Councillors:	Di Giorgio, Li Preti
No - 36	

Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Walker

Lost by a majority of 34.

Adoption of Part (2)(a) of motion (a) by Councillor Di Giorgio:

Yes - 6	
Councillors:	Di Giorgio, Ford, Holyday, Li Preti, Mammoliti, Soknacki
No - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Walker

Lost by a majority of 26.

Adoption of Part (2)(b)(i) of motion (a) by Councillor Di Giorgio:

Yes - 18	
Mayor:	Lastman
Councillors:	Ashton, Di Giorgio, Disero, Duguid, Filion, Hall, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Soknacki
No - 20	
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Miller, Minnan-Wong, Pantalone, Pitfield, Rae, Shaw, Silva, Walker

Lost by a majority of 2.

Adoption of Part (2)(b)(ii) of motion (a) by Councillor Di Giorgio:

Yes - 6	
---------	--

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

Lost by a majority of 27.

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

Yes - 20	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Chow, Filion, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Nunziata, Pantalone, Shaw, Sutherland
No - 18	
Mayor:	Lastman
Councillors:	Bussin, Di Giorgio, Disero, Duguid, Flint, Holyday, Johnston, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Ootes, Pitfield, Rae, Silva, Soknacki, Walker

Carried by a majority of 2.

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

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

Lost by a majority of 5.

Adoption of motion (c) by Councillor Layton:

Yes - 32	
Mayor:	Lastman
Councillors:	Ashton, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Walker
No - 8	
Councillors:	Altobello, Balkissoon, Ford, Holyday, Korwin-Kuczynski, Shaw, Soknacki, Sutherland

Carried by a majority of 24.

Adoption of Clause, as amended:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Walker
No - 2	
Councillors:	Di Giorgio, Sutherland

Carried by a majority of 36.

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

“It is further recommended that the Commissioner of Works and Emergency Services, in preparing reports on alternative waste disposal technologies, be requested to canvass Members of Council, in order to determine in which areas of the City there would be political support for incineration or thermal technology applications.”

10.20 **Clause No. 7 of Report No. 9 of The Toronto East York Community Council, headed “Day-Care Centre Legal Agreement - 650 Queens Quay West (Trinity-Spadina, Ward 20)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Chow moved that Council adopt the following recommendation:

“It is recommended that the confidential report dated November 27, 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 which is subject to Solicitor-Client privilege.”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

**10.21 Clause No. 1 of Report No. 17 of The Administration Committee, headed “Options for Methods to Deal With Decisions on Compliance Audit Applications”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Soknacki moved that Council adopt the following recommendation:

“It is recommended that the Province of Ontario be requested to amend the Municipal Elections Act, 1996, to provide that City of Toronto Council would be required to establish an arms-length committee that would receive and make decisions on compliance audit requests, the membership of such committee to be at the discretion of Council and be comprised of individuals, other than City of Toronto staff, who have knowledge of the election campaign finances provisions of the Act and are representative of the community.”

*Votes:*

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

**10.22 Clause No. 16 of Report No. 13 of The Community Services Committee, headed “City of Toronto Consolidated Grants Allocation Report: Termite Research Grant”.**

*Motion:*

Councillor Soknacki moved that the Clause be struck out and referred back to the Community Services Committee for further consideration, with a request that the Acting Commissioner



of Community and Neighbourhood Services review termite research projects in the former municipalities, especially with respect to original terms of reference for research projects, contract milestones and results, royalties and any duplication, and report thereon to the Committee.

*Vote:*

The motion by Councillor Soknacki carried.

**10.23 Clause No. 10 of Report No. 18 of The Administration Committee, headed “Selection of a Security Guard Service Provider for Civic Centres”.**

*Motion:*

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

“It is further recommended that the City Clerk be requested to append the communication dated December 3, 2001, from the Manager of Security and Life Safety, Corporate Security, addressed to Councillor Shiner, to the Clause.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**10.24 Clause No. 25 of Report No. 18 of The Administration Committee, headed “Further Report Regarding the Study on Ethno-Racial Inequality in Toronto (Ornstein Study)”.**

*Motion:*

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

“It is further recommended that Recommendation No. (2) of the Committee on Lesbian, Gay, Bisexual and Transgendered Issues, as embodied in the communication dated November 28, 2001, from the City Clerk, be adopted, viz.:

‘The Committee on Lesbian, Gay, Bisexual and Transgendered Issues recommends:

- (2) the adoption of the report dated November 19, 2001, from Councillor Pam McConnell, respecting the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related

Intolerance; and the development of the City's Plan of Action for the elimination of racism and related intolerance, embodying the following recommendations:

"It is recommended that the City of Toronto Community Advisory Committees on access, equity and human rights consider the UN WCAR Declaration and Program of Action, and:

- (a) provide their comments on this document to the Diversity Advocate, City Council and the Chief Administrative Officer during the development of the City's Plan of Action for the elimination of racism and related intolerance; and
- (b) forward the report to Council, recognizing the City's contribution to the UN WCAR, and requesting that Council approve the report on the Delegation to the UN WCAR." ' ' "

*Votes:*

The motion by Councillor Shaw carried.

The Clause, as amended, carried.

10.25 **Clause No. 23 of Report No. 18 of The Administration Committee, headed "Front Street Extension Project - Acquisition of Lands Owned by 863880 Ontario Limited, Known as Liberty Street Village (Ward 19 - Trinity Spadina)".**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Pantalone moved that Council adopt the following recommendation:

"It is recommended that the confidential report dated December 3, 2001, from the Commissioner of Corporate Services, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to the acquisition of property, save and except the following recommendations embodied therein:

'It is recommended that:

- (1) authority be granted to enter into an Agreement with 863880 Ontario Limited to acquire the lands required for the Front Street Extension, pursuant to section 30 of the Expropriations Act, on the terms outlined in the body of this report;
- (2) Council approve funding, in the amount of \$1,250,000.00, from the Waterfront Capital Account for the Front Street Extension and, once the necessary funding agreement is in place, two-thirds of this amount is to be reimbursed by the senior levels of government via the Toronto Waterfront Revitalization Corporation;
- (3) Council approve up to \$200,000.00 from the above funds for a Phase II Environmental Report and a Site Specific Risk Assessment Plan (if necessary) to be completed during the due diligence process on the property, per the terms outlined in Recommendation No. (2), above;
- (4) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as he considers reasonable; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

**10.26 Clause No. 22 of Report No. 10 of The Etobicoke Community Council, headed “Final Report - Application to Amend the Etobicoke Official Plan and Zoning Code; 581 Scarlett Road Pietro and Rosa LoRaso; File No. CMB 2000 0014 (Ward 2 - Etobicoke North)”.**

*Motion:*

Councillor Ford moved that the Clause be amended by amending the recommendation of the Etobicoke Community Council as follows:

- (1) deleting the word “application” and inserting in lieu thereof the words “revised application as outlined in the aforementioned report dated November 14, 2001”;

- (2) deleting all of the words after the words “Zoning Code”, and inserting in lieu thereof the words, “be approved”; and
- (3) adding thereto the following new Recommendation No. (2):
  - “(2) Recommendation No. (2) embodied in the report dated November 14, 2001, be adopted.”,

so that the recommendation of the Etobicoke Community Council shall now read as follows:

“The Etobicoke Community Council, after considering the deputations, the written submissions filed and based on the finding of fact, conclusions and recommendations in the reports (October 4, 2001) and (November 14, 2001) from the Director, Community Planning, West District, and for the reason that the proposal is an appropriate use of the lands recommends that:

- (1) the revised application, as outlined in the aforementioned report dated November 14, 2001, by Pietro and Rosa LoRaso to amend the Etobicoke Official Plan and the Zoning Code, be approved; and
- (2) Recommendation No. (2), embodied in the aforementioned report dated November 14, 2001, be adopted.”

*Votes:*

The motion by Councillor Ford carried.

The Clause, as amended, carried.

**10.27 Clause No. 3 of Report No. 9 of The North York Community Council, headed “Parking Prohibitions - Blake Avenue - Ward 23 – Willowdale”.**

*Motion:*

Councillor Filion moved that the Clause be amended by deleting from the recommendation embodied in the report dated November 5, 2001, from the Director, Transportation Services, District 3, Works and Emergency Services, the words “between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, on the north side of Blake Avenue”, and inserting in lieu thereof the words “between the hours of 8:00 a.m. and 11:00 a.m., Monday to Friday, on both sides of Blake Avenue”, so that such recommendation shall now read as follows:

“It is recommended that Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking between the hours of 8:00 a.m. and

11:00 a.m., Monday to Friday, on both sides of Blake Avenue, from the easterly limit of Altamont Road to a point 232 metres easterly thereof.”

*Votes:*

The motion by Councillor Filion carried.

The Clause, as amended, carried.

**10.28 Clause No. 5 of Report No. 17 of The Works Committee, headed “Yonge Street Transitway Environmental Assessment (Willowdale)”.**

*Motion:*

Councillor Filion moved that the Clause be amended by deleting from Recommendation No. (2) of the Works Committee the words “Yonge Street and Bayview Avenue”, and inserting in lieu thereof the words “Bathurst Street and Bayview Avenue”, so that such recommendation shall now read as follows:

- “(2) that the Environmental Assessment include a study on the potential impact of increased traffic on minor arterial, collector and residential roads between Bathurst Street and Bayview Avenue that may be affected by the Yonge Street Transitway, and measures to mitigate this:”.

*Votes:*

The motion by Councillor Filion carried.

The Clause, as amended, carried.

**10.29 Clause No. 2 of Report No. 16 of The Policy and Finance Committee, headed “Membership Fee for the Federation of Canadian Municipalities”.**

*Motions:*

- (a) Councillor Ashton moved that the Clause be amended by deleting Recommendation No. (2)(ii) of the Policy and Finance Committee, viz.:

- “(2) that before the 2002 FCM Membership fees are paid, the Chief Administrative Officer be requested to:

- (ii) determine why the City should not have representation by population; and

submit a report thereon to the Policy and Finance Committee in January or February 2002.”

Councillor Disero in the Chair.

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

“It is further recommended that the President of the Federation of Canadian Municipalities be requested to explore the possibility of renegotiating the membership fees paid by large cities.”

Deputy Mayor Ootes in the Chair.

*Votes:*

Adoption of motion (a) by Councillor Ashton:

Yes - 18	
Councillors:	Ashton, Balkissoon, Berardinetti, Chow, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pitfield, Shaw, Silva, Sutherland, Walker
No - 20	
Mayor:	Lastman
Councillors:	Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Layton, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pantalone, Rae, Shiner, Soknacki

Lost by a majority of 2.

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

Yes - 15	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki
No - 22	
Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Filion, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Miller, Pantalone, Rae, Shaw, Silva, Sutherland, Walker

Lost by a majority of 7.

Adoption of Clause, without amendment:

Yes - 33	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Nunziata, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Walker
No - 5	
Councillors:	Ford, Minnan-Wong, Ootes, Pitfield, Shiner

Carried by a majority of 28.

10.30 **Clause No. 2 of Report No. 11 of The Economic Development and Parks Committee, headed “Parkland Dedication - Industrial Development (All Wards)”.**

*Motion:*

- (a) Councillor Filion moved that the Clause be struck out and referred back to the Economic Development and Parks Committee for further consideration at such time as the Committee considers the Parkland Acquisition Strategic Directions Report.

*Vote on Referral:*

Adoption of motion (a) by Councillor Filion:

Yes - 5	
Councillors:	Bussin, Filion, Jones, Layton, McConnell
No - 27	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Walker

Lost by a majority of 22.





*Motions:*

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

“It is further recommended that, in the event the fee loss reaches \$500,000.00 in a given year, the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to Council, through the Economic Development and Parks Committee, on the effect thereof and whether the plan should be continued.”

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on:

- (a) the progress of industrial development on City lands;
- (b) the amount of parkland dedication that has been waived; and
- (c) other comprehensive strategies that can encourage industrial development in the City of Toronto.”

- (d) 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 be requested to submit a report to the Works Committee and the Economic Development and Parks Committee on how land for storm water management needs can be achieved through industrial and commercial development.”

*Ruling by Deputy Mayor:*

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

*Votes:*

Adoption of motion (b) by Councillor Feldman:

Yes - 20	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Ford, Hall, Johnston, Jones, Layton, Lindsay Luby, McConnell, Milczyn, Nunziata, Pantalone, Pitfield, Silva
No - 8	
Mayor:	Lastman
Councillors:	Duguid, Flint, Holyday, Ootes, Rae, Sutherland, Walker

Carried by a majority of 12.

Motion (c) by Councillor Chow carried.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Layton, Lindsay Luby, McConnell, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Sutherland, Walker
No - 0	

Carried, without dissent.

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

“It is further recommended that:

- (1) in the event the fee loss reaches \$500,000.00 in a given year, the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to Council, through the Economic Development and Parks Committee, on the effect thereof and whether the plan should be continued; and
- (2) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on:
  - (a) the progress of industrial development on City lands;
  - (b) the amount of parkland dedication that has been waived; and
  - (c) other comprehensive strategies that can encourage industrial development in the City of Toronto.”

**10.31 Clause No. 1 of Report No. 15 of The Policy and Finance Committee, headed “Delegation to Meeting of Housing Ministers in Quebec City”.**

*Motions:*

- (a) Councillor Duguid moved that the Clause be received.

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

“It is further recommended that the request embodied in the communication dated December 4, 2001, from the Toronto Disaster Relief Committee, for \$2,000.00 to cover the unfunded portion of the trip to Quebec City, be granted, funds therefor to be provided from the Corporate Contingency Account.”

*Votes:*

Adoption of motion (b) by Councillor Layton:

Yes - 13	
Councillors:	Bussin, Cho, Chow, Di Giorgio, Flint, Johnston, Jones, Layton, Mammoliti, McConnell, Pantalone, Rae, Walker
No - 17	
Councillors:	Balkissoon, Disero, Duguid, Feldman, Ford, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Nunziata, Ootes, Pitfield, Shaw, Soknacki, Sutherland

Lost by a majority of 4.

Motion (a) by Councillor Duguid carried.

In summary, Council received this Clause.

**10.32 Clause No. 1 of Report No. 11 of The Economic Development and Parks Committee, headed “Harmonized Policy for the Removal of Ornamental Fruit-Bearing Trees (All Wards)”.**

*Motion:*

Councillor Pantalone moved that the Clause be amended by striking out the recommendations of the Economic Development and Parks Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) Toronto City Council reaffirm its policy of protecting all healthy, City-owned street trees; and

- (2) Toronto City Council adopt a policy for the removal of larger fruit-bearing species of crab apple trees at the written request of the abutting property owner, where such trees are located on City boulevards and result in the fruit falling onto City sidewalks, private walkways and driveways, thereby creating a potential safety hazard; such approval to be subject to the following conditions being fulfilled to the satisfaction of the Commissioner of Economic Development, Culture and Tourism:
- (a) the adjacent property owner paying \$350.00 toward the cost of the removal and replanting of alternate trees;
  - (b) there being a mandatory planting of a large, growing replacement tree by Forestry staff on the subject site, the species to be determined in consultation with the abutting property owner, provided that, in the opinion of Forestry staff, space is available to accommodate a large, growing tree; and
  - (c) where a large, growing replacement tree cannot be accommodated on site, Forestry staff planting an appropriate alternative tree, the species to be determined in consultation with the abutting property owner.”

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

10.33 **Clause No. 10 of Report No. 10 of The Audit Committee, headed “Policy for the Selection and Hiring of Professional and Consulting Services; Use of Consultants and Expenditure Reduction Strategies; Hiring of Professional and Consulting Services Review”.**

*Motion:*

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

“It is further recommended that the City Auditor be directed to include the review of all contracts by six companies with the City of Toronto as part of the directions given to the City Auditor by the Audit Committee to review contracts of I.T. consultants.”

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

10.34 **Clause No. 20 of Report No. 17 of The Works Committee, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Lindsay Luby moved that the Clause be received as information, subject to striking out and referring Item (n), entitled “City-Wide Service Levels for Leaf Collection”, embodied therein, back to the Works Committee for further consideration.

*Votes:*

The motion by Councillor Lindsay Luby carried.

The Clause, as amended, was received as information.

10.35 **Clause No. 4 of Report No. 16 of The Policy and Finance Committee, headed “Adequacy of Employee Benefits Reserve Funds”.**

*Motion:*

Councillor Soknacki moved that the Clause be amended by striking out Recommendations Nos. (1) and (2) embodied in the report dated November 7, 2001, from the Acting Chief Financial Officer, as embodied in the Clause, and inserting in lieu thereof the following new Recommendations Nos. (1) and (2):

- “(1) the City tender for an employee benefit valuation update for the City, as well as applicable agencies, boards and commissions, as at December 31, 2001, be deferred, pending the implementation of the harmonized employee benefits programs; and
- (2) the funding be revised and reported to the Policy and Finance Committee in-camera.”

*Votes:*

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

10.36 **Clause No. 48 of Report No. 9 of The Toronto East York Community Council, headed “Unauthorized Removal of Two Trees and Naming of Proposed Private Lane - 8 Spadina Road (Trinity-Spadina, Ward 20)”.**

*Motion:*

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

“It is further recommended that, in the event the City of Toronto is successful in obtaining any fines from the developer, the funds be used to plant trees in the neighbourhood.”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

10.37 **Clause No. 1 of Report No. 14 of The Planning and Transportation Committee, headed “Sign Permit and Variance Application Fee Harmonization”.**

*Motion:*

Councillor Pantalone moved that the Clause be amended by inserting in Recommendation No. (2) of the Planning and Transportation Committee, after the words “Commissioner of Urban Development Services”, the words “and other sign matters that may be contained in the staff reports requested to be submitted to the January 14, 2002 public hearing”, so that such Recommendation shall now read as follows:

“(2) the Planning and Transportation Committee be authorized to hold a public meeting on January 14, 2002, to consider a draft by-law amendment to adjust sign permit fees as outlined in the further report (October 30, 2001) from the Commissioner of Urban Development Services, and other sign matters that may be contained in the staff reports requested to be submitted to the January 14, 2002 public hearing, that notice of hearing be given in accordance with the requirements of the Municipal Act and staff be directed to prepare a draft by-law for consideration at the public meeting; and”.

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

**10.38 Clause No. 13 of Report No. 12 of The Economic Development and Parks Committee, headed “PATH Walkway System - Promotions Link Inc. - Proposal for a Public Access Terminal System”.**

*Motion:*

Councillor Miller moved that the Clause be amended by deleting from Paragraph 13.1 of the Terms Sheet appended to the confidential report dated November 19, 2001, from the Commissioner of Economic Development, Culture and Tourism, the requirement that Promotions Link Inc. provide crime insurance.

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

**10.39 Clause No. 27 of Report No. 16 of The Policy and Finance Committee, headed “Yonge/Dundas Square - Operations Resulting from Urban Development Services Capital Project and Governance Model (Ward 27 - Toronto Centre)”.**

*Motion:*

Councillor Rae moved that the Clause be amended:

(1) by amending the joint report dated November 16, 2001, from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, by:

(a) deleting Recommendation No. (1)(c) and inserting in lieu thereof the following new Recommendation No. (1)(c):

“(c) Member of a Resident’s Association (1);” and

(b) deleting from Recommendation No. (1)(e), the words “Member of the Board”, and inserting in lieu thereof the words “staff member”, so that such recommendation shall now read as follows:

“(e) Toronto Parking Authority, staff member (1);” and

- (2) in accordance with the supplementary report dated November 30, 2001, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) Council appoint the nominees listed in Attachment No. 1 of this report to the Dundas Square Board of Management;
- (2) the list of members of the Dundas Square Board of Management, as recommended by the Policy and Finance Committee, be amended to include a Parking Authority staff person, rather than a member of the Parking Authority Board, as an ex-officio member; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

10.40 **Clause No. 2 of Report No. 14 of The Planning and Transportation Committee, headed “Harmonization of the Noise By-law”.**

*Motion:*

Councillor Mihevc moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002, subject to striking out and referring Recommendation No. (2)(a) embodied in the report dated November 5, 2001, from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee, to the Commissioner of Economic Development, Culture and Tourism for report thereon directly to such meeting of Council:

- “(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:
- (i) at all times in Quiet Zones;
  - (ii) at all times on residential properties, except during the months of October and November for leaf removal;
  - (iii) between 6:00 p.m. and 8:00 a.m., Monday to Saturday, and at all times on Sunday on non-residential properties; and
  - (iv) on Smog Alert days;”.



*Vote:*

The motion by Councillor Mihevc carried.

10.41 **Clause No. 1 of Report No. 13 of The Planning and Transportation Committee, headed “Removal of Bus Bays on City Streets”.**

*Motions:*

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

“It is recommended that the Commissioner of Works and Emergency Services be requested to work with Toronto Transit Commission (TTC) staff to undertake a joint review of the 28 bus bays identified in the TTC’s April 11, 2001 report as being of substandard width and which, therefore, present a potential safety problem, and to develop recommendations as to whether such bays should be widened or removed and report thereon to the Works Committee as soon as possible.”

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

“It is further recommended that, in the event motion (a) by Councillor Sutherland carries, the Toronto Transit Commission (TTC), the Commissioner of Works and Emergency Services and the Urban Design Section of the Urban Development Services Department be requested to review bus bays over time, as and when roadways on which they are located are scheduled for reconstruction, and the appropriate City officials be requested to submit a report to the Works Committee, at that time, to provide the opportunity for public discussion and to obtain formal Council approval, through Committee, should removal or alteration be recommended.”

- (c) Councillor Ashton moved that motion (b) by Councillor Pantalone be amended by adding thereto the following words:

“and further, that any review process address the following key questions:

- (1) Is the bus bay currently required for safety reasons?
- (2) Would removal of the bus bay introduce any new safety problems?
- (3) Would removal of the bus bay provide the TTC with any operational benefits?

- (4) Would removal of the bus bay introduce any significant traffic congestion?
- (5) Would removal of the bus bay result in a net improvement in the movement of people on the street?"

Councillor Disero in the Chair.

- (d) Councillor Hall 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 Chief General Manager of the TTC, be requested to provide an educational program to encourage motorists to give buses the right-of-way when exiting a bus bay."
- (e) Councillor Holyday 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 Chief General Manager of the TTC, be requested to submit a report to the Works Committee on the concept of installing a stop indicator light on the back of TTC buses which would become operational when buses exit from bus bays and traffic would be required, by law, to give buses the right-of-way."

Deputy Mayor Ootes in the Chair.

- (f) Councillor Nunziata moved that motion (a) by Councillor Sutherland be amended by inserting, after the words "Commissioner of Works and Emergency Services", the words "in consultation with the local Ward Councillor in the community".
- (g) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:  
"It is further recommended that the TTC be requested to investigate the possibility of providing further signage at the rear of buses, using either slogans or a bright decal, to indicate that people should give priority to buses re-entering traffic."
- (h) Councillor Flint moved that the Clause be amended by:
  - (1) deleting from Recommendation No. (1) embodied in the joint report dated May 24, 2001, from the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services, as embodied in the Clause, all of the words after the first occurrence of the words "bus bays", so that such recommendation shall now read as follows:

- “(1) support the TTC’s request for a joint operational review with the appropriate City officials of each of the City’s 1,802 bus bays;”; and
- (2) adding thereto the following:
- “It is further recommended that the transportation policy debate occur within the context of the Official Plan debate at appropriate future meetings of the Planning and Transportation Committee and Council.”
- (i) Councillor Bussin moved that:
- (1) motion (a) by Councillor Sutherland be amended by deleting the words “and which, therefore, present a potential safety problem”; and
- (2) the Clause be amended by adding thereto the following:
- “It is further recommended that the Chief General Manager of the TTC be requested to:
- (a) conduct an environmental audit of the impact of idling buses and submit a report thereon to Council, through the Planning and Transportation Committee; and
- (b) submit a report to the Planning and Transportation Committee on the cost of providing extra buses as a result of delays on routes with bus bays.”
- (j) Councillor Cho moved that motion (a) by Councillor Sutherland be amended to provide that the joint review of the 28 bus bays be conducted at the rate of seven (7) bus bays per year, over the next four (4) years.
- (k) Councillor Soknacki moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Ministry of Transportation be requested to amend the Highway Traffic Act to make it an offence not to give priority to a public transit vehicle when the public transit vehicle is signalling to re-enter traffic.”

*Permission to Withdraw Motion:*

Councillor Soknacki, with the permission of Council, withdrew his motion (k).

*Votes:*

Motion (f) by Councillor Nunziata carried.

Adoption of Part (1) of motion (i) by Councillor Bussin:

Yes - 15
----------

Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Silva
No - 23	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Cho, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 8.

Adoption of motion (j) by Councillor Cho:

Yes - 7	
Councillors:	Augimeri, Cho, Hall, Johnston, Jones, Nunziata, Sutherland
No - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas, Walker

Lost by a majority of 24.

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

Yes - 25	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Cho, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Tziretas, Walker
No - 13	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Johnston, McConnell, Mihevc, Miller, Pantalone, Rae, Silva

Carried by a majority of 12.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared motion (h) by Councillor Flint, redundant.

Motion (c) by Councillor Ashton carried.

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

Yes - 18 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, McConnell, Mihevc, Miller, Ootes, Pantalone, Rae, Silva
No - 20 Mayor: Councillors:	Lastman Balkissoon, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 2.

Adoption of motion (d) by Councillor Hall:

Yes - 32 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Johnston, Jones, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 6 Councillors:	Feldman, Fillion, Ford, McConnell, Minnan-Wong, Nunziata

Carried by a majority of 26.

Adoption of motion (e) by Councillor Holyday:

Yes - 24 Mayor: Councillors:	Lastman Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Duguid, Fillion, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Tziretas, Walker
No - 14 Councillors:	Ashton, Bussin, Chow, Di Giorgio, Disero, Feldman, Flint, Johnston, McConnell, Miller, Minnan-Wong, Pantalone, Rae, Silva

Carried by a majority of 10.

Motion (g) by Councillor Lindsay Luby carried.

Adoption of Part (2)(a) of motion (i) by Councillor Bussin:

Yes - 17	
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Feldman, Filion, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Minnan-Wong, Silva, Walker
No - 21	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Soknacki, Sutherland, Tziretas

Lost by a majority of 4.

Adoption of Part (2)(b) of motion (i) by Councillor Bussin:

Yes - 15	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Ootes, Pantalone, Rae, Walker
No - 23	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 8.

Adoption of Clause, as amended:

Yes - 26	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Tziretas, Walker
No - 12	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Johnston, McConnell, Mihevc, Miller, Pantalone, Rae, Silva

Carried by a majority of 14.

In summary, Council amended this Clause by striking out the recommendations of the Planning and Transportation Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) the Commissioner of Works and Emergency Services, in consultation with the local Ward Councillor in the community, be requested to work with Toronto Transit Commission (TTC) staff to undertake a joint review of the 28 bus bays identified in the TTC’s April 11, 2001 report as being of substandard width and which, therefore, present a potential safety problem, and to develop recommendations as to whether such bays should be widened or removed and report thereon to the Works Committee as soon as possible;
- (2) the TTC be requested to investigate the possibility of providing further signage at the rear of buses, using either slogans or a bright decal, to indicate that people should give priority to buses re-entering traffic;
- (3) the Commissioner of Works and Emergency Services, in consultation with the Chief General Manager of the TTC, be requested to provide an educational program to encourage motorists to give buses the right-of-way when exiting a bus bay; and
- (4) the Commissioner of Works and Emergency Services, in consultation with the Chief General Manager of the TTC, be requested to submit a report to the Works Committee on the concept of installing a stop indicator light on the back of TTC buses which would become operational when buses exit from bus bays and traffic would be required, by law, to give buses the right-of-way.”

**10.42 Clause No. 3 of Report No. 9 of The Toronto East York Community Council, headed “Draft Zoning By-law - 25 Trent Avenue (Beaches-East York, Ward 32)”.**

*Motion to Re-Open:*

Councillor Bussin, 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 Bussin moved that the Clause be amended by amending the report dated October 25, 2001, from the Director, Community Planning, South District, as embodied in the Clause, by:

- (1) deleting from Recommendation No. (3)(a), the words “prior to the introduction of a Bill in Council”, and inserting in lieu thereof the words “prior to the Owner making an Application for Consent regarding the site”, so that such recommendation shall now read as follows:

“3. Require that the owner:

- (a) submit to, and have approved by the Commissioner of Works and Emergency Services, prior to the Owner making an Application for Consent regarding the site, a Noise Impact Statement in accordance with City Council’s requirements;”;  
and

- (2) deleting from Recommendation No. (3)(d), the words “at least 3 weeks prior to the introduction of a Bill in Council”, and inserting in lieu thereof the words “prior to the Owner making an Application for Consent regarding the site”, so that such recommendation shall now read as follows:

“3. Require that the owner:

- (d) submit to the Commissioner of Works and Emergency Services:

- (i) a reference plan of survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to be conveyed to the City for lane widening purposes, the portion of lane to be closed, the proposed lots and any appurtenant rights-of-way;
- (ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building to enable the preparation of building envelope plans;

and such plans should be submitted prior to the Owner making an Application for Consent regarding the site;”.

*Votes:*

The motion by Councillor Bussin carried.



The Clause, as amended, carried.

**10.43 Clause No. 1 of Report No. 18 of The Administration Committee, headed “Tender for Gasoline and Diesel Fuels”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Berardinetti moved that Council adopt the following recommendation:

“It is recommended that the joint report dated November 6, 2001, from the Acting Chief Financial Officer, the Commissioner of Corporate Services, the Medical Officer of Health, and the Commissioner of Works and Emergency Services, as embodied in the Clause, wherein Option B is recommended, be adopted.”

*Votes:*

The motion by Councillor Berardinetti carried.

The Clause, as amended, carried.

**10.44 Clause No. 10 of Report No. 13 of The Community Services Committee, headed “Naming of the New Home for the Aged - ‘Wesburn Manor’ (Ward 3 - Etobicoke Centre)”.**

*Motion:*

Councillor Holyday moved that the Clause be struck out and referred to the Etobicoke Community Council for further consideration.

*Vote:*

The motion by Councillor Holyday carried.

**10.45 Clause No. 8 of Report No. 14 of The Planning and Transportation Committee, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Sutherland moved that the Clause be received as information, subject to striking out and referring Item (a), entitled “Requiring Cab Drivers Issued Ambassador Taxicab Licences to Purchase Ultra Low Emission Vehicles”, embodied therein, back to the Planning and Transportation Committee for further consideration.

*Votes:*

The motion by Councillor Sutherland carried.

The Clause, as amended, was received as information.

10.46 **Clause No. 21 of Report No. 16 of The Policy and Finance Committee, headed “Harmonization of Business Improvement Area Practices and Procedures (All Wards)”.**

*Motion:*

Councillor McConnell moved that the Clause be amended by deleting from the second paragraph of Section 19-8., entitled “Annual General Meetings and Board of Management Meetings”, as embodied in Attachment 1 to the joint report dated October 12, 2001, from the Commissioner of Economic Development, Culture and Tourism and the Acting Chief Financial Officer, entitled “Draft Toronto Municipal Code Chapter 19, Business Improvement Areas”, as embodied in the Clause, the words “within two weeks of adoption”, so that such paragraph shall now read as follows:

“The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of the minutes and records to all members of the Board, including City Council members, and the BIA Office. The Board shall also adopt a procedural by-law for governing the calling, place and proceedings of meetings.”

*Votes:*

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

10.47 **Clause No. 50 of Report No. 9 of The Toronto East York Community Council, headed “Request for Release from Agreements - Block 21 - Railway Lands Central (Trinity-Spadina, Ward 20)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Chow moved that Council adopt the following recommendations:

“It is recommended that:

- (a) Concord Adex be requested to provide, in its future Agreements of Purchase and Sale (with the exception of those buildings where it has commenced marketing, namely Blocks 21, 19 and the first two towers on Block 20/23), a warning clause regarding potential noise from jet engine aircraft; and
- (b) the supplementary report dated December 3, 2001, from the City Solicitor, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) authority be granted to release Block 21 in the Railway Lands Central from the development agreements recommended for release in the City Solicitor’s report dated December 3, 2001; and
- (2) authority be granted for the City to enter into a site-specific agreement, to be registered against Block 21, securing ongoing obligations as set out in the City Solicitor’s report dated December 3, 2001.’ ”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

**10.48 Clause No. 8 of Report No. 12 of The Economic Development and Parks Committee, headed “Toronto Arts Council - Operating Principles (All Wards)”.**

*Motions:*

- (a) Councillor Soknacki moved that the Clause be amended by adding the following new Recommendation No. (5) to the recommendations of the Economic Development and Parks Committee:

“(5) the term of the multi-year agreement be three years, after the term of five years for the first contract.”

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

- (1) adding to Recommendation No. (2)(a)(vii) as embodied in the report dated November 1, 2001, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “with the proviso that the Toronto Arts Council could apply to City Council for specific wind-down costs upon termination”, so that such recommendation shall now read as follows:

“(2)(a)(vii) Toronto Arts Council will manage its finances in accordance with established City fiscal policies and practices, including record keeping, budget monitoring and the return of unused City funds upon termination of services, with the proviso that

the Toronto Arts Council could apply to City Council for specific wind-down costs upon termination;” and

- (2) adding the following words to Recommendation No. (2) of the Economic Development and Parks Committee:

“and should the Toronto Arts Council not be able to operate within the 8 percent, that the Arts Council be required to request Council for the additional 2 percent”.

- (c) Councillor McConnell moved that the Clause be amended:

- (1) by deleting Recommendation No. (2) of the Economic Development and Parks Committee, viz.:

“(2) Recommendation No. (2)(a)(vi) being amended by deleting the words ‘not exceed 10 percent’, and inserting in lieu thereof the words ‘not exceed eight percent’;” and

- (2) in the event Part (1) fails, to provide that the Operations Program request from the Toronto Arts Council:

- (a) will be subject to annual City Council review and approval;
- (b) will not exceed the current level of 8.3 percent, without the review and approval of City Council; and
- (c) must be accompanied by clear rationale and justification.

- (d) Councillor Hall moved that, in the event that Recommendation No. (2) embodied in the report dated November 1, 2001, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, is not approved, the Clause be amended to provide that the Toronto Arts Council Operations Program not exceed 9 percent.

*Procedural Motion:*

Councillor Minnan-Wong moved that the votes on funding of the Operations Program for the Toronto Arts Council be taken from the lowest level to the highest level.

*Votes:*

Adoption of Procedural Motion by Councillor Minnan-Wong:

Yes - 10	
Councillors:	Altobello, Disero, Feldman, Flint, Holyday, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland
No - 19	
Mayor:	Lastman
Councillors:	Ashton, Cho, Chow, Di Giorgio, Duguid, Filion, Hall, Johnston, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Pantalone, Pitfield, Rae, Silva, Walker

Lost by a majority of 9.

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

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared Part (2) of motion (b) by Councillor Feldman, Part (2) of motion (c) by Councillor McConnell, and motion (d) by Councillor Hall, redundant.

Adoption of motion (a) by Councillor Soknacki:

Yes - 12	
Councillors:	Altobello, Di Giorgio, Duguid, Feldman, Filion, Flint, Holyday, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland
No - 17	
Mayor:	Lastman
Councillors:	Ashton, Cho, Chow, Disero, Hall, Johnston, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Pantalone, Pitfield, Rae, Silva, Walker

Lost by a majority of 5.

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

Adoption of Clause, as amended:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 28.

In summary, Council amended this Clause by:

- (1) deleting Recommendation No. (2) of the Economic Development and Parks Committee, viz.:

“(2) Recommendation No. (2)(a)(vi) being amended by deleting the words ‘not exceed 10 percent’, and inserting in lieu thereof the words ‘not exceed eight percent’;” and

- (2) adding to Recommendation No. (2)(a)(vii) as embodied in the report dated November 1, 2001, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “with the proviso that the Toronto Arts Council could apply to City Council for specific wind-down costs upon termination”, so that such recommendation shall now read as follows:

“(2)(a)(vii) Toronto Arts Council will manage its finances in accordance with established City fiscal policies and practices, including record keeping, budget monitoring and the return of unused City funds upon termination of services, with the proviso that the Toronto Arts Council could apply to City Council for specific wind-down costs upon termination;”.

**10.49 Clause No. 19 of Report No. 16 of The Policy and Finance Committee, headed “Drain Grant Policy and Appeals Process”.**

*Motion:*

Councillor Bussin moved that the Clause be amended by striking out the recommendations of the Policy and Finance Committee and inserting in lieu thereof the following:

“It is recommended that the following recommendation of the Works Committee, as embodied in communication dated November 14, 2001, from the City Clerk, as embodied in the Clause, be adopted:

‘The Works Committee recommends that the Drain Grant Policy and appeals process be amended to provide for an additional grant of \$500.00 for work required on the interior portion of the system due to a City-owned tree, over and above the maximum allowed limits of the current policy, where the City was included in the inspection before the work was done.’ ”

*Votes:*

Adoption of motion by Councillor Bussin:

Yes - 16	
Councillors:	Altobello, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Jones, Li Preti, McConnell, Milczyn, Minnan-Wong, Nunziata, Pantalone, Sutherland, Walker
No - 10	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Disero, Duguid, Holyday, Lindsay Luby, Ootes, Pitfield, Shiner

Carried by a majority of 6.

Adoption of Clause, as amended:

Yes - 15	
Councillors:	Altobello, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Jones, Li Preti, McConnell, Milczyn, Minnan-Wong, Nunziata, Pantalone, Walker
No - 11	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Disero, Duguid, Holyday, Lindsay Luby, Ootes, Pitfield, Shiner, Sutherland

Carried by a majority of 4.

**10.50 Clause No. 22 of Report No. 16 of The Policy and Finance Committee, headed “Revised - Project Funding Approval: Forty-Foot Low-Floor Diesel Bus Procurement Program”.**

*Motions:*

- (a) Councillor Shiner moved that the Clause be amended by striking out the recommendation of the Policy and Finance Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) City Council approve funds, in the amount of \$113,421,246.88, for the purchase of the new 40-foot, low floor, diesel buses; and
  - (2) a municipal Transit Funding Committee be established to promote and secure long-term funding commitments for public transit from other levels of government, the membership of such Committee to be comprised of the Mayor or his designate, the Chair of the Toronto Transit Commission, the Chair of the Budget Advisory Committee, the Chair and Vice-Chair of the Planning and Transportation Committee and Commissioner Miller.”
- (b) Councillor Flint moved that Part (2) of motion (a) by Councillor Shiner be amended to provide that:
- (1) the membership of the Transit Funding Committee be increased by one; and
  - (2) the Vice-Chair of the Budget Advisory be appointed to such Committee.



- (c) Councillor Johnston, seconded by Councillor Feldman, moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Administrative Officer be requested to seek the assistance of Senator Jerry Grafstein to organize a ‘We Love Toronto’ event and to bring all the Members of Parliament and the Senate to the City of Toronto, at the same time that Mayor Giuliani visits the City, in order that all parties can compare the United States’ Federal funding with the Canadian Federal funding to municipalities, with particular reference to transit, social housing, children’s programs, infrastructure, etc.”

*Votes:*

Motion (b) by Councillor Flint carried.

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

Adoption of motion (c) by Councillor Johnston, seconded by Councillor Feldman:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Ford, Johnston, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Walker
No - 9	
Councillors:	Ashton, Duguid, Flint, Hall, Holyday, Jones, McConnell, Ootes, Sutherland

Carried by a majority of 16.

Adoption of Clause, as amended:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Walker
No - 0	

Carried, without dissent.

In summary, Council amended this Clause by striking out the recommendation of the Policy and Finance Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) City Council approve funds, in the amount of \$113,421,246.88, for the purchase of the new 40-foot, low floor, diesel buses;
- (2) a municipal Transit Funding Committee be established to promote and secure long-term funding commitments for public transit from other levels of government, the membership of such Committee to be comprised of the Mayor or his designate, the Chair of the Toronto Transit Commission, the Chair and Vice-Chair of the Budget Advisory Committee, the Chair and Vice-Chair of the Planning and Transportation Committee and Commissioner Miller; and
- (3) the Chief Administrative Officer be requested to seek the assistance of Senator Jerry Grafstein to organize a ‘We Love Toronto’ event and to bring all the Members of Parliament and the Senate to the City of Toronto, at the same time that Mayor Giuliani visits the City, in order that all parties can compare the United States’ Federal funding with the Canadian Federal funding to municipalities, with particular reference to transit, social housing, children’s programs, infrastructure, etc.”

**10.51 Clause No. 18 of Report No. 9 of The Midtown Community Council, headed “Implementation Report - Wychwood Car Barns Park – 76 Wychwood Avenue - File No. 798-5 (St. Paul’s – Ward 21)”.**

*Motion:*

Councillor Mihevc moved that the Clause be amended by striking out and referring the following Recommendation No. (9) embodied in the report dated October 19, 2001, from the Director, Community Planning, South District, to the Commissioner of Economic Development, Culture and Tourism, for further consideration with the feasibility study by Toronto Artscape:

- “(9) the Commissioner of Corporate Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, be authorized to enter into negotiations with Toronto Artscape for a long term lease of the car barns, for artists studios, galleries, live/work units and other uses as determined through a feasibility study, on terms and conditions satisfactory to the Commissioner of Economic Development, Culture and

Tourism and the City Solicitor, with the result of such negotiations to be the subject of a further report;”.

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

10.52 **Clause No. 32 of Report No. 9 of The Midtown Community Council, headed “Life Lease Developments - Christie Gardens (St. Paul’s – Ward 21)”.**

Having regard that the Clause was submitted without recommendation:

*Motions:*

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

“It is recommended that the Chief Administrative Officer be requested to provide a method of tracking and reporting to Council on City contributions of land and other in-kind contributions for affordable housing and child care.”

- (b) Councillor Mihevc moved that Council adopt the following recommendation:

“It is recommended that the joint report dated December 3, 2001, from the Commissioner of Corporate Services, the Commissioner of Urban Development Services and the Acting Commissioner of Community and Neighbourhood Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the residual City interest in the Property (i.e. remaining following the expiry of the term of the ground lease in 2082) be declared surplus, the intended manner of disposal of such residual interest be by way of transfer to Christie Gardens on the terms outlined in the body of this report, and all steps necessary to comply with Chapter 213 of the Municipal Code, be taken;
- (2) consent be granted to Christie Gardens, pursuant to the existing ground lease, to commence construction of 84 residential apartment units, 4 additional rental units, and to renovate existing facilities at the seniors complex, on the terms set out in the body of this report; and

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

*Votes:*

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Mihevc carried.

The Clause, as amended, carried.

**10.53 Clause No. 4 of Report No. 12 of The Economic Development and Parks Committee, headed “International Alliance Program Policy (City-Wide)”.**

*Motions:*

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

- (1) deleting from the recommendation of the Economic Development and Parks Committee, the words “subject to amending Attachment No. 2 to include the City of Kiev, Ukraine, as a Gamma World City”, so that such recommendation shall now read as follows:

“The Economic Development and Parks Committee recommends the adoption of the report (November 7, 2001) from the Commissioner of Economic Development, Culture and Tourism.”; and

- (2) adding thereto the following:

“It is further recommended that the supplementary report dated November 26, 2001, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) a relationship with Seoul, Korea, be explored as outlined in the International Alliance Program Policy report dated November 7, 2001;
- (2) a relationship with the Guerrero region be explored, as an opportunity to reach the Mexican market place, and that staff report back their assessment of this opportunity; and

- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”
- (b) Councillor Chow moved that the Clause be amended by deleting Clause No. (2) under the heading of “Outbound Missions”, as embodied in Attachment No. 1 to the report dated November 7, 2001, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, and inserting in lieu thereof the following:

“(2) Selection of Official Delegation: The selection of the Official Delegation is to be approved by City Council;”.

*Votes:*

Motion (a) by Councillor Feldman carried.

Motion (b) by Councillor Chow carried.

The Clause, as amended, carried.

**10.54 Clause No. 29 of Report No. 16 of The Policy and Finance Committee, headed “Funds Required for Past Service Costs for OMERS Participation at the Hummingbird Centre for the Performing Arts”.**

*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 amended by adding thereto the following:

“It is further recommended that the supplementary report dated November 28, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) payment of up to \$275,000.00 to the Hummingbird Centre for the Performing Arts for pension omission period liabilities on the basis of actual OMERS assessments in 2001 be authorized, and that up to

\$232,500.00 be provided from the Corporate Contingency Account for the period up to 1996, and up to \$42,500.00 be provided from the Hummingbird Stabilization Reserve (XR 2031) for the period since that date; and

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

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**10.55 Clause No. 12 of Report No. 13 of The Community Services Committee, headed “Current Status of the Shelter System in Toronto”.**

*Motion:*

Councillor Rae moved that the Clause be received.

*Vote:*

The motion by Councillor Rae carried.

**10.56 Clause No. 7 of Report No. 12 of The Economic Development and Parks Committee, headed “2002 Business Improvement Area Operating Budgets: Report No. 1 (All Wards)”.**

*Motion:*

Councillor Korwin-Kuczynski moved that the Clause be amended by adding thereto the following:

“It is further recommended that the 2002 BIA Budget Ratification documentation submitted by the Liberty Village BIA, advising that the Board of Management of the BIA ratified the 2002 budget on December 4, 2001, be received.”

*Votes:*

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.



**10.57 Clause No. 5 of Report No. 10 of The Humber York Community Council, headed “1947 and 1997 Bloor Street West, Site Plan Control Application; Elcarim Inc. (Parkdale-High Park, Ward 13)”.**

*Motion:*

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

“It is further recommended that the supplementary report dated December 3, 2001, from the Commissioner of Urban Development Services, be adopted, subject to adding to Recommendation No. (2), embodied therein, the words ‘provide facilities for the storage and pick-up of waste and recyclables at the Bloor Street lay-by to the satisfaction of the Commissioner of Works and Emergency Services’, so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that City Council:

- (1) approve the plans and drawings submitted with this application, namely the Site Plan, Level –4 to –1 Plans, Ground Floor Plan, Level 2 to 6 Plans (redlined November 30, 2001), Roof Level Plan, all Exterior Elevations, Section A and B, all dated November 28, 2001, all date stamped November 29, 2001, all prepared by Architects Alliance and Landscape Plans L-1 (redlined November 30, 2001), and L-2, both dated November 28, 2001, both date stamped as received November 29, 2001, both prepared by Corban and Goode, Landscape Architecture and Urbanism, all as on file with the Commissioner of Urban Development Services; and
- (2) as a condition of approval, require the owner to:
  - (a) enter into an Agreement under Section 41 of the Planning Act, requiring that the proposed development, including all landscaping, be undertaken and maintained substantially in accordance with the drawings referred to in Recommendation No. (1), and based on the conditions in Appendix C; and
  - (b) provide facilities for the storage and pick-up of waste and recyclables at the Bloor Street lay-by to the satisfaction of the Commissioner of Works and Emergency Services.’ ”

*Votes:*

The motion by Councillor Miller carried.



The Clause, as amended, carried.

10.58 **Clause No. 1 of Report No. 12 of The Economic Development and Parks Committee, headed “Waterfront Heritage and Culture Infrastructure Plan (All Wards)”.**

*Motions:*

- (a) Councillor Shiner moved that the Clause be amended by adding to Recommendation No. (3) embodied in the report dated September 28, 2001, from the Commissioner of Economic Development, Culture and Tourism, as amended by the Economic Development and Parks Committee, the words “submission for consideration”, so that such recommendation shall now read as follows:

“(3) the Commissioner of Economic Development, Culture and Tourism be directed to commission a follow-up study in 2002 to develop culture and heritage infrastructure plans for the eastern waterfront communities and the western waterfront communities so as to incorporate Toronto’s entire waterfront into the Plan; and that funds for such study be included in the 2002 Operating Budget submission for consideration;”.

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the feasibility of including the Guild Inn cultural component as part of the waterfront cultural funding envelope.”

*Votes:*

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Ashton carried.

The Clause, as amended, carried.

10.59 **Clause No. 16 of Report No. 9 of The Midtown Community Council, headed “Residential Demolition Application - 65 Clarendon Avenue (St. Paul’s - Ward 22)”.**

*Motion:*

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

“It is further recommended that the supplementary report dated November 30, 2001, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council recommend that the property be recorded with photographic documentation by the owner, prior to demolition;
- (2) City Council approve a comprehensive review of the area for other properties worthy of inclusion on the City of Toronto Inventory of Heritage Properties; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**10.60 Clause No. 31 of Report No. 16 of The Policy and Finance Committee, headed “Toronto Port Authority - Claim Against the City of Toronto et al”.**

*Motion:*

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

“It is further recommended that the supplementary confidential report dated December 3, 2001, from the City Solicitor, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to litigation, save and except the following recommendation embodied therein:

‘It is recommended that City Council instruct the City Solicitor and the City’s outside counsel to issue a Third Party Claim against the Federal Government seeking contribution and indemnity and any other appropriate relief with respect to the claims raised by the Toronto Port Authority against the City and others.’ ”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

10.61 **Clause No. 33 of Report No. 16 of The Policy and Finance Committee, headed “Possible Waiving of Municipal Fees and Levies Respecting Residential Redevelopment of 2306 St. Clair Avenue West”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Nunziata moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the Clause be received; and
- (2) City Council express its appreciation to Mr. Vince Paletta Sr., the owner of New York Pork, and the staff of the City of Toronto who worked on a solution to this matter.”

*Vote:*

The motion by Councillor Nunziata carried.

10.62 **Clause No. 13 of Report No. 9 of The North York Community Council, headed “Final Report – Application to Amend the Zoning By-law – TB CMB 2000 0003 – Danbow Barberry Corporation – 19 & 21 Barberry Place – Ward 24 - Willowdale”.**

*Motion:*

Councillor Shiner moved that the Clause be amended in accordance with the following recommendations embodied in the supplementary report dated December 3, 2001, from the Commissioner of Urban Development Services:

“It is recommended that:

- (1) Provision (2)(h) of the draft Zoning By-law be amended to increase the maximum number of dwelling units from 126 to 130 units;

- (2) the direction of North York Community Council concerning building height be modified such that the draft by-law schedule RM6(112) show 8 storeys/27.1 metres, rather than the recommended 8 storeys/24 metres; and
- (3) additional Condition No. (2) of the North York Community Council decision of November 21, 2001, be deleted.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**10.63 Clause No. 14 of Report No. 9 of The North York Community Council, headed “Final Report – Application to Amend the Zoning By-law 7625 - TB CMB 2001 0009 - Danbow Barberry Corporation – 15 & 17 Barberry Place - Ward 24 - Willowdale”.**

*Motion:*

Councillor Shiner moved that the Clause be amended:

- (1) by deleting Part (i) of the Resolution embodied in Recommendation No. (1) of the North York Community Council, and inserting in lieu thereof the following:
  - “(i) Recommendation No. 3(i) be modified by adding the following:
    - ‘and to secure a public art contribution, the value of which shall not exceed one percent of the cost of construction of the building, to be settled through the site plan control process, in consultation with the Ward Councillor’;”; and
- (2) in accordance with the supplementary report dated December 3, 2001, from the Commissioner of Urban Development Services, embodying the following recommendation:
  - “It is recommended that the additional Condition No. (2) adopted by North York Community Council on November 21, 2001, be deleted.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**10.64 Clause No. 19 of Report No. 9 of The Midtown Community Council, headed “Information Report on Official Plan and Zoning Amendments – Application No. 100017 and Site Plan Approval Application No. 301068 – Respecting 2914, 2932 Yonge Street and 1 Cheritan Avenue (Eglinton-Lawrence - Ward 16)”.**

*Motion:*

Councillor Johnston, seconded by Councillor Walker, moved that the Clause be amended:

- (1) by amending Recommendation (A) of the Midtown Community Council to read as follows:

“The Midtown Community Council recommends the adoption of:

- (A) the report (November 19, 2001) from the Director, Community Planning, South District, subject to:

- (1) deleting from Recommendation No. (1) the words ‘in their current form’; and
- (2) deleting Recommendation No. (5);

so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) City Council refuse Official Plan and Zoning By-law Amendments Application No. 100017 and Site Plan Approval Application No. 301068;
- (2) City Council request the City Solicitor, the Commissioner of Urban Development Services, and any other appropriate staff to oppose the Ontario Municipal Board appeal and referral made by the applicant on Application No. 100017;
- (3) City Council request the City Solicitor, the Commissioner of Urban Development Services, and any other appropriate staff to oppose the Ontario Municipal Board appeal, if made by the applicant, on Site Plan Application No. 301068; and
- (4) the Commissioner of Urban Development Services be requested to hold an information meeting in the community to discuss the applications and to notify

owners and tenants within 120 metres of the site and the Ward Councillor.’ ”; and

- (2) to provide that funds for the 2914-2932 Yonge Street and 1 Cheritan Avenue Tenants’ Association be allocated from the Tenant Defence Fund.

*Votes:*

The motion by Councillor Johnston, seconded by Councillor Walker, carried.

The Clause, as amended, carried.

10.65 **Clause No. 3 of Report No. 17 of The Works Committee, headed “Car Free Day 2002”.**

*Motion:*

Councillor Shiner moved that the Clause be amended by amending Recommendation No. (3) embodied in the communication dated November 13, 2001, from Councillor Chow, Co-Chair, Toronto Cycling Committee, as embodied in the Clause, to read as follows:

- “(3) request the Commissioner of Works and Emergency Services to include a request in the amount of \$195,000.00 for a 2002 Car Free Day event for consideration during the 2002 Operating Budget process.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

10.66 **Clause No. 49 of Report No. 10 of The Humber York Community Council, headed “Other Items Considered by the Community Council”.**

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that Item (c), entitled “McRoberts Avenue, North of Rogers Road – Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months (Davenport, Ward 17)”, as embodied in this Clause, was now redundant, having regard that Council, by its adoption by Motion J(8), moved by Councillor Disero, seconded by Councillor Flint, waived the provisions of Chapter 27 of the City of Toronto Municipal Code, in order to give consideration to the report dated November 1, 2001, from the Director of Transportation Services, District 1, wherein this issue was addressed, and adopted the recommendations embodied therein.

*Motion:*

Councillor Disero moved that, having regard for the foregoing action of Council, the Clause be received, subject to deleting Item (c), entitled “McRoberts Avenue, North of Rogers Road - Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months (Davenport, Ward 17)”.

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, was received as information.

10.67 **Clause No. 9 of Report No. 9 of The Toronto East York Community Council, headed “Intention to Designate - 550 Bayview Avenue (Don Valley Brick Works) (Toronto-Danforth, Ward 29)”.**

*Motion to Re-Open:*

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

*Motion:*

Councillor Rae moved that the Clause be amended by:

- (1) deleting from Recommendation No. (1) of the Toronto East York Community Council, the words “their interiors relevant industrial works/machinery”, and referring such words to the Commissioner of Economic Development, Culture and Tourism for further consideration on the legal and financial implications of the designation of relevant industrial works and machinery, so that Recommendation No. (1) of the Toronto East York Community Council shall now read as follows:

“(1) City Council state its intention to designate the property at 550 Bayview Avenue (Don Valley Brick Works), including all buildings and physical surroundings;” and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be directed to submit to the January 2002 meeting of the Toronto East York Community Council, the report previously requested by the Community Council, for the December 4, 2001 meeting of Council, on the issue of the asbestos present at the Don Valley Brick Works site.”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

10.68 **Clause No. 3 of Report No. 8 of The Board of Health, headed “South Region Animal Centre at Exhibition Place”.**

*Motion:*

Councillor Sutherland moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002.

*Vote:*

The motion by Councillor Sutherland carried.

10.69 **IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE**

**December 4, 2001:**

*Motion:*

Deputy Mayor Ootes, at 5:42 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”, in accordance with the provisions of the Municipal Act, having regard that this Clause contains information pertaining to litigation or potential litigation and is otherwise subject to Solicitor/Client privilege.

*Vote:*

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:55 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 9:04 p.m., and met in public session in the Council Chamber.

*Report of the Committee of the Whole:*

Deputy Mayor Ootes took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume at 5:30 p.m. on Wednesday, December 5, 2001.

**December 5, 2001:**

*Procedural Motion - Motion to Introduce:*

10.70 **Employment Contracts - Senior Staff**



Councillor Chow 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(33), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Chow**

**Seconded by: Councillor Miller**

“**WHEREAS** Members of Council have expressed an interest in the form of employment contract for senior City staff;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the pro-forma contract for senior City staff at its in-camera session on December 5, 2001.”

City Council also had before it, during consideration of Motion J(33), a copy of the pro-forma contract for senior City staff, such document to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it pertains to personnel matters.

*Vote:*

Motion J(33) was adopted, without amendment.

*Motion:*

Deputy Mayor Ootes, at 5:21 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to continue consideration of Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”, in accordance with the provisions of the Municipal Act.

*Vote:*

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:33 p.m., to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

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

*Report of the Committee of the Whole:*

Deputy Mayor Ootes took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume at 10:00 a.m. on Thursday, December 6, 2001.

**December 6, 2001:**

*Procedural Motion - Motion to Re-Open:*

Councillor Bussin, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 20 of Report No. 9 of The Midtown Community Council, headed “Appointment of Citizens to the Midtown Community Preservation Panel”, be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Deputy Mayor Ootes, at 10:04 a.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to continue consideration of Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”, together with the following confidential items remaining on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 2 of Report No. 18 of The Administration Committee, headed “Redeployment of Council Transportation Unit Employees”, having regard that such Clause contains information pertaining to personal matters about identifiable individuals;
- (b) Clause No. 1 of Report No. 19 of The Administration Committee, headed “Marketing of Metro Hall – 55 John Street (Ward 20 – Trinity-Spadina)”, having regard that such Clause contains information pertaining to the security of property interests of the municipality;
- (c) Clause No. 20 of Report No. 13 of The Community Services Committee, headed “Learning Enrichment Foundation Demonstration Pilot Project: Review of Contract and Financial Reconciliation”, having regard that such Clause contains information pertaining to litigation or potential litigation;
- (d) Clause No. 21 of Report No. 13 of The Community Services Committee, headed “Ontario Pay Equity - City’s Legal Interest in the Charter Challenge”, having regard that such Clause contains information pertaining to litigation or potential litigation;

- (e) Clause No. 1 of Report No. 10 of The Humber York Community Council, headed “Appointment of Citizens to the Humber York Community Preservation Panel”, having regard that such Clause contains information pertaining to personal matters about identifiable individuals;
- (f) Clause No. 30 of Report No. 10 of The Humber York Community Council, headed “Request for Traffic Calming Measures on Glenholme Avenue between Rogers Road and Vaughan Road; (Eglinton-Lawrence, Ward 15)”, having regard that such Clause contains information which is subject to Solicitor-Client Privilege;
- (g) Clause No. 20 of Report No. 9 of The Midtown Community Council, headed “Appointment of Citizens to the Midtown Community Preservation Panel”, having regard that such Clause contains information pertaining to personal matters about identifiable individuals;
- (h) Clause No. 10 of Report No. 9 of The North York Community Council, headed “Appointment of Citizens to the North York Community Preservation Panel”, having regard that such Clause contains information pertaining to personal matters about identifiable individuals; and
- (i) the employment contract for senior staff, having regard that such contract pertains to personnel matters.

*Vote:*

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 10:10 a.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 12:27 p.m., and met in public session in the Council Chamber.

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

*Report of the Committee of the Whole:*

Deputy Mayor Ootes advised the Council that, having regard that Council had not concluded its discussion on the above matters in Committee of the Whole, the in-camera session of this meeting would resume at 2:00 p.m., today.

*Motion:*

Deputy Mayor Ootes, at 2:18 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to continue consideration of the above matters, in accordance with the provisions of the Municipal Act.

*Vote:*

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:25 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 4:20 p.m., and met in public session in the Council Chamber.

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

10.71 **Clause No. 20 of Report No. 13 of The Community Services Committee, headed “Learning Enrichment Foundation Demonstration Pilot Project: Review of Contract and Financial Reconciliation”.**

*Report of the Committee of the Whole:*

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Shiner moved that the Clause be amended by amending Recommendations (b) and (c) of the Community Services Committee to read as follows:
  - “(b) that the City Solicitor be directed to request the Learning Enrichment Foundation to agree that both parties take no further steps in the litigation process while negotiations are being undertaken; and
  - (c) that, if the Learning Enrichment Foundation agrees, the mediation/litigation process not impact on the Learning Enrichment Foundation continuing to receive placements from the City as this dispute is being resolved;”.

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

“It is further recommended that the City Solicitor be requested to submit a report to the Community Services Committee, in March 2002, on the status of the mediation/negotiations with the Learning Enrichment Foundation.”

*Votes:*

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

**10.72 Clause No. 21 of Report No. 13 of The Community Services Committee, headed “Ontario Pay Equity - City’s Legal Interest in the Charter Challenge”.***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 the Clause.

*Vote Be Now Taken:*

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

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas
No - 2	
Councillors:	Bussin, Walker

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

*Vote:*

Adoption of Clause, without amendment:

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Pitfield, Rae, Silva, Sutherland, Walker
No - 15	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Duguid, Feldman, Ford, Holyday, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Tziretas

Carried by a majority of 8.

10.73 **Clause No. 2 of Report No. 18 of The Administration Committee, headed “Redeployment of Council Transportation Unit Employees”.**

*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 the Clause:

Moved by Deputy Mayor Ootes:

“That the Clause be struck out and referred back to the Commissioner of Corporate Services for appropriate action in accordance with Council-approved Human Resource policies and procedures.”

*Vote on Referral:*

Adoption of motion by Deputy Mayor Ootes:

Yes - 18	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas
No - 20	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Johnston, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker

Lost by a majority of 2.

*Disposition of Clause:*

Further consideration of this Clause was deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002.

**10.74 Clause No. 1 of Report No. 19 of The Administration Committee, headed “Marketing of Metro Hall – 55 John Street (Ward 20 – Trinity-Spadina)”.***Report of the Committee of the Whole:*

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Shiner moved that the Clause be amended by amending the report dated November 27, 2001, from the Commissioner of Corporate Services, as embodied in the Clause, by:

- (1) adding to Recommendation No. (3) the following words:

“such report to include:

- (a) options for the densification of Metro Hall on an expedited basis, in order that complete floors are vacated, the vacated space is offered for lease on the open market and revenue is generated for the City, all during 2002;
- (b) options to generate revenue for the City through the rental of any surplus parking spaces in the Metro Hall official garage; and
- (c) public utilization of space over the past two years;” and

- (2) inserting the following new Recommendation No. (4) and renumbering the remaining recommendations accordingly:

“(4) the Commissioner of Corporate Services be instructed to immediately initiate contact with the private sector to market, subject to existing by-laws, the availability at Metro Hall of the Council Chamber and any surplus meeting room space at market rates and report back thereon to the March 2002 Administration Committee meeting;”.

- (b) Councillor Duguid 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 the need for and advisability



of de-linking the acquisition of office space at the Board of Education properties in the former Cities of North York and Scarborough from the sale of Metro Hall.”

- (c) Councillor Pitfield moved that Part (1) of motion (a) by Councillor Shiner be amended by adding thereto the words “and further, that the Toronto Economic Development Corporation (TEDCO) be requested to also submit a report to the Administration Committee on the use/density of their leased space”.

*Votes:*

Motion (c) by Councillor Pitfield carried.

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

Motion (b) by Councillor Duguid carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) amending the report dated November 27, 2001, from the Commissioner of Corporate Services, as embodied in the Clause, by:

- (a) adding to Recommendation No. (3) the following words:

“such report to include:

- (a) options for the densification of Metro Hall on an expedited basis, in order that complete floors are vacated, the vacated space is offered for lease on the open market and revenue is generated for the City, all during 2002;
- (b) options to generate revenue for the City through the rental of any surplus parking spaces in the Metro Hall official garage;  
and
- (c) public utilization of space over the past two years;

and further, that the Toronto Economic Development Corporation (TEDCO) be requested to also submit a report to the Administration Committee on the use/density of their leased space;”;

- (b) inserting the following new Recommendation No. (4) and renumbering the

remaining recommendations accordingly:

- “(4) the Commissioner of Corporate Services be instructed to immediately initiate contact with the private sector to market, subject to existing by-laws, the availability at Metro Hall of the Council Chamber and any surplus meeting room space at market rates and report back thereon to the March 2002 Administration Committee meeting;”

so that the recommendations embodied in such report shall now read as follows:

“It is recommended that:

- (1) Council not accept any of the Offers to Purchase submitted for the purchase of the City-owned property commonly known as Metro Hall, and that the Commissioner of Corporate Services be authorized to return all offers and deposit cheques;
- (2) Council’s earlier declaration that Metro Hall is surplus to municipal requirements be rescinded;
- (3) the Commissioner of Corporate Services be directed to report to the March 2002 Administration Committee meeting on the implications for MAP, such report to include:
  - (a) options for the densification of Metro Hall on an expedited basis, in order that complete floors are vacated, the vacated space is offered for lease on the open market and revenue is generated for the City, all during 2002;
  - (b) options to generate revenue for the City through the rental of any surplus parking spaces in the Metro Hall official garage; and
  - (c) public utilization of space over the past two years;

and further, that the Toronto Economic Development Corporation (TEDCO) be requested to also submit a report to the Administration Committee on the use/density of their leased space;

- (4) the Commissioner of Corporate Services be instructed to immediately initiate contact with the private sector to market, subject to existing by-laws, the availability at Metro Hall of the Council Chamber and any

surplus meeting room space at market rates and report back thereon to the March 2002 Administration Committee meeting;

- (5) the two non-binding private sector proposals in respect of the construction of a South District Office building be received;
- (6) should Metro Hall, within the term of this Council (i.e., November 2003), be again placed on the market for sale or should, as a result of a revised MAP strategy, it be determined that portions of Metro Hall be leased on the open market, Royal LePage be retained as the City's listing broker and that an exemption to that effect be granted from the procedure set out in Clause No. 10 of Report No. 4 of The Corporate Services Committee adopted on April 13, 14 and 15, 1999, entitled 'Roster of Real Estate Brokers to Market Industrial, Commercial, Institutional and Substantial Residential Properties for the City of Toronto'; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."; and

- (2) 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 the need for and advisability of de-linking the acquisition of office space at the Board of Education properties in the former Cities of North York and Scarborough from the sale of Metro Hall."

**10.75 Clause No. 30 of Report No. 10 of The Humber York Community Council, headed "Request for Traffic Calming Measures on Glenholme Avenue between Rogers Road and Vaughan Road; (Eglinton-Lawrence, Ward 15)".**

*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 the Clause:

Moved by Councillor Disero:

"That the Clause be amended by striking out the recommendations of the Humber York Community Council and inserting in lieu thereof the following:

'It is recommended that the following Recommendation No. (1) embodied in the confidential report dated December 3, 2001, from the

City Solicitor, be adopted, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to Solicitor-Client privilege:

“It is recommended that:

- (1) City Council not adopt the recommendations of the Humber York Community Council which, in effect, directs non-compliance with the mandated requirements of the Class Environmental Assessment process and instead adopt the recommendations of staff embodied in the report dated November 5, 2001, from the Director, Transportation Services, District 1;”.’ ”

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

**10.76 Clause No. 1 of Report No. 10 of The Humber York Community Council, headed “Appointment of Citizens to the Humber York Community Preservation Panel”.**

*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 the Clause:

Moved by Councillor Bussin:

“That the Clause be amended by adding to Recommendation No. (2) of the Humber York Community Council the words ‘and, in accordance with the foregoing recommendation, John Gell also be appointed to the Humber York Community Preservation Panel, and Mimi Lai be deleted’, so that such recommendation shall now read as follows:

- ‘(2) that for the remainder of Council’s current term of office, the relevant provisions of the Policy for Citizen Appointments through the Nominating Committee be waived to permit the Humber York Community Council to consider and recommend to Council, the appointment of additional members of the public up to the maximum total of 11 members, without interview by the Nominating Committee, provided that the general objectives set out by Council, including the Policy for Citizen Appointments through the Nominating Committee and

the report Improving the Delivery of Heritage Services in Toronto have been complied with and, in accordance with the foregoing recommendation, John Gell also be appointed to the Humber York Community Preservation Panel, and Mimi Lai be deleted;’.”

*Votes:*

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

**10.77 Clause No. 20 of Report No. 9 of The Midtown Community Council, headed “Appointment of Citizens to the Midtown Community Preservation Panel”.**

*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 the Clause:

Moved by Councillor Bussin:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that Sandeep Kumar be appointed to the Midtown Community Preservation Panel, on the condition that he not be a member of the North York Community Preservation Panel.’ ”

*Votes:*

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

**10.78 Clause No. 10 of Report No. 9 of The North York Community Council, headed “Appointment of Citizens to the North York Community Preservation Panel”.**

*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 the Clause:

Moved by Councillor Bussin:

“That the Clause be amended by deleting the name ‘Sandeep Kumar’ from the North York Community Preservation Panel.”

*Votes:*

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

**10.79 Employment Contracts - Senior Staff** (See Minute No. 10.70, Page 61)*Report of the Committee of the Whole:*

Deputy Mayor Ootes advised the Council that Motion J(33), moved by Councillor Chow, seconded by Councillor Miller, had previously been adopted by Council during the public session of this meeting, and that Council, during the in-camera portion of its meeting, had given consideration to the pro-forma contract for senior City staff, such document to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it pertains to personnel matters.

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 relation to such contract:

Moved by Councillor Minnan-Wong:

“That the employment contract for senior City staff be referred to the Personnel Sub-Committee for consideration at its meeting scheduled to be held on January 15, 2002, and report thereon to the February 13, 2002 meeting of Council, through the Administration Committee, and that Council direct that no further senior staff be hired until such time that the report is considered by Council.”

*Vote:*

The motion by Councillor Minnan-Wong carried.

**10.80 Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”.***Report of the Committee of the Whole:*

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

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

“It is further recommended that:

- (1) given the consequences to the City of Toronto when confidential information is released without authorization:
  - (a) a by-law be enacted, substantially in the form of the attached by-law, that provides for an offence for breach of confidentiality by Members of Council;
  - (b) the Acting Chief Financial Officer and Acting Treasurer be instructed to re-negotiate the City’s insurance policies to delete coverage for Members of Council who disclose confidential information to the public, including the media;
  - (c) the issues of implementation and enforcement of the by-law be referred to the Ethics Steering Committee, chaired by Councillor Mihevc; and the Ethics Steering Committee be requested to report back to the first regular meeting of City Council in 2002; and
  - (d) the City Solicitor be requested to submit a report to the Ethics Steering Committee on the issue of breaches of confidentiality by Council staff, City staff and consultants; and
- (2) City Council instruct outside Counsel to immediately commence action against MFP.”

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

“It is further recommended that the City Auditor be requested to continue to investigate and report to the Audit Committee on:

- (1) purchase or lease of Council original equipment (IT) and the whereabouts of this equipment;
- (2) whether the City had been reimbursed for this equipment;
- (3) whether proper approvals for the actions were received.”

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

“It is further recommended that the Ethics Steering Committee be requested to review the following processes used by the Board of Education for the former City of

Etobicoke, during its consideration of the mechanics of the implementation of the by-law related to confidentiality:

‘Members of the Board shall observe their duty to respect the confidentiality of the Committee of the Whole Board (Private). In this regard, the Board sought and received legal counsel on the matter of a breach of confidentiality by a member of the Board and the following sanctions are available to the Board in such cases:

- (a) an action for damages could lie against any member who fails to observe the duty to maintain confidentiality and the Board would not indemnify a member for legal costs incurred in defending such an action;
  - (b) a member could, by resolution, be publicly censured for failing to observe the duty to maintain confidentiality; and
  - (c) a member who fails or refuses to observe the duty to maintain confidentiality could be excluded from confidential meetings; be refused confidential reports; and be required to undertake, in writing, to observe the duty to maintain confidentiality in future, before being allowed back into such meetings.’ ”
- (d) Deputy Mayor Ootes moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) Part (1) of motion (a) by Mayor Lastman be adopted in principle and referred to the Ethics Steering Committee for detailed review and report thereon to Council, through the Administration Committee;
  - (2) there be a full and complete public disclosure of this matter, once the investigation is complete, and not before; and
  - (3) the confidential report dated December 5, 2001, from the City Solicitor, be adopted.”
- (e) Councillor Johnston moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City Solicitor be requested to submit a report to the Audit Committee, no later than April, 2002, on whether a public enquiry should



be instituted pursuant to Section 100 of the Municipal Act, with respect to this and any related matters identified by the Chief Administrative Officer, the City Auditor and the Commissioner of Corporate Services.”

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

- (f) Councillor Mihevc, seconded by Councillor Chow, moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City of Toronto approach the Cities of Waterloo and Windsor, as well as other municipalities that are in dispute with MFP, to seek their possible interest in pursuing a public enquiry.”

Deputy Mayor Ootes, having regard to the foregoing motions moved in the Committee of the Whole, called for additional motions with respect to this Clause.

*Motions:*

- (g) Councillor Miller, seconded by Councillor Walker, moved that:
- (1) Part (2) of motion (a) by Mayor Lastman be amended by adding thereto the words “and to pursue all potential remedies against other responsible parties or individuals”;
  - (2) the draft joint report dated December 5, 2001, from the Chief Administrative Officer and City Auditor, as appended to the confidential report dated December 5, 2001, from the City Solicitor, be released publicly;
  - (3) the confidential joint report dated November 29, 2001, from the Chief Administrative Officer and the City Auditor, be released publicly, with the names and positions of identifiable individuals deleted; and
  - (4) the City Auditor be requested to undertake the further investigations, as instructed by City Council at the in-camera portion of its meeting.”
- (h) Councillor Balkissoon moved that motion (b) by Councillor Nunziata be amended by adding thereto the following:
- “(4) details surrounding the acquisition of this equipment by the Toronto Transition Team, such as the minutes of meetings, the bid process, bid proposals, the authorization of the Purchase Orders, the signatures on the contract and the interest rates on this contract or contracts.”
- (i) Councillor Mihevc further moved that Part (3) of motion (g) by Councillor Miller be amended by adding, after the words “identifiable individuals”, the words “and anything else that may compromise the City’s success in the litigation against MFP”.

- (j) Councillor Cho moved that Part (2) of motion (d) by Deputy Mayor Ootes be amended by adding thereto the words “or at such future appropriate time as determined by City Council”.

*Votes:*

Adoption of Part (4) of motion (g) by Councillor Miller, seconded by Councillor Walker:

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Pitfield, Rae, Silva, Sutherland, Walker
No - 10	
Mayor:	Lastman
Councillors:	Disero, Feldman, Hall, Li Preti, Mammoliti, Nunziata, Ootes, Shiner, Tziretas

Carried by a majority of 18.

Adoption of motion (h) by Councillor Balkissoon:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas, Walker
No - 1	
Councillor:	Li Preti

Carried by a majority of 35.

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

Yes - 37	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas, Walker
--------------	---

No - 0
--------

Carried, without dissent.

Adoption of motion (j) by Councillor Cho:

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Pantalone, Pitfield, Rae, Shiner, Silva, Walker

No - 10
---------

Mayor:	Lastman
--------	---------

Councillors:	Disero, Feldman, Hall, Kelly, Mammoliti, Nunziata, Ootes, Sutherland, Tziretas
--------------	--

Carried by a majority of 18.

Adoption of Part (2) of motion (d) by Deputy Mayor Ootes, as amended:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Sutherland, Tziretas

No - 10
---------

Councillors:	Augimeri, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Silva, Walker
--------------	--

Carried by a majority of 18.

Adoption of Part (2) of motion (g) by Councillor Miller, seconded by Councillor Walker:

Yes - 14
----------

Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker
No - 24	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas

Lost by a majority of 10.

Adoption of Part (3) of motion (d) by Deputy Mayor Ootes:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas
No - 13	
Councillors:	Augimeri, Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker

Carried by a majority of 12.

Adoption of motion (i) by Councillor Mihevc:

Yes - 20	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Feldman, Flint, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Rae, Shiner, Silva, Walker
No - 18	
Mayor:	Lastman
Councillors:	Berardinetti, Di Giorgio, Disero, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Sutherland, Tziretas

Carried by a majority of 2.

Adoption of Part (3) of motion (g) by Councillor Miller, seconded by Councillor Walker, as amended:

Yes - 14	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker
No - 24	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas

Lost by a majority of 10.

Adoption of Part (1) of motion (d) by Deputy Mayor Ootes:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Silva, Sutherland, Tziretas
No - 3	
Councillors:	Bussin, Rae, Walker

Carried by a majority of 32.

Motion (c) by Councillor Hall carried.

Adoption of motion (e) by Councillor Johnston:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Disero

Carried by a majority of 36.

Adoption of motion (f) by Councillor Mihevc, seconded by Councillor Chow:

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Flint, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Walker
No - 11	
Councillors:	Di Giorgio, Disero, Feldman, Ford, Hall, Holyday, Kelly, Li Preti, Mammoliti, Minnan-Wong, Tziretas

Carried by a majority of 16.

Adoption of Part (1) of motion (g) by Councillor Miller, seconded by Councillor Walker:

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

Carried by a majority of 14.

Adoption of Part (2) of motion (a) by Mayor Lastman, as amended:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas
No - 1	
Councillor:	Walker

Carried by a majority of 36.

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

“It is further recommended that:

- (1) City Council instruct outside Counsel to immediately commence action against MFP, and to pursue all potential remedies against other responsible parties or individuals;
- (2) the City of Toronto approach the Cities of Waterloo and Windsor, as well as other municipalities that are in dispute with MFP, to seek their possible interest in pursuing a public enquiry;
- (3) the City Auditor be requested to:
  - (a) undertake the further investigations, as instructed by City Council at the in-camera portion of its meeting; and
  - (b) continue to investigate and report to the Audit Committee on:
    - (i) purchase or lease of Council original equipment (IT) and the whereabouts of this equipment;
    - (ii) whether the City had been reimbursed for this equipment;
    - (iii) whether proper approvals for the actions were received; and
    - (iv) details surrounding the acquisition of this equipment by the Toronto Transition Team, such as the minutes of meetings, the bid process, bid proposals, the authorization of the Purchase Orders, the signatures on the contract and the interest rates on



this contract or contracts;

- (4) there be a full and complete public disclosure of this matter, once the investigation is complete, and not before, or at such future appropriate time as determined by City Council;
- (5) the City Solicitor be requested to submit a report to the Audit Committee, no later than April, 2002, on whether a public enquiry should be instituted pursuant to Section 100 of the Municipal Act, with respect to this and any related matters identified by the Chief Administrative Officer, the City Auditor and the Commissioner of Corporate Services;
- (6) the confidential report dated December 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;
- (7) the following motion be adopted in principle and referred to the Ethics Steering Committee for detailed review and report thereon to Council, through the Administration Committee:

Moved by Mayor Lastman:

‘It is further recommended that, given the consequences to the City of Toronto when confidential information is released without authorization:

- (a) a by-law be enacted, substantially in the form of the attached by-law, that provides for an offence for breach of confidentiality by Members of Council;
- (b) the Acting Chief Financial Officer and Acting Treasurer be instructed to re-negotiate the City’s insurance policies to delete coverage for Members of Council who disclose confidential information to the public, including the media;
- (c) the issues of implementation and enforcement of the by-law be referred to the Ethics Steering Committee, chaired by Councillor Mihevc; and the Ethics Steering Committee be requested to report back to the first regular meeting of City Council in 2002; and
- (d) the City Solicitor be requested to submit a report to the Ethics Steering Committee on the issue of breaches of confidentiality by Council staff, City staff and consultants.’; and

- (8) the Ethics Steering Committee be requested to review the following processes used by the Board of Education for the former City of Etobicoke, during its consideration of the mechanics of the implementation of the by-law related to confidentiality:

‘Members of the Board shall observe their duty to respect the confidentiality of the Committee of the Whole Board (Private). In this regard, the Board sought and received legal counsel on the matter of a breach of confidentiality by a member of the Board and the following sanctions are available to the Board in such cases:

- (a) an action for damages could lie against any member who fails to observe the duty to maintain confidentiality and the Board would not indemnify a member for legal costs incurred in defending such an action;
- (b) a member could, by resolution, be publicly censured for failing to observe the duty to maintain confidentiality; and
- (c) a member who fails or refuses to observe the duty to maintain confidentiality could be excluded from confidential meetings; be refused confidential reports; and be required to undertake, in writing, to observe the duty to maintain confidentiality in future, before being allowed back into such meetings.’ ”

*Further Report of Committee of the Whole:*

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, further reported that City 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 relate to litigation or potential litigation and are otherwise subject to Solicitor-Client privilege.

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

**10.81 Works Best Practices Program Work Group**

Deputy Mayor Ootes called upon Notice of Motion F appearing on the Order Paper, as follows:

**Moved by: Councillor Disero**

**Seconded by: Councillor Miller**

“**WHEREAS** City Council on January 30, 31 and February 1, 2001, in adopting as amended, Clause No. 1 of Report No. 1 of The Works Committee, and Clause No. 3 of Report No. 1 of The Administration Committee, headed ‘Review of Sub-Committees, Advisory Committees, Special Committees and Task Forces Established by City Council since January 1998’, respectively, struck out and referred Recommendation No. (4) of the Administration Committee, together with Recommendation No. B(4) of the Works Committee, to the Chair of the Personnel Sub-Committee for consideration and report thereon to the Administration Committee no later than its meeting scheduled to be held on March 27, 2001, viz.:

Recommendation No. 4 of The Administration Committee:

- ‘(4) the mandate of the Personnel Sub-Committee be amended to include issues respecting Works Best Practices; and the General Manager, Water and Wastewater Services, or his designate, be requested to provide staff support to the Personnel Sub-Committee when the Sub-Committee gives consideration to Works Best Practices issues;’; and

Recommendation No. B(4) of The Works Committee:

- ‘(B) the following committees be disbanded:
  - (4) Works Best Practices Program Work Group, having regard for the recommendation of the Administration Committee with respect to the re-establishment of the Personnel Sub-Committee to include Works Best Practices; and reports having requested the Commissioner of Works and Emergency Services to submit a report directly to Council on consultation with Toronto Civic Employees’ Union – CUPE Local 416 with respect to their response to the proposed structure and any recommendations;’; and

**WHEREAS** this matter has not yet come back to Committee and Council for consideration;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 1 of Report No. 1 of The Works Committee, and Clause No. 3 of Report No. 1 of The Administration Committee, headed ‘Review of Sub-Committees, Advisory Committees, Special Committees and Task Forces Established by City Council since January 1998’, be re-opened for further consideration, only insofar as it pertains to the Works Best

Practices Program Work Group;

**AND BE IT FURTHER RESOLVED THAT** Clause No. 4 of Report No. 14 of The Policy and Finance Committee, headed 'Works Best Practices Program, Status Report No. 4', be amended by adding thereto the following additional recommendations:

- '(1) That Council re-establish the Works Best Practices Program Work Group; and
- (2) That the composition of the Works Best Practices Program Work Group be referred to the Works Committee for consideration and recommendation to Council.' "

*Motion:*

Councillor Disero moved that Motion F be amended by striking out the second Operative Paragraph embodied in Motion F and inserting in lieu thereof the following:

**"AND BE IT FURTHER RESOLVED THAT** Council re-establish the Works Best Practices Program Work Group, and that the composition of the Work Group be referred to the Works Committee for consideration and recommendation to Council."

*Disposition:*

Further consideration of this Motion was deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002.

#### 10.82 **Proposed Toronto Police Service Video Surveillance on Toronto Streets**

Deputy Mayor Ootes called upon Notice of Motion I(1) appearing on the Order Paper, as follows:

**Moved by: Councillor Bussin**

**Seconded by: Councillor Miller**

**"WHEREAS** Toronto City Council and the Toronto Police Services Board must ensure that the right to privacy of Toronto residents is protected from unwarranted police video surveillance of our streets and other public places; and

**WHEREAS** the proposed video camera monitoring by the Toronto Police Service of areas of the City perceived as having high rates of crime, such as Dundas Square,

poses a threat to our right to privacy and civil liberties; and

**WHEREAS** this concern for citizens' right to privacy has been confirmed by a recent ruling of the federal Privacy Commissioner that cameras monitoring a street corner in a British Columbia municipality violates the right to privacy; and

**WHEREAS** it is abundantly evident that community policing works – that when police officers patrol downtown areas on foot or bicycle, they become part of the community and crime rates fall; and

**WHEREAS** the cost of installing, maintaining and manning the video surveillance equipment will undoubtedly deplete police budgets which would be better used in supporting proven and effective methods of controlling street crime, such as community policing;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council direct the Toronto Police Services Board to not proceed with the proposed use of video surveillance of public places by the Toronto Police Service in 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 I(1) 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 I(1) to the Policy and Finance Committee was taken as follows:

Yes – 24	
Councillors:	Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Filion, Flint, Hall, Johnston, Jones, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Nunziata, Ootes, Silva, Sutherland, Tziretas, Walker
No – 9	
Councillors:	Ashton, Di Giorgio, Feldman, Holyday, Li Preti, Minnan-Wong, Pantalone, Rae, Shiner

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

*Disposition:*

Consideration of this Motion was deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002.

10.83 **245 College Street - Reimbursement of Community Legal Expenses**

Deputy Mayor Ootes called upon Notice of Motion I(2) appearing on the Order Paper, as follows:

**Moved by: Councillor Bussin**

**Seconded by: Councillor Walker**

**“WHEREAS** at its meeting held on October 2, 3 and 4, 2001, City Council adopted, as amended, Toronto East York Community Council Report No. 7, Clause No. 31, headed ‘Ontario Municipal Board Appeal – South-East Spadina Part II Plan Amendment and Re-zoning – 245 College Street and 39 Glasgow Street (Metro Credit Union) (Trinity-Spadina, Ward 20)’; and

**WHEREAS**, in so doing, Council amended the Community Council’s decision by requesting the City Solicitor to appear at the Ontario Municipal Board and convey the concerns of City Council as to the lack of due process in this application; and

**WHEREAS** the residents of the community have already spent a significant amount of effort and money preparing to protect their neighbourhood at the Ontario Municipal Board; and

**WHEREAS** the appeal was withdrawn on the afternoon before the Ontario Municipal Board hearing, giving less than 24 hours notice; and

**WHEREAS** the community no longer has a lawyer, because of the high costs for legal help, and the review of the proposal is ongoing and future involvement in the process by the community will be costly; and

**WHEREAS** the community has forwarded to Toronto City Council a letter and has attached an invoice for professional services rendered to them by Aird & Berlis, LLP;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council authorize a grant to be made to Larry Lee, et al, in the amount of \$6,716.66, or alternately, City staff be instructed to negotiate a ‘proportional relief’ or ‘relief’ from payment and that such a grant be deemed in the interest of the Municipality.”

*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 I(2) 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 I(2) to the Policy and Finance Committee was taken as follows:

Yes – 16	
Councillors:	Balkissoon, Berardinetti, Bussin, Cho, Filion, Ford, Johnston, Jones, Mammoliti, Mihevc, Milczyn, Miller, Rae, Silva, Tziretas, Walker
No – 15	
Councillors:	Ashton, Disero, Duguid, Feldman, Flint, Hall, Holyday, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Pantalone, Shiner, Sutherland

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

Council also had before it, during consideration of Motion I(2), a confidential communication dated October 25, 2001, from L. Lee for Residents for Spadina-College South, submitted by Councillor Bussin, such communication to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it contains information which is subject to Solicitor/Client privilege.

Council also had before it, during consideration of Motion I(2), a communication dated November 2, 2001, from Mr. Stanley Makuch, Cassels Brock and Blackwell, Barristers and Solicitors, a copy of which is on file in the Office of the City Clerk.

*Disposition:*

Having regard to the foregoing decision of Council, Motion I(2) was referred to the Policy and Finance Committee.

**10.84 Front Yard Parking – 40 Emerson Avenue**

Deputy Mayor Ootes called upon Notice of Motion I(3) appearing on the Order Paper, as follows:

**Moved by:** Councillor Silva

**Seconded by:** Councillor Disero

“**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, without amendment, Southwest Community Council Report No. 4, Clause No. 17, headed, ‘Request for an Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking for Two Vehicles at 40 Emerson Avenue (Davenport, Ward 18)’; and

**WHEREAS** Recommendation No. (2)(c) in the above-mentioned Clause No. 17, required the applicant to pay all applicable fees and to comply with all other criteria set out in Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code; and

**WHEREAS** the applicant has undertaken extensive landscaping, incorporating substantial vegetation and shrubs, thus softening the impact of the front yard parking;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance Sub-section 27-49 of Chapter 27 of the City of Toronto Municipal Code, Southwest Community Council Report No. 4, Clause No. 17, headed ‘Request for an Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking for Two Vehicles at 40 Emerson Avenue (Davenport, Ward 18)’, be reopened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the requirement for the tree planting payment-in-lieu be waived.”

*Vote:*

The first Operative Paragraph embodied in Motion I(3) carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Pantalone moved that Motion I(3) be amended by amending the second Operative Paragraph to read as follows:

“**AND BE IT FURTHER RESOLVED THAT** a payment of \$250.00 be the requirement for the tree planting payment-in-lieu.”

*Votes:*

The motion by Councillor Pantalone carried.

The balance of Motion I(3), as amended, carried.

**10.85 Good Repair Audit of School Pools**



Deputy Mayor Ootes called upon Notice of Motion I(4) appearing on the Order Paper, as follows:

**Moved by: Councillor Jones**

**Seconded by: Councillor Chow**

**“WHEREAS** the Province of Ontario no longer funds the Toronto District School Board (TDSB) for activities outside of the classroom; and

**WHEREAS**, due to changes in the Province’s funding formula, the TDSB has indicated they can no longer operate 85 school pools; and

**WHEREAS** the TDSB has decided to close school pools in June of 2002; and

**WHEREAS** the City currently operates aquatic programs in 47 of the TDSB pools; and

**WHEREAS** a state of good repair audit is required to determine the structural integrity and improvement costs for the TDSB pools which will allow the City to determine the feasibility of potentially operating some or all of these locations; and

**WHEREAS** the School Advisory Committee, at its meeting held on October 16, 2001, made a motion to pay for 50 percent of the cost of an audit, at a cost to the City of \$127,500.00 for 85 pools; and

**WHEREAS** City Council at its meeting held on June 26, 27 and 28, 2001, agreed not to share in funding the state of good repair audit for the TDSB school pools;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Economic Development and Parks Committee Report No. 6, Clause No. 11, headed ‘Toronto District School Board, Update on Common Issues and Negotiations on Swimming Pool Usage by the Parks and Recreation Division (All Wards)’, be re-opened for further consideration, only insofar as it pertains to the sharing of the cost of a state of good repair audit of Toronto District School Board indoor pool facilities;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto cost share up to a maximum cost to the City of \$127,500.00, to allow the TDSB to issue the RFP on behalf of the City and the TDSB, in accordance with the TDSB policies, procedures and evaluation process.”

*Procedural Vote:*

Adoption of first Operative Paragraph embodied in Motion I(4):

Yes – 18	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Disero, Filion, Flint, Hall, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker
No – 15	
Councillors:	Berardinetti, Duguid, Feldman, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Sutherland, Tziretas

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

*Disposition:*

Having regard to the foregoing decision, Council did not re-open Clause No. 11 of Report No. 6 of The Economic Development and Parks Committee, headed “Toronto District School Board, Update on Common Issues and Negotiations on Swimming Pool Usage by the Parks and Recreation Division (All Wards)”, for further consideration.

**10.86 Nomination of Hummingbird Centre as a National Historic Site**

Councillor Mihevc, with the permission of Council, withdrew the following Notice of Motion I(5):

**Moved by: Councillor Mihevc**

**Seconded by: Councillor Johnston**

**“WHEREAS** the City of Toronto owns the property at 1 Front Street East (Hummingbird Centre); and

**WHEREAS** the property at 1 Front Street East (Hummingbird Centre) is listed on the City of Toronto’s Inventory of Heritage Properties; and

**WHEREAS** the Hummingbird Centre is an important example of Modern architecture in Toronto and contains an interior mural (‘The Seven Lively Arts’) by the important Canadian artist, R. York Wilson;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council support the nomination of the Hummingbird Centre as a National Historic site;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council request the Historic Sites and Monuments Board of Canada to evaluate the building on the grounds that it has national historic significance, including the interior mural, ‘The Seven Lively Arts’ by Canadian artist R. York Wilson.”

**10.87 Demolition Permit – 167 Ferris Road**

Councillor Rae 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 Rae**

**Seconded by: Councillor Bussin**

**“WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, adopted, without amendment, Toronto-East York Community Council Report No. 7, Clause No. 9, headed ‘Residential Demolition - 167 Ferris Road (Beaches-East York, Ward 31)’; and

**WHEREAS**, in so doing, Council put in place a condition that the demolition permit

be approved 'when a replacement building permit has been issued for this site'; and **WHEREAS** Mr. Brian Macgregor of Imperial Oil Limited, the owner of 167 Ferris Road, has written to request an exemption from the condition for a building permit, explaining that a furnace oil spill at this site prompted Imperial Oil to purchase the property and that it has assigned custodianship to its subsidiary, Devon Estates Limited, in order to cause a remediation and subsequent sale of the property; and

**WHEREAS** Mr. Macgregor further states that, in order to complete an effective environmental remediation at 167 Ferris Road, he is advised by Imperial Oil's environmental specialists that the house must be demolished; and

**WHEREAS** Mr. Macgregor also states that as Imperial Oil is not a residential property developer, it wants to sell the vacant, remediated site and declares that it will make no attempt to acquire a commercial zoning designation for the property;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto-East York Community Council Report No. 7, Clause No. 9, headed 'Residential Demolition – 167 Ferris Road (Beaches-East York, Ward 31)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** City Council rescind the action taken on October 2, 3 and 4, 2001, with respect to the above-referenced Clause;

**AND BE IT FURTHER RESOLVED THAT** City Council authorize the issuance of a demolition permit, without conditions, for the subject property.”

*Votes:*

The first Operative Paragraph embodied in Motion J(1) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(1) was adopted, without amendment.

**10.88 Toronto Hydro-Electric System Limited – Promissory Note**

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(2), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Shiner

**Seconded by:** Councillor Holyday

“**WHEREAS** the City currently holds a promissory note of Toronto Hydro

Electric-System Limited ('the promissory note') in a principal amount of \$980,230,955.00, bearing 6.8 percent interest per annum; and

**WHEREAS** renewal of the promissory note would result in the City receiving interest payments totalling \$66,655,705.00 over the 2002 fiscal year; and

**WHEREAS** monies received in this regard support the City's Capital Program and are reflected in the City's capital forecasts; and

**WHEREAS** the promissory note must be renewed on its attached maturity date of December 31, 2001 ('the maturity date'); and

**WHEREAS** Council authority is required to renew the promissory note for an additional period of time; and

**WHEREAS** Council will not meet again until after the maturity date;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the report dated November 28, 2001, from the Acting Chief Financial Officer, and that the recommendations contained in 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(2) 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(2) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(2), a report dated November 28, 2001, from the Acting Chief Financial Officer, entitled "Toronto Hydro-Electric System Limited – Promissory Note". (See Attachment No. 1, Page 186).

*Vote:*

Motion J(2) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 28, 2001, from the Acting Chief Financial Officer, embodying the following recommendations:

"It is recommended that:

- (1) Council authorize the City's Acting Chief Financial Officer to renew the current promissory note of Toronto Hydro Electric System-Limited ('Toronto Hydro'), and that Toronto Hydro be directed to re-issue this promissory note on the same terms as are currently included in the promissory note dated as of December 30, 2000, subject to any modifications deemed necessary by the City Solicitor, except that the maturity date be set at December 31, 2003; and

- (2) Toronto Hydro be required to meet the full interest obligation to the City of \$66,655,705.00, in fiscal 2002 and 2003.”

**10.89 Canadian Stage Line of Credit Guarantee**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(3), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Rae**

**Seconded by: Councillor McConnell**

**“WHEREAS** the Canadian Stage Corporation (‘Canadian Stage’) was created from the 1988 merger of the Toronto Free Theatre and CentreStage and is the largest year-round not-for-profit theatre in the country; and

**WHEREAS** Canadian Stage performs to over 350,000 patrons yearly at the Bluma Appel Theatre in the St. Lawrence Centre for the Arts, the Canadian Stage Theatre at 26 Berkeley Street and the outdoor amphitheatre in High Park; and

**WHEREAS** Canadian Stage has received dozens of Dora Mavor Moore Awards, Toronto’s theatre awards for artistic merit; and

**WHEREAS** in 1995, Canadian Stage was one of the first recipients of the prestigious Lieutenant Governor’s Awards for the Arts, in recognition of building exceptional private sector and community support; and

**WHEREAS** Canadian Stage has been advised that its bank is not willing to provide a line of credit in an amount sufficient to meet the organization’s cash flow in January 2002; and

**WHEREAS** Canadian Stage has asked the City of Toronto for assistance in meeting its cash flow by renewing the line of credit guarantee in the amount of \$300,000.00, approved by City Council at its meeting held on October 3, 4, 5, 6, 10, 11 and 12, 2000; and

**WHEREAS** City Council adopted a ‘Policy for Capital Loan and Line of Credit Guarantees’ at its meeting held on March 6, 7 and 8, 2001; and

**WHEREAS** the request for the renewal of the Canadian Stage line of credit guarantee meets the criteria set out in the City’s policy; and

**WHEREAS** the issuance of a line of credit guarantee is considered a financial commitment of the City; and

**WHEREAS** the Chief Financial Officer and Treasurer has advised that the renewal of the commitment of \$300,000.00 is within the updated Debt and Financial Obligation Limit of the City;

**NOW THEREFORE BE IT RESOLVED THAT** authority be granted to enter into an agreement with The Canadian Stage Corporation's ('Canadian Stage') bank for a guarantee of a line of credit in the amount of \$300,000.00 (inclusive of all interest payable by Canadian Stage to the bank) for the period January 1, 2002 to December 31, 2004, and that such guarantee be on terms and conditions satisfactory to the City Solicitor and the Chief Financial Officer and Treasurer;

**AND BE IT FURTHER RESOLVED THAT** authority be granted to enter into an agreement with Canadian Stage with respect to the line of credit guarantee on terms and conditions approved by the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner Economic Development, Culture and Tourism;

**AND BE IT FURTHER RESOLVED THAT** the guarantee of the line of credit be deemed to be in the interest of the municipality;

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

*Advice by 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(3) 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(3) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(3) was adopted, without amendment.

#### 10.90 **Dovercourt Village Business Improvement Area - 2002 Budget Approval**

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

**Moved by:** Councillor Pantalone

**Seconded by:** Councillor Silva

**“WHEREAS** the Dovercourt Village Business Improvement Area was designated by By-law No. 549-84 of the former City of Toronto; 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 Dovercourt Village Business Improvement Area; and

**WHEREAS** the Dovercourt Village Business Improvement Area approved its 2002 budget at its annual general meeting held on November 20, 2001; and

**WHEREAS** the Board of Management of the Dovercourt Village Business Improvement Area submitted its 2002 budget for approval by City Council on December 4, 2001;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the 2002 budget for the Dovercourt Village Business Improvement Area, in the amount of \$5,000.00, submitted by the Board of Management of the Dovercourt 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(4) 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(4) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(4) was adopted, without amendment.

**10.91 Lee Corporate Centre - Supplemental Agreement**

Councillor Duguid 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 Duguid**



**Seconded by: Councillor Berardinetti**

**“WHEREAS** Lee Corporate Centre Inc. (also known as Convention Plaza) entered into a Subdivision Agreement dated June 28, 1993, with the former City of Scarborough with respect to the development of their lands north of Corporate Drive and west of Toyota Place, now Registered Plan 66M-2288; and

**WHEREAS** the Subdivision Agreement provided for the owner’s obligations with respect to the development of the lands, including various financial contributions; and

**WHEREAS** the Subdivision Agreement acknowledges that the subdivision lands would be developed in phases and that, prior to the issuance of building permits for each phase, the owner is required to enter into a Supplemental Agreement with the City for each phase being developed; and

**WHEREAS** the owner is proposing to develop the last phase of development (Phases B and C) on Plan 66M-2288 and a Supplemental Agreement is required to permit the development to proceed; and

**WHEREAS** the Subdivision Agreement required that, in connection with Phases B and C, the owner make financial contributions to the City to be applied towards the cost of future road improvements to Toyota Place, Corporate Drive and the Highway 401 off-ramp at McCowan Road and to contribute towards the cost of a future City Centre shuttle bus service; and

**WHEREAS** these financial obligations were originally required because office uses were proposed for the Phase C lands; and

**WHEREAS** the Phase C lands have now been redesignated for residential uses which generate different traffic patterns, with the result that the road improvements are no longer required and the contributions for these purposes are no longer required or supportable; and

**WHEREAS** there are no plans for a City Centre shuttle bus to service these lands as a result of the redesignation to residential uses and, accordingly, the contribution for that purpose is no longer required or supportable; and

**WHEREAS** the owner intends to proceed to the construction of Phases B and C prior to the next City Council meeting and it is necessary that the Supplemental Agreement which amends the owner’s original obligations under the Subdivision Agreement be entered into, prior to the issuance of building permits;

**NOW THEREFORE BE IT RESOLVED THAT** the signing officers of the City of Toronto be authorized to execute a Supplemental Agreement dealing with matters

required for Phases B and C, Registered Plan 66M-2288, with Lee Corporate Centre Inc. or its successor in title without the requirement of financial contributions for future road improvements on Toyota Place, Corporate Drive, Highway 401 off-ramp to McCowan Road and the City Centre shuttle bus service, which contributions are no longer required or supportable due to the redesignation of these lands to residential uses.”

*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 Scarborough Community Council 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 Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(5) was adopted, without amendment.

#### 10.92 **Levy and Collect Taxes for 2001 on Railway Roadways and Rights-of-Way Owned by the Greater Toronto Transit Authority**

Councillor Ootes, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:**                    **Councillor Ootes**

**Seconded by:**            **Councillor Shiner**

“**WHEREAS** paragraph 1 of subsection 368.3(1) of the Municipal Act provides that every local municipality shall impose taxes, in accordance with the regulations on the roadway or right of way of a railway company, other than the structures, substructure and superstructures, rails, ties, poles and other property on the roadway or right-of-way, not including land leased by the railway company to another person for rent or other valuable consideration; and

**WHEREAS** at its meeting of November 6, 7 and 8, 2001, City Council enacted By-law No. 923-2001 being a by-law to levy and collect taxes for 2001 on certain railway company and power utility lands, and By-law No. 923-2001 did not levy taxes for the land formerly owned by the Toronto Terminal Railway Company Limited; and

**WHEREAS** the Ministry of Finance staff advised that in mid-2000, the railway

rights-of-way formerly owned by the Toronto Terminal Railway Company Limited had been assumed by the Greater Toronto Transit Authority; and

**WHEREAS** given that the assessed ownership had not yet been updated by the Municipal Property Assessment Corporation (MPAC) and the City was, therefore, not clear as to who was the rightful owner of the property at that time, the property was deliberately omitted from By-law No. 923-2001, pending clarification; and

**WHEREAS** MPAC has now confirmed that the Greater Toronto Transit Authority had purchased the railway rights-of-way previously owned by the Toronto Terminal Company Limited; and

**WHEREAS** taxes must be levied on a yearly basis in the year of the return of the roll; and

**WHEREAS** the last Council meeting for the year 2001 is on December 4, 5 and 6, 2001;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the report dated November 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, and that the 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(6) 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(6) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(6), a report dated November 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, entitled “2001 Levy on Railway Roadways or Rights-of-Way Owned by the Greater Toronto Transit Authority”. (See Attachment No. 2, Page 188).

*Vote:*

Motion J(6) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, embodying the following recommendations:

“It is recommended that:

- (1) Council authorize the levy and collection of taxes for 2001 on railway rights-of-way currently owned by the Greater Toronto Transit Authority, in accordance with subsection 368.3(1) of the Municipal Act and

subsection 257.7(1) of the Education Act;

- (2) authority be granted for the introduction of the necessary bill in Council to levy taxes for the year 2001 on the rights-of-way currently owned by the Greater Toronto Transit Authority; and
- (3) the appropriate City officials be authorized to take necessary action to give effect to the foregoing.”

**10.93 Toronto Community Housing Corporation - Employment Matters Arising from Transfer**

Councillor Duguid 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(7), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Duguid**

**Seconded by: Councillor Chow**

“**WHEREAS** City Council at its meeting held on June 26, 27 and 28, 2001, approved the transfer to the Metro Toronto Housing Corporation (MTHC) of the assets and operations of the Toronto Housing Corporation (THC); and

**WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, approved the appointment of the Board of Directors of the TCHC and a Shareholder Direction for the corporation and also directed the Chief Administrative Officer to report to Council, prior to the end of 2001, on employment matters that may arise from the transfer of the THC operations and assets to TCHC; and

**WHEREAS** the next meeting of the Policy and Finance Committee is scheduled to be held on January 31, 2002, which would not provide an opportunity to submit the requested report to Council on the transfer of assets and operations of the THC prior to January 1, 2002; and

**WHEREAS** the Board of Directors of TCHC has met and received the attached confidential report respecting labour relations and directed that such report be forwarded to City Council for information;

**NOW THEREFORE BE IT RESOLVED THAT** the confidential report dated November 29, 2001, from the Chief Administrative Officer, respecting labour matters of the Toronto Housing Company Inc. and Toronto Community Housing Corporation, be considered by City Council at its meeting scheduled to be held on December 4, 5 and 6, 2001, and that such report be received for information.”

*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(7) 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(7) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(7), a confidential report dated November 29, 2001, from the Chief Administrative Officer.

*Vote:*

Motion J(7) was adopted, without amendment, and in so doing, Council received, for information, the confidential report dated November 29, 2001, from the Chief Administrative Officer, 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 labour relations.

**10.94 McRoberts Avenue - Request to Switch On-Street Parking from West Side to East Side During the Winter Months**

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

**Moved by: Councillor Disero**

**Seconded by: Councillor Flint**

**“WHEREAS** Humber York Community Council, at its meeting held on November 20, 2001, had before it a report dated November 1, 2001, from the Director of Transportation Services, District 1, entitled ‘McRoberts Avenue, North of Rogers Road -- Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months’; and

**WHEREAS** the Humber York Community Council deferred consideration of the report to its meeting scheduled for February 25, 2002, for the hearing of deputations [ref.: Humber York Community Council Report No. 10, Clause No. 49, Item (c)]; and

**WHEREAS** it would be desirable to consider this matter now, rather than in February of next year, having regard for the approaching winter season;

**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 the report dated November 1, 2001, from the Director of Transportation Services, District 1, entitled 'McRoberts Avenue, North of Rogers Road -- Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months', as referred to in Item (c) embodied in Clause No. 49 of Report No. 10 of the Humber York Community Council, headed 'Other Items Considered by the Community Council';

**AND BE IT FURTHER RESOLVED THAT** the recommendations embodied in the aforementioned report be adopted.”

*Vote:*

The first Operative Paragraph embodied in Motion J(8) 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(8) 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 the balance Motion J(8) 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(8), a report dated November 1, 2001, from the Director, Transportation Services District 1, entitled “McRoberts Avenue, North of Rogers Road – Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months (Davenport, Ward 17)”. (See Attachment No. 3, Page 191).

*Vote:*

The balance of Motion J(8) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 1, 2001, from the Director, Transportation Services District 1, embodying the following recommendations:

“It is recommended that:

- (1) the parking prohibition at all times on the east side of McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, from 7:00 p.m. on the first day of December to 7:00 p.m. on the 1st day of April, inclusive, be rescinded;
- (2) parking be prohibited at all times on the west side of McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, from 7:00 p.m. on the first day of December to 7:00 p.m. on the 1st day of April, inclusive;
- (3) the permit parking provisions on McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, be adjusted accordingly from the west side to the east side; and
- (4) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in

Council of any Bills that are required.”

10.95 **Citizen Appointments - Board of Directors, Toronto Waterfront Revitalization Corporation**

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

**Moved by: Councillor Pantalone**

**Seconded by: Councillor Flint**

“**WHEREAS** the Interim Toronto Waterfront Revitalization Corporation (TWRC) was incorporated in November 2001; and

**WHEREAS** the Board of Directors of the TWRC will comprise three appointees each from the Federal Government, the Provincial Government and the City of Toronto; and

**WHEREAS** each level of government is in the process of selecting its three appointees and a public announcement with respect to the appointees is expected in December 2001; and

**WHEREAS** City Council, at its meeting on May 30, 31 and June 1, 2001, (Clause No. 1 of Report No. 7 of The Policy and Finance Committee refers) directed that City of Toronto appointees to the Board of Directors of the TWRC be appointed by Council on the recommendation of the Waterfront Reference Group; and

**WHEREAS** the Waterfront Reference Group, after having established a Review Team to review applications and conduct the interviews for the City of Toronto’s appointees to the Board of Directors, considered the recommended names at its meeting on November 29, 2001; and

**WHEREAS** the Policy and Finance Committee, being the Committee through which the Waterfront Reference Group reports to Council, does not next meet until January 31, 2002; and

**WHEREAS** it is important that the Board of Directors of the TWRC is appointed as soon as possible;



**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the confidential report dated November 29, 2001, from the Commissioner of Urban Development Services, as the Executive Lead for the Waterfront Project, thereby naming the three appointees, as the City of Toronto appointees to the Board of Directors of the TWRC for a term of office of up to three years to expire December 4, 2004, and until their successors are appointed; and that in accordance with the Municipal Act, discussions pertaining to this matter be held in-camera, having regard that the subject matter involves personal matters about identifiable individuals, including municipal or local board employees.”

*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 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(9) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(9), a confidential report dated November 29, 2001, from the Commissioner of Urban Development Services. (See Attachment No. 4, Page 194).

*Vote:*

Motion J(9) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated November 29, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, such report now public, save and except the Background Information on Recommended Appointees, referred to therein, which is to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains personal information about identifiable individuals:

“It is recommended that:

- (1) the following three persons be appointed as the City of Toronto’s appointees to the Board of Directors of the Toronto Waterfront Revitalization Corporation for a term of office of up to three years to expire December 4, 2004, and until their successors are appointed:

Murray Chusid  
Tony Dionisio  
Mark Wilson; and

- (2) the appropriate City officials be authorized and directed to take the necessary

actions to give effect thereto.”

10.96 **Hummingbird Centre for the Performing Arts Corporation – Lease Agreement**

Councillor Johnston 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):

**Moved by: Councillor Johnston**

**Seconded by: Councillor Augimeri**

“**WHEREAS** the City received the attached communication dated November 29, 2001, from the Chair of the Board of the Hummingbird Performing Arts Centre Corporation (HPACC) requesting that the City bring closure to the lease and execute an agreement by February 28, 2002; and

**WHEREAS** the lease anticipated in the legislation of 1998 has been under intermittent negotiation for four years and has not been resolved; and

**WHEREAS** the Centre’s business is suffering as a result of the uncertainty around the future of the Centre and the Board projects operating deficits for the first time in many years; and

**WHEREAS** a decision on a new Opera House being made in the foreseeable future, both the Canadian Opera Company and the National Ballet of Canada will need a performance venue for several years to come;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 1 of Report No. 1 of The Striking Committee, headed ‘Appointment of Members of Council to Standing and Other Committees of Council, Various Boards, Special Purpose Bodies and Special Positions’, be re-opened for further consideration, only insofar as it pertains to appointments to the Board of Directors of the Hummingbird Centre for the Performing Arts;

**AND BE IT FURTHER RESOLVED THAT** the City Chief Administrative Officer be authorized to break the deadlock and execute an agreement with HPACC to take responsibility for operation of the Centre under terms which include the right for Council to determine the long-term disposition of the Centre and for Council to review any redevelopment proposals;

**AND BE IT FURTHER RESOLVED THAT** the members of the Board of Directors of HPACC be named the Board of the City agency until such time as the agreement is executed.”,



the vote upon which was taken as follows:

Yes – 27	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Johnston, Jones, Li Preti, McConnell, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Rae, Silva, Sutherland, Walker
No – 7	
Councillors:	Feldman, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Shiner, Tziretas

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(10) 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(10) to the Policy and Finance Committee was taken as follows:

Yes – 22	
Councillors:	Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Ford, Hall, Johnston, Jones, Li Preti, McConnell, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Rae, Silva, Walker
No – 12	
Councillors:	Ashton, Disero, Duguid, Feldman, Flint, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Shiner, Sutherland, Tziretas

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

Council also had before it, during consideration of Motion J(10), a communication dated November 30, 2001, from the Chair, Hummingbird Performing Arts Centre Corporation, a copy of which is on file in the Office of the City Clerk.

*Disposition:*

Having regard to the foregoing decision of Council, Motion J(10) was referred to the

Policy and Finance Committee.

*Motion to Re-Open:*

Councillor Feldman, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(10) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following revised Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Johnston**

**Seconded by: Councillor Augimeri**

**“WHEREAS** the City received the attached communication dated November 29, 2001, from the Chair of the Board of the Hummingbird Performing Arts Centre Corporation (HPACC) requesting that the City bring closure to the lease and execute an agreement by February 28, 2002; and

**WHEREAS** the lease anticipated in the legislation of 1998 has been under intermittent negotiation for four years and has not been resolved; and

**WHEREAS** the Centre’s business is suffering as a result of the uncertainty around the future of the Centre and the Board projects operating deficits for the first time in many years; and

**WHEREAS** a decision on a new Opera House being made in the foreseeable future, both the Canadian Opera Company and the National Ballet of Canada will need a performance venue for several years to come;

**NOW THEREFORE BE IT RESOLVED THAT** the City Chief Administrative Officer be authorized to break the deadlock and execute an agreement with HPACC to take responsibility for operation of the Centre under terms which include the right for Council to determine the long-term disposition of the Centre and for Council to review any redevelopment proposals no later than the first meeting of Council following the budget approval.”

*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 revised Motion J(10) 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 revised Motion J(10) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(10), a communication dated November 30, 2001, from the Chair, Hummingbird Performing Arts Centre Corporation, a copy of which is on file in the Office of the City Clerk.

*Vote:*

Revised Motion J(10) was adopted, without amendment.

10.97 **Maintenance of City Pavements, Curbs and Sidewalks in District 1 – Contract Expenditures**

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

**Moved by: Councillor Disero**

**Seconded by: Councillor Pantalone**

**“WHEREAS** City Council has entered into various contracts to carry out maintenance and utility cut repair work on pavements and sidewalks; and

**WHEREAS**, in certain instances, the funds expended under these contracts have exceeded the awarded contract value by more than 10 percent for the reasons set out in three reports (all dated November 29, 2001) from the Commissioner of Works and Emergency Services; and

**WHEREAS** Council must authorize the expenditures that exceed the contract award values by more than 10 percent; and

**WHEREAS** there are no Standing Committee meetings in the coming months and it is desirable to resolve these contracts and authorize payment for work completed prior to year end;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the following reports from the Commissioner of Works and Emergency Services, and that such

reports be adopted:

- (1) (November 29, 2001) respecting Blanket Contract 47003759;
- (2) (November 29, 2001) respecting Quotation No. 3923-01-5147; and
- (3) (November 29, 2001) respecting Contracts Nos. 01D1-112TU and 01D1-114TU.”

*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 Works Committee 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 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(11), the following reports:

- (i) (November 29, 2001) from the Commissioner of Works and Emergency Services, entitled “Quotation for Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards – Blanket Contract No. 47003759 (Various Wards – District 1)” (See Attachment No.5, Page 197);
- (ii) (November 29, 2001) from the Commissioner of Works and Emergency Services, entitled “Maintenance of City Pavements, Curbs and Sidewalk within District 1 – Quotation No. 3923-01-5147 (Wards 11 and 21)” (See Attachment No. 6, Page 200); and
- (iii) (November 29, 2001) from the Commissioner of Works and Emergency Services, entitled “Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads, District One, Contract No. 01D1-112TU in former Wards 1 and 26, Contract No. 01D1-114TU in former Wards 22 and 23” (See Attachment No. 7, Page 202).

*Motion:*

Councillor Balkissoon moved that Motion J(11) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on policies dealing with over-expenditures.”

*Votes:*

The motion by Councillor Balkissoon carried.

Motion J(11), as amended, carried.

Council, by its adoption of Motion J(11), as amended, adopted, without amendment:

- (a) the report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled “Quotation for Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards – Blanket Contract No. 47003759 (Various Wards – District 1), embodying the following recommendations:

“It is recommended that:

- (1) Quotation Request No. 3923-00-5432 in respect of Blanket Contract No. 47003759 be increased by \$600,000.00, from \$500,000.00 to \$1,100,000.00, to cover the costs associated with ongoing emergent or unplanned adjustments to pavements, curbs, sidewalks and boulevards for the period ending December 31, 2001, at the unit prices included in the current contract; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”;

- (b) the report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled “Maintenance of City Pavements, Curbs and Sidewalks within District 1 - Quotation No. 3923-01-5147 (Wards 11 and 21)”, embodying the following recommendations:

“It is recommended that:

- (1) additional expenditures, in the amount of \$141,000.00, in Quotation No. 3923-01-5147, be authorized to cover additional work associated with free standing curb, general excavation and sub-drainage work on Claxton Boulevard; and
- (2) the appropriate City officials be authorized and directed to take the



necessary action to give effect thereto.”; and

- (c) the report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled “Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads, District One, Contract No. 01D1-112TU in former Wards 1 and 26, Contract No. 01D1-114TU in former Wards 22 and 23”, embodying the following recommendations:

“It is recommended that:

- (1) additional expenditures, in the amount of \$500,000.00 and \$1,500,000.00, for work undertaken under Contract Nos. 01D1-112TU and 01D1-114TU, respectively, Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads, District One, be authorized by City Council; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

#### 10.98 **Amendment to 2002 Schedule of Meetings**

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

**Moved by:**                    **Councillor Rae**

**Seconded by:**                **Councillor McConnell**

“**WHEREAS** City Council at its meeting held on November 6, 7 and 8, 2001, adopted Striking Committee Report No. 8, Clause No. 1, headed ‘October to December Portion of the 2002 Schedule of Meetings’; and

**WHEREAS** there are no scheduled meetings of the Community Councils during November 2002; and

**WHEREAS** there are urgent items to be considered by the Community Councils during this period; and

**WHEREAS** the Toronto East York Community Council, at its meeting held on November 20, 2001, requested its Vice-Chair to submit a Notice of Motion to City Council in this regard;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 1 of Report No. 8 of The Striking Committee, headed ‘October to December Portion of the 2002 Schedule of Meetings’, be re-opened for further consideration, only insofar as it relates to the schedule of meetings for the months of November and December, 2002;

**AND BE IT FURTHER RESOLVED THAT** Community Council meetings be scheduled on Wednesday, November 27, 2002;

**AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer, in consultation with the Commissioners, recommend which Community Council decisions require urgent attention and that such matters be submitted to the Special Council meeting scheduled to be held on December 9 to 13, 2002, to consider the 2003 Operating and Capital Budgets;

**AND BE IT FURTHER RESOLVED THAT** such urgent matters be considered as the last items of business at the Special Meeting of City Council, following consideration of the Budgets.”

*Votes:*

The first Operative Paragraph embodied in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment.

**10.99 Part Lot Control Exemption Application - Inaugural Source Inc., 157 Dawes Road**

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

**Moved by:** Councillor Ootes

**Seconded by:** Councillor Nunziata

“**WHEREAS** City Council at its regular meeting held on October 3, 4 and 5, 2000, adopted, without amendment, former East York Community Council Report No. 9, Clause No. 12, headed ‘Part Lot Control By-law Amendment Application, Proposed 16 Unit Housing Project, Inaugural Source Inc.–157 Dawes Road, File No. L001/00EY’, and, in so doing, approved an application by Inaugural Source Inc. to remove part-lot control for certain lots in the City of Toronto (formerly in the

Borough of East York) and Province of Ontario, being composed of part of Lot B according to Plan 1193 and parts of Lots 46 and 56 according to Plan 781 York, designated as PART 1 on Plan 64R-13446 and PARTS 3, 4 and 5 on Plan 64R-16549, all of the said plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), to allow the conveyancing of maintenance and access easements between properties; and

**WHEREAS** City Council enacted By-law No. 722-2000, to remove part-lot control on certain lots in the City of Toronto (formerly in the Borough of East York) and Province of Ontario being composed of part of Lot B according to Plan 1193 and parts of Lots 46 and 56 according to Plan 781 York, designated as PART 1 on Plan-64R-13446 and PARTS 3, 4 and 5 on Plan 64R-16549, all of the said plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), for a period of one year; and

**WHEREAS** By-law No. 722-2000 expired on October 5, 2001, and sales transactions have yet to be completed on certain lots in the City of Toronto (formerly in the Borough of East York) and Province of Ontario being composed of part of Lot B according to Plan 1193 and parts of Lots 46 and 56 according to Plan 781 York, designated as PART 1 on Plan 64R-13446 and PARTS 3, 4 and 5 on Plan 64R-16549, all of the said plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64); and

**WHEREAS**, as imminent real estate transactions of these lots require the removal of part-lot control, the applicant has requested that a by-law to remove part-lot control for the above-noted lots be enacted for a period of one year; and

**WHEREAS** the Commissioner of Urban Development Services has reviewed the applicant's request and recommends the enactment of a part-lot control exemption by-law for the above-noted lots;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) Council enact a by-law to remove part-lot control on certain lots in the City of Toronto (formerly in the Borough of East York) and Province of Ontario being composed of part of Lot B according to Plan 1193 and parts of Lots 46 and 56 according to Plan 781 York, designated as PART 1 on Plan 64R-13446 and PARTS 3, 4 and 5 on Plan 64R-16549, all of the said plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), which shall expire one year from the date of passage; and
- (2) the City Solicitor be authorized to submit the necessary Bill to Council that is required to give effect to the foregoing."



*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 Toronto East 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 Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(13) was adopted, without amendment.

**10.100 Appointment of Chief Financial Officer and Treasurer**

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

**Moved By: Mayor Lastman**

**Seconded By: Councillor Lindsay Luby**

**“WHEREAS** the Chief Administrative Officer has submitted a confidential report dated December 3, 2001, with respect to a personnel matter pertaining to the appointment of a Chief Financial Officer and Treasurer;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the aforementioned confidential report dated December 3, 2001, from the Chief Administrative Officer, 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(14) 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(14) 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(14), a confidential report dated December 3, 2001, from the Chief Administrative Officer. (See Attachment No. 8, Page 204).

*Vote:*

Motion J(14) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated December 3, 2001, from the Chief Administrative Officer, embodying the following recommendations, such report now public, save and except the curriculum vitae referred to therein which is 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) Joseph P. Pennachetti be appointed to the position of Chief Financial Officer and Treasurer and Collector for the City of Toronto and that such appointment be effective January 21, 2002, provided that he has entered into an employment contract with the City prior to that date;
- (2) the Chief Administrative Officer be authorized to negotiate terms and conditions of employment, based on the pro-forma employment contract provisions previously approved and consistent with other second level senior management of the City;
- (3) the by-law appointing the Acting Chief Financial Officer and Acting Treasurer remain in full force and effect until a by-law appointing a new Chief Financial Officer and Treasurer 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.”

Councillor Minnan-Wong requested that his opposition to Recommendation No. (2) embodied in the aforementioned report be noted in the Minutes of this meeting.

*Motion to Re-Open:*

Councillor Walker, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(14) be re-opened for further consideration, the vote upon which was taken as follows:

Yes – 17	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Ford, Holyday, Johnston, Jones, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Silva, Walker
No – 18	
Mayor:	Lastman
Councillors:	Berardinetti, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Pantalone, Pitfield, Rae, Soknacki, Tziretas

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

Having regard to the foregoing decision of Council, Motion J(14) was not re-opened for further consideration.

*Motion to Re-Open:*

Councillor Walker again moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(14) be re-opened for further consideration.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard that the first motion to re-open had been defeated, ruled the foregoing motion by Councillor Walker, out of order.

Councillor Minnan-Wong challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes – 20	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Pantalone, Shiner
No - 16	
Councillors:	Ashton, Augimeri, Chow, Filion, Ford, Johnston, Jones, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Rae, Silva, Sutherland, Walker

Carried by a majority of 4.



### 10.101 Appointment of Acting City Solicitor

Councillor Berardinetti 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 Berardinetti**

**Seconded by: Councillor Cho**

“**WHEREAS** the City Solicitor is retiring from the City effective February 5, 2002, and it is necessary for Council to appoint an Acting City Solicitor until a by-law appointing a new City Solicitor comes into effect;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the confidential report dated December 3, 2001, from the Commissioner of Corporate Services, pertaining to this matter, 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(15) 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(15) 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(15), a confidential report dated December 3, 2001, from the Commissioner of Corporate Services. (See Attachment No. 9, Page 206).

*Vote:*

Motion J(15) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated December 3, 2001, from the Commissioner of Corporate Services, embodying the following recommendations, such report now public in its entirety:

“It is recommended that:

- (1) Margaret A. Fischer be appointed Acting City Solicitor from February 6, 2002,

until a by-law appointing a new City Solicitor comes into effect; and

- (2) 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.”

#### 10.102 Acquisition of Land for TTC Birchmount Bus Garage

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

**Moved by: Councillor Ashton**

**Seconded by: Councillor Silva**

“**WHEREAS** City Council, at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, and October 10, 11 and 12, 2000, approved Clause No. 24 of Report No. 19 of The Administration Committee adopting recommendations contained in a confidential communication from the General Secretary, Toronto Transit Commission (‘TTC’), respecting the Birchmount Expansion Project – Land Acquisition; and

**WHEREAS** it was recommended that staff acquire, by negotiation or expropriation, the lands required for the purpose of expanding the Birchmount Bus Garage; and

**WHEREAS** the owner of the property has now offered to sell the required lands to the City on the terms and conditions outlined in the report dated December 3, 2001; and

**WHEREAS** the offer to sell is time limited and must be accepted by the City on or before December 18, 2001;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the confidential report dated December 3, 2001, from the Commissioner of Corporate Services, respecting the required lands, 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(16) 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(16) 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(16), a confidential report dated December 3, 2001, from the Commissioner of Corporate Services.

*Vote:*

Motion J(16) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated December 3, 2001, from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the proposed or pending acquisition of property, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the Offer to Sell from Zahavish Holdings Limited for the subject lands located at 350 Danforth Road, in the amount of \$1,286,500.00, be accepted on the terms outlined in the body of this report, subject to the usual adjustments, plus G.S.T. and land transfer tax;
- (2) the City Solicitor be authorized to complete the transaction provided for in the negotiated settlement with Zahavish Holdings Limited on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as he considers reasonable;
- (3) the Toronto Transit Commission, in conjunction with City staff, engage an environmental consultant to undertake necessary environmental studies inclusive of a Site Specific Risk Assessment Plan (if necessary), with the costs for this testing being incurred directly by the TTC; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**10.103 Updated Report on Development Proposal for Transitional Housing**

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

**Moved by: Councillor Duguid**

**Seconded by: Councillor Chow**

**“WHEREAS** Toronto City Council at its meeting of November 6, 7 and 8, 2001, requested an update report on the development proposal of transitional housing using manufactured structures for its meeting of December 4, 5 and 6, 2001; and

**WHEREAS** the Acting Commissioner of Community and Neighbourhood Services has prepared the attached report dated December 3, 2001, entitled ‘Update on Development Proposal for Transitional Housing using Manufactured Structures’;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider and receive, for information, the aforementioned report from the Acting Commissioner of Community and Neighbourhood Services.”

Council also had before it, during consideration of Motion J(17), a report dated December 3, 2001, from the Acting Commissioner of Community and Neighbourhood Services, entitled “Update on Development Proposal for Transitional Housing Using Manufactured Structures”. (See Attachment No. 10, Page 208).

*Vote:*

Motion J(17) was adopted, without amendment, and in so doing, Council received, for information, the report dated December 3, 2001, from the Acting Commissioner of Community and Neighbourhood Services.

**10.104 Financial Policies and Protocols**

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Shiner**

**Seconded by: Councillor Pantalone**

**“WHEREAS** City Council, in July 1999, approved financial control protocols for reporting on and addressing matters with financial implications and the subsequent routing of Committee reports through the Committee and Council review and

approval process; and

**WHEREAS** the financial implications of matters arising from staff reports, Standing Committee and Community Council-amended recommendations and Notices of Motions are not consistently before Council, prior to its consideration of these matters; and

**WHEREAS** City Council, in making its decisions, should have full knowledge of financial implications before approving matters that increase City funding requirements in current and future years; and

**WHEREAS** City Council, at its meeting of October 2, 3, and 4, 2001, requested the Chief Administrative Officer to review existing financial protocols and practices and report back on any improvements deemed necessary; and

**WHEREAS** the Chief Administrative Officer has now reviewed current protocols and is prepared to report back on revised financial policies and protocols that support fiscally responsible decision-making and promote financial accountability across the City; and

**WHEREAS** the City of Toronto will be experiencing another year of fiscal challenges as it begins the 2002 budget process in January;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the report dated October 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, entitled 'Financial Policies and Protocols to Guide Decision-Making in the City of Toronto – Reporting Decisions with Financial Implications', and that 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(18) 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(18) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(18), a report dated October 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, entitled "Financial Policies and Protocols to Guide Decision-Making in the City of Toronto

– Reporting Decisions with Financial Implications”. (See Attachment No. 11, Page 216).

*Vote:*

Motion J(18) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated October 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, embodying the following recommendations:

“It is recommended that:

- (1) City Council adopt the following financial principle to guide the reporting of decisions with financial implications:

Council and its Committees, in making decisions, should have full knowledge of financial implications before approving matters that increase spending in current and future years;

- (2) the information included in the financial implications section of staff reports be amended to include the following mandatory information, as appropriate:
  - (a) current year impacts – current approved budget, current year incremental cost of the proposed change and total amended approved budget as proposed, indicating gross expenditure, revenue and net amounts in all cases, and any appropriate budget adjustments that may be required;
  - (b) future year impacts – current plus following year(s) incremental costs for full implementation of decisions; the total project cost and 5-year cash flow for capital works and operating impacts for capital projects, including debt service costs;
  - (c) corporate impacts – financial impacts to other programs and agencies to be included to determine total impact to the City, including potential precedent setting ability, and any opportunity costs;
  - (d) identification of sustainable funding sources and resultant impact on service levels and/or standards or capital program work plan, to offset the total new financial impacts;
  - (e) resultant budget adjustments to capture cost-savings and revenue sources for current and future years;
  - (f) impact on reserves/reserve funds; current and future liabilities;
  - (g) impact on staffing levels; and

- (h) consistency with Council strategic directions and fiscal priorities;
- (3) all reports having financial implications, current and/or future, be reviewed by Budget Services staff for the Chief Financial Officer and Treasurer and be signed off by the Chief Financial Officer and Treasurer or his/her designate prior to Committee or Council consideration of the matter;
- (4) where the Chief Financial Officer and Treasurer does not concur with the reported financial implications and impacts or the financial implications and impacts are not fully reflected, the Chief Financial Officer and Treasurer submit a companion report outlining such issues and potential recommendations;
- (5) Standing Committee and Community Council recommendations which introduce financial impacts or amend staff-reported financial impacts be reviewed by the Chief Financial Officer and Treasurer and a fiscal impact statement be submitted prior to Council's consideration of this matter;
- (6) all Notices of Motion submitted by Council members for introduction which deal with matters that are not on the agenda of the Council meeting in question:
  - (a) be referred to the appropriate Standing Committee for review, together with a report from staff on policy, financial and any other implications, for consideration by Council at its next scheduled meeting; and
  - (b) should City Council waive referral of the Notice of Motion, then the Notice of Motion be accompanied by a fiscal impact statement reviewed by the Chief Financial Officer and Treasurer prior to Council's consideration of the matter;

and that Chapter 27, Council Procedures, of the City of Toronto Municipal Code, be amended accordingly;

- (7) the City of Toronto's Financial Control By-law be amended to include the foregoing; and
- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

**10.105 Construction of Child Care Centre, Apartments and Transitional Residence, 28 Bathurst Street - Award of Tender**

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

**Moved by: Councillor Pantalone**

**Seconded by: Councillor Shiner**

**“WHEREAS** the City of Toronto proposes to develop a child care facility, residential apartments and transitional residence at 28 Bathurst Street and a tender was issued by the City for their construction; and

**WHEREAS** the tender process is now complete and City staff are in a position to recommend the awarding of the construction contract to the company providing the lowest tender; and

**WHEREAS** the costs for the project have been approved in the 2001 Capital Program Budget for Shelter Housing and Support, \$330,000.00 of additional funding is proposed to be allocated from the Shelter, Housing and Support Division’s Supporting Communities Partnership Initiative (SCPI) Fund and \$60,000.00 from the Child Care Capital Reserve Fund; and

**WHEREAS** consideration of this matter by Toronto City Council will prevent a delay in the construction and completion of the project;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the joint report dated December 4, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the Chief Administrative Officer and Acting Chief Financial Officer, on the results of Tender Call No. 214-2001, and that 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(19) 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(19) to the Policy and Finance Committee carried, more



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

Council also had before it, during consideration of Motion J(19), a joint report dated December 4, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the Chief Administrative Officer and Acting Chief Financial Officer, entitled "Construction of a Child Care, Apartments and Transitional Residence 28 Bathurst Street, Tender Call No. 214-2001, Ward 19 (Trinity-Spadina)". (See Attachment No. 12, Page 224).

*Vote:*

Motion J(19) was adopted, without amendment, and in so doing, Council, adopted, without amendment, the joint report dated December 4, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the Chief Administrative Officer and Acting Chief Financial Officer, embodying the following recommendations:

"It is recommended that:

- (1) Tender Call No. 214-2001 for Construction of a Child Care, Apartments and Transitional Housing at 28 Bathurst be awarded to C.L. Construction & General Contractors Ltd., in the amount of \$5,749,027.00 including all taxes and charges, being the lowest Tender received;
- (2) the Capital budget for 28 Bathurst be increased by \$390,000.00, to \$6,414,000.00; and
- (3) \$330,000.00 of the additional required funding be transferred from the Shelter, Housing and Support Division's Supporting Communities Partnership Initiative Fund, and \$60,000.00 be transferred from the Child Care Capital Reserve Fund."

#### **10.106 Curb Lane Staging Area on Adelaide Street East**

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor McConnell**

**Seconded by: Councillor Rae**

**"WHEREAS** City of Toronto By-law No. 455-2000, Section 2, grants authority to the Commissioner of Works and Emergency Services to issue full or partial road closure

permits for periods up to thirty days in connection with private construction; and

**WHEREAS** Context Development are building a residential condominium at 214 King Street East; and

**WHEREAS** an application has been received from Context Development Inc. for permission to erect temporary construction hoarding and a covered way at the 'Mozo Condominiums' site, within the south curb lane of Adelaide Street East, from Sherbourne Street to approximately 52 metres west thereof and within the southbound bicycle lane on the west side of Sherbourne Street from Adelaide Street East to King Street East, in connection with the establishment of construction staging areas, to facilitate the construction of the proposed condominium building; and

**WHEREAS** the thirty-day permit has not yet been issued and the applicant has indicated that the partial closure will be in effect for approximately twenty-two months; and

**WHEREAS** through discussions with staff of Works and Emergency Services and a representative of Context Developments Inc., Context Developments Inc. have indicated that they are no longer interested in the occupation of the southbound bicycle lane of Sherbourne Street if permission is granted to occupy the south curb lane of Adelaide Street East; and

**WHEREAS** further delays could jeopardize the successful completion of the project;

**NOW THEREFORE BE IT RESOLVED THAT** in accordance with the provisions of By-law 455-2000, City Council approve the on-street construction staging area on Adelaide Street East to facilitate construction at 214-218 King Street East for a period of twenty-two months."

*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 Toronto East 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(20) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(20) was adopted, without amendment.

**10.107 Construction Staging Area – Mercer Street**

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

**Moved by:                    Councillor Chow**

**Seconded by:                Councillor Rae**

“**WHEREAS** City Council at its meeting of November 6, 7 and 8, 2001, approved a street occupation permit fronting Premises Nos. 26-36 Mercer Street to facilitate a construction staging area; and

**WHEREAS** the applicant (Balmain Hotel Group, LP) and City staff (Right-of-Way Management) have subsequently determined that the staging area must be expanded to ensure a safe, clean and efficient site;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the sidewalk on the north side of Mercer Street fronting Premises Nos. 26-36 Mercer Street be eliminated until construction at Premises Nos. 26-36 Mercer Street is completed; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to implement the foregoing, including the introduction in Council of any Bills that may be required.”

*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 Toronto East 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(21) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(21) was adopted, without amendment.

**10.108 Committee of Adjustment Decision – 805 Middlefield Road**

Councillor Balkissoon 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(22), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Balkissoon**

**Seconded by: Councillor Soknacki**

**“WHEREAS** an application by 1251647 Ontario Ltd. (Auto Tech) on behalf of 662526 Ontario Inc. for authorization of a variance from the provisions of the Employment Districts Zoning By-law No. 24982, as amended, in regard to Block C, Registered Plan M-1840, known municipally as 805 Middlefield Road, was heard by the Committee of Adjustment (East District) on October 10, 2001; and

**WHEREAS** the Committee of Adjustment (East District) refused this variance (Variance #A123/01SC) on the grounds that: the applicant’s auto repair business is contrary to the Zoning By-law’s intent and purpose to protect neighbouring tenants from potential disruption from intruding noises, vehicle storage, traffic and chemical emissions; the variance is not minor; and the general intent and purpose of the Official Plan is not maintained; and

**WHEREAS** the applicant has appealed this decision of the Committee of Adjustment (East District) to the Ontario Municipal Board;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council direct the City Solicitor to appear at the Ontario Municipal Board hearing in support of the Committee of Adjustment 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(22) to the Scarborough Community Council would have to be waived, in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(22) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(22) was adopted, without amendment.

**10.109 Award of Contract for Sidewalk Snow Clearing – District 2**

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(23):

**Moved by:** Councillor Disero

**Seconded by:** Councillor Jones

“**WHEREAS** City Council approved the extension of the mechanical sidewalk clearing program to the entire City of Toronto; and

**WHEREAS** the contract needs to be awarded in Transportation Services District 2 as early as possible, in order for the contractor to order equipment and materials and prepare for the upcoming winter season; and

**WHEREAS** there are no Standing Committee meetings in the coming months, the contract is for multiple years and the Bid Committee cannot deal with it;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the joint report dated November 27, 2001, from the Commissioner of Works and Emergency Services and the Acting Chief Financial Officer, recommending the award of the contract to Carillion Construction Canada, for the clearing of sidewalks in Transportation Services District 2, and that such joint report be adopted.”,

the vote upon which was taken as follows:

Yes – 23	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Silva, Sutherland
No – 10	
Councillors:	Balkissoon, Bussin, Ford, Holyday, Pantalone, Pitfield, Rae, Soknacki, Tziretas, Walker

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(23) 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(23) to the Works Committee was taken as follows:

Yes – 24	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Silva, Sutherland
No – 11	
Councillors:	Balkissoon, Bussin, Chow, Ford, Holyday, Pantalone, Pitfield, Rae, Soknacki, Tziretas, Walker

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

Council also had before it, during consideration of Motion J(23), a joint report dated November 27, 2001, from the Commissioner of Works and Emergency Services and the Acting Chief Financial Officer, entitled “Award of Contract for Sidewalk Snow Clearing – Transportation Services – District 2 (All Etobicoke Wards 1-6)”. (See Attachment No. 13, Page 227).

*Vote:*

Adoption of Motion J(23), without amendment:

Yes – 23	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Sutherland
No – 12	
Councillors:	Balkissoon, Bussin, Chow, Ford, Holyday, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas, Walker

Carried by a majority of 11.

Motion J(23) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated November 27, 2001, from the Commissioner of Works and Emergency Services and the Acting Chief Financial Officer, embodying the following

recommendations:



“It is recommended that:

- (1) Contract No. 01D2-112TW, Tender Call No. 238-2001 for Winter Maintenance on City of Toronto Roads – Sidewalk Ploughing, District 2, be awarded to Carillion Construction Canada, a division of Carillion Canada Inc., being the lowest tender received, in the amount of \$1,598,045.00 including all taxes and charges, for the periods of January 1, 2002, to March 31, 2002, and November 15, 2002, to March 31, 2003, with an option in favour of the City to renew on a seasonal basis for an additional four years at the City’s discretion with an annual increase of \$5.00 per hour operating rate; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be required.”

**10.110 Request for Expressions of Interest - Affordable Housing on Grand Avenue (Ward 2)**

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

**Moved by: Councillor Jones**

**Seconded by: Councillor Chow**

“**WHEREAS** this Council has declared homelessness a national disaster; and

**WHEREAS** one of the main causes of homelessness is the difficulty in securing affordable housing; and

**WHEREAS** the Mayor’s Task Force on Homelessness stated that the City requires 2,000 new rental units per year; and

**WHEREAS** the supply of new rental units has been less than a tenth of the required supply; and

**WHEREAS** City Council at its meeting held on June 9, 10 and 11, 1999, adopted a ‘Housing First’ land policy for City-owned property, the goal of which is to use innovative approaches to create an affordable housing environment in which the private sector and community partners will be willing and able to produce and operate affordable housing for people with a range of housing needs that are not currently being met in the market; and

**WHEREAS** the two City-owned sites on Grand Avenue had previously been investigated for and released from further consideration for affordable rental and ownership housing because the Commissioner of Community and Neighbourhood Services had indicated that she was no longer interested in these sites, given the significant costs of soil remediation; and

**WHEREAS** in the intervening period, there may be some renewed interest in re-visiting the possibility of an affordable housing component on the City-owned northerly site located on Grand Avenue (Ward 2) at the corner of Algoma Street (the 'northerly site') if the clean-up costs can be recovered by other means not borne by the City; and

**WHEREAS** Council is requested to authorize staff from the Let's Build program to solicit and report back to Council on the results of a Request for Expressions of Interest ('REI') and, should sufficient interest be expressed, to be followed by a Request for Proposals ('RFP'), for affordable rent-to-own housing on the City-owned northerly site located on Grand Avenue (Ward 2) at the corner of Algoma Street (the 'northerly site');

**NOW THEREFORE BE IT RESOLVED THAT** Council authorize the Commissioner of Community and Neighbourhood Services, in consultation with the Commissioner of Corporate Services, to develop and issue an REI and, should sufficient interest be expressed in their opinion, to be followed by an RFP, offering the northerly site on an 'as is, without recourse of any kind to the City' basis, for the development and provision of a permanent, affordable, rent-to-own housing component that both satisfies the City's Housing First Policy and affordable housing objectives and that is/are on terms and conditions deemed appropriate by the Commissioners and in a form acceptable to the City Solicitor, and, when appropriate, to report back to Council on the results."

*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 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(24) to the Community Services Committee was taken as follows:

Yes – 23	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Ford, Hall, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Pantalone, Rae, Silva, Walker
No – 12	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Holyday, Mammoliti, Minnan-Wong, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas

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

Having regard to the foregoing decision of Council, Motion J(24) was referred to the Community Services Committee.

*Motion to Re-Open:*

Councillor Duguid, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(24) be re-opened for further consideration, the vote upon which was taken as follows:

Yes – 29	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Walker
No – 3	
Councillors:	Ford, Holyday, Shiner

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(24) 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(24) to the Community Services Committee was taken as follows:

Yes – 28	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Johnston, Jones, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Walker
No – 4	
Councillors:	Holyday, Li Preti, Milczyn, Shiner

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

*Vote:*

Motion J(24) was adopted, without amendment.

**10.111 Part Lot Control Exemption Application – Salena Holdings Inc., Triple Crown Avenue, Stallion Place and Mare Crescent**

Councillor Ford 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(25), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Ford**

**Seconded by: Councillor Milczyn**

“**WHEREAS** City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, and October 10, 11 and 12, 2000, adopted, without amendment, Etobicoke Community Council Report No. 11, Clause No. 36, headed ‘Application for Removal of Part-Lot Control, Salena Holdings Inc.; Various Lots on Triple Crown Avenue and Mare Crescent, File No. PLC20000002 (Rexdale-Thistletown)’, and, in so doing, approved an application by Salena Holdings Inc. to remove part-lot control for certain lots on Plan 66M-2338 to allow the conveyancing of maintenance easements between properties; and

**WHEREAS** City Council enacted By-law No. 681-2000, to remove part-lot control

on certain lots on Plan 66M-2338 for a period of one year; and

**WHEREAS** By-law No. 681-2000 expired on October 5, 2001, and sales transactions have yet to be completed on Lots 40, 41, 42, 43, 46, 48, 49, 51, 53, 56, 63, 66, 67, 77, 133, 134, 135 and 138 of Plan 66M-2338; and

**WHEREAS**, as imminent real estate transactions on several of the above-noted properties require the removal of part-lot control, the applicant requested that a by-law to remove part-lot control for the above-noted lots be enacted for a period of two years; and

**WHEREAS** the Commissioner of Urban Development Services has reviewed the applicant's request and recommends the enactment of a part-lot control exemption by-law for the above-noted lots; and

**WHEREAS** City Council, pursuant to authority granted by Notice of Motion J(11), moved by Councillor Ford and seconded by Councillor Milczyn, enacted By-law No. 974-2001 at its meeting on November 6, 7, and 8, 2001, exempting part-lot control from the above-noted properties, except for Lot 138;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) Council enact a by-law to remove part-lot control on Lot 138 on Plan 66M-2338; and
- (2) the City Solicitor be authorized to submit the necessary Bills to Council that are required to give effect to the foregoing."

*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(25) 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(25) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(25) was adopted, without amendment.

**10.112 Winterfest Celebration – Permission to Use Fireworks**

Councillor Sutherland 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 Sutherland**

**Seconded by: Councillor Filion**

**“WHEREAS** the Winterfest Celebrations for the City of Toronto are scheduled for February 8, 2002, through to February 10, 2002; and

**WHEREAS**, in accordance with Chapter 237 of the Municipal Code, article 237-2, the setting off of fireworks and the lighting of any fires are prohibited activities without the approval of City Council; and

**WHEREAS** the 2002 Winterfest Celebrations may contain certain elements that include the setting off of fireworks and/or theatrical fire performances;

**NOW THEREFORE BE IT RESOLVED THAT** Council waive Chapter 237 of the Municipal Code and permit the setting off of fireworks and the lighting of fires, subject to review and approval of the Fire Chief.”

*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 Toronto East 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(26) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(26) was adopted, without amendment.

**10.113 Request for Further Options on the Waterfront Plan**

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

**Moved by: Councillor Lindsay Luby**

**Seconded by: Councillor Ootes**

**“WHEREAS** there is strong public support for the revitalization of the waterfront; and

**WHEREAS** the waterfront plan has been presented to the public by calling for the dismantling of the Gardiner Expressway, with no other options; and

**WHEREAS** the Gardiner Expressway is the west-end’s gateway to the downtown core; and

**WHEREAS** because of the notion that the Gardiner must be removed to revitalize the waterfront, strong opposition is emerging from the City’s west end to oppose the plan; and

**WHEREAS** the waterfront revitalization should not exclusively be a debate about the future of the Gardiner Expressway; and

**WHEREAS** all viable options should be considered by Council when considering the waterfront revitalization project; and

**WHEREAS** the City’s Chief Planner has called for healthy debate about the future of the Gardiner Expressway;

**NOW THEREFORE BE IT RESOLVED THAT** Planning staff, in consultation with the Waterfront Reference Group, be directed to present options to revitalize the waterfront, with or without the dismantling of the Gardiner Expressway;

**AND BE IT FURTHER RESOLVED THAT** staff be directed to hold further consultations regarding the waterfront revitalization plan, with the main focus on the future of the Gardiner Expressway.”,

the vote upon which was taken as follows:

Yes – 29	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No – 5	
Councillors:	Augimeri, Bussin, Chow, Holyday, Rae

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

*Proposal by Deputy Mayor:*

Deputy Mayor Ootes proposed that Motion J(27) be referred to the Waterfront Reference Group.

Council concurred in the proposal by Deputy Mayor Ootes.

#### 10.114 **Removal of Aesthetic Gateway Treatment – West Corner of Sheppard Avenue and Leslie Street**

Councillor Sutherland 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):

**Moved by:** Councillor Sutherland

**Seconded by:** Councillor Duguid

**“WHEREAS** a structure was erected on the northwest corner of Sheppard Avenue and Leslie Street, referred to as an ‘aesthetic gateway treatment’ of a park entrance; and

**WHEREAS** a general budget for a large number of projects, and including this project, was passed by the former North York Council in September 1997; and

**WHEREAS** no specific details were provided, in September 1997, of the design or costs of the ‘gateway treatment’ project; and

**WHEREAS** staff neglected to advise the current Councillor for Ward 33 of the



proposed construction of this project; and

**WHEREAS** City staff claim that they were not familiar with the revised Ward boundaries and, hence, the local Councillor for Ward 33 was not notified; and

**WHEREAS**, although local area residents were advised in writing of other unrelated improvements to the intersection (including bridge and sewer rehabilitation), they were not advised of the construction of this project, nor were the Executives of the local area Ratepayer and Community Interest Associations consulted or advised; and

**WHEREAS** the structure is a deplorable eyesore and detracts from the natural beauty of the surrounding area; and

**WHEREAS** I have received numerous calls, e-mails, faxes and letters from Ward 33 residents who want this structure removed immediately; and

**WHEREAS** petitions have been circulated and signed by hundreds of residents, requesting the immediate dismantling and removal of the structure; and

**WHEREAS** these residents are extremely upset about the aesthetics, but are also very concerned about potential safety issues; and

**WHEREAS** it is my opinion, and that of local area residents, that youths or children could climb on the structure and attempt to walk along the narrow metal edge, and possibly injure themselves; and

**WHEREAS** the Board of Directors of the Shepways Condominium Corporation provided the City's Legal Department with notice that they consider the structure to be potentially dangerous; and

**WHEREAS** the estimated cost to remove this structure is approximately \$50,000.00; and

**WHEREAS** these monies should be found in the existing 2001 Urban Development Services budget or in the 2002 budget process;

**NOW THEREFORE BE IT RESOLVED THAT** the appropriate City staff immediately initiate the removal of the structure known as the gateway treatment project (including the portion that includes the concrete support pillars and the pre-treated rusted metal girder);

**AND BE IT FURTHER RESOLVED THAT** the cost of the dismantling and removal of the structure come out of the existing 2001 Urban Development Services

Budget or their 2002 budget;

**AND BE IT FURTHER RESOLVED THAT** in future, staff ensure that the local Ward Councillor is advised prior to the construction commencement of such a project.”,

the vote upon which was taken as follows:

Yes – 25	
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Silva, Soknacki, Sutherland, Tziretas, Walker
No – 8	
Mayor:	Lastman
Councillors:	Bussin, Chow, Jones, Mihevc, Miller, Rae, Shiner

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(28) 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(28) to the Planning and Transportation Committee was taken as follows:

Yes – 15	
Councillors:	Balkissoon, Bussin, Cho, Disero, Feldman, Filion, Flint, Ford, Li Preti, Mammoliti, Minnan-Wong, Silva, Sutherland, Tziretas, Walker
No – 19	
Mayor:	Lastman
Councillors:	Ashton, Chow, Di Giorgio, Duguid, Hall, Holyday, Jones, Lindsay Luby, McConnell, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki

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

Having regard to the foregoing decision of Council, Motion J(28) was referred to the Planning and Transportation Committee.

*Motion to Re-Open:*

Councillor Sutherland, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(28) be re-opened for further consideration, the vote upon which was taken as follows:

Yes – 25	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Filion, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Silva, Sutherland, Walker
No – 10	
Mayor:	Lastman
Councillors:	Augimeri, Chow, Disero, Mihevc, Miller, Pantalone, Rae, Shiner, Tziretas

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

*Disposition:*

Further consideration of this Motion was deferred to the next regular meeting of City Council scheduled to be held on February 13, 2002.

#### 10.115 **Petro-Canada Retail Gasoline Outlet – Granting of Licences and Permits**

Councillor Mihevc 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(29), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Mihevc

**Seconded by:** Councillor Disero

**“WHEREAS** City Council on November 6, 7 and 8, 2001, in adopting, as amended, Clause No. 30 of Report No. 8 of The Midtown Community Council, headed ‘Petro-Canada Retail Gasoline Outlet – Amended Remedial Action Plan – 1467 Bathurst Street (St. Paul’s - Ward 21)’, adopted a motion requesting the Commissioner of Works and Emergency Services to:

- (1) develop a policy for approval by Council, such policy to be centred around cost recovery of expenses through the issuance of licenses related to the City of Toronto's processing and managing of applications involving environmental contamination of public lands by private entities;
- (2) submit such policy to City Council, through the Works Committee, by the spring of 2002; and
- (3) no licenses or agreements for the Petro Canada site at St. Clair Avenue West and Bathurst Street be issued until the policy outlined in Recommendation No. (1), above, is adopted by City Council; and

**WHEREAS** Petro Canada has provided a letter of intent to the City, dated December 3, 2001, committing itself to being bound retroactively by the decision of City Council with respect to recovery of costs related to the issuance of licenses/permits after January 1, 2001; and

**WHEREAS** Petro Canada agrees to include this commitment in a license;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Report No. 8 of The Midtown Community Council, Clause No. 30, headed, 'Petro-Canada Retail Gasoline Outlet - Amended Remedial Action Plan - 1467 Bathurst Street (St. Paul's - Ward 21)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the applicable licenses/permits be granted to Petro Canada in accordance with the recommendations embodied in the supplementary report dated November 5, 2001, and the commitment made by Petro Canada in the December 3, 2001 letter of intent."

Council also had before it, during consideration of Motion J(29), a communication dated December 3, 2001, from the Manager, Field Environmental, Petro Canada, Central Region, a copy of which is on file in the Office of the City Clerk.

*Votes:*

The first Operative Paragraph embodied in Motion J(29) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(29) was adopted, without amendment.

#### 10.116 **Private Donation for the Don Valley Brick Works**

Councillor Ootes, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Ootes

**Seconded by:** Councillor Pitfield

“**WHEREAS** the City of Toronto owns and maintains the Don Valley Brick Works;  
and

**WHEREAS** a private citizen has come forward with an offer of a substantial donation to support the development of park space at the Don Valley Brick Works as outlined in the joint report dated December 3, 2001, entitled ‘Private Donation for the Don Valley Brick Works’;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the joint report dated December 3, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer and the Commissioner of Economic Development, Culture and Tourism, and that such joint 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(30) to the Toronto East 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(30) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(30), a joint report dated December 3, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, and the Commissioner of Economic Development, Culture and Tourism, entitled “Private Donation for the Don Valley Brick Works, Ward 29 Toronto-Danforth”. (See Attachment No. 14, Page 230).

*Vote:*

Motion J(30) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated December 3, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, and the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) Council approve the receipt of a private donation of \$1,000,000.00 for the Don

Valley Brick Works, on the terms and conditions outlined in the Memorandum of Understanding in Attachment No. 1;

- (2) the donation be deposited into a reserve fund for the purpose of funding improvements to the Don Valley Brick Works;
- (3) authority be granted to enter into an agreement with the private donor to cover the implementation of improvements to the Don Valley Brick Works on terms and conditions satisfactory to the Commissioner of Economic Development, Culture and Tourism and to the City Solicitor and City Treasurer; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

#### 10.117 **Official Plan Amendment and Zoning By-law – 1400 Weston Road**

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Ford**

“**WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, adopted recommendations embodied in Clause No. 1 of Report No. 8 of The Humber York Community Council that, in effect, approved the report dated August 28, 2001, of the Director of Community Planning, West District, to amend the Official Plan and Zoning By-law 1-83 for the former City of York, subject to conditions, in respect of the subdivision at property known municipally as 1400 Weston Road (File No. R99-004, Ward 11 – York South Weston); and

**WHEREAS** the proposed Official Plan and Zoning By-law Amendments, in effect, permit development density to be redistributed from existing underdeveloped blocks to existing vacant blocks within the subdivision and set out revised development standards for the vacant development blocks; and

**WHEREAS** the conditions to bringing forward the proposed Official Plan Amendment and proposed Zoning By-law as set out in the August 28, 2001 Planning report included that the applicant submit to the Works and Emergency Services and Urban Development Services staff a satisfactory revision to the Internal Traffic Study for the application; the Works and Emergency Services Department submitting final comments on the application; and the owner entering into an amending subdivision

agreement to revise environmental, road and traffic control, parking, public recreational provisions, among other matters, all to the satisfaction of City staff; and

**WHEREAS**, although these conditions are being actively worked on but have not been completely satisfied, the Owner has requested that the By-laws to adopt the proposed Official Plan Amendment and amend the Zoning By-law be introduced and enacted by City Council at this meeting; and

**WHEREAS** the Works and Emergency Services Department staff has provided comments regarding traffic and road requirements and has advised that their comments likely will not impact any of the provisions of the proposed Official Plan Amendment or the proposed Zoning By-law and are aware that any requirements or conditions they may have, following their review, can be secured in the amending subdivision agreement or through subsequent site plan approval applications for development within the subdivision; and

**WHEREAS** the Owner, B. G. Schickedanz Central Inc., has provided to the City a letter dated December 4, 2001, confirming that it is prepared to negotiate in good faith to enter into an amending subdivision agreement by January 21, 2002, and further confirming that City Council may repeal by-law(s) to adopt the Official Plan Amendment and amend the Zoning By-law to permit the proposed development, in the event that the amending subdivision agreement is not entered into by January 21, 2002; and

**WHEREAS** recently, well after the public meeting, the Owner identified the need for minor revisions to density numbers and other provisions to qualify that increased setback provisions apply to apartment houses with five or more storeys, where applicable, in the proposed Official Plan Amendment and proposed Zoning By-law that were based on incorrect project statistics provided by the applicant, and planning staff have confirmed that the revisions are minor, and should be corrected;

**NOW THEREFORE BE IT RESOLVED THAT** Council hereby direct staff to bring forward a revised Official Plan Amendment and a revised Zoning By-law at this meeting of Council, given the efforts and letter of commitment provided by the Owner and the comments of the Works and Emergency Services Department;

**AND BE IT FURTHER RESOLVED THAT** Council, under Section 34(17) of the Planning Act, determine that no further notice to the public is required of the changes to the proposed Official Plan Amendment and the proposed Zoning By-law.”

*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 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(31) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Nunziata moved that Motion J(31) be adopted, subject to amending the seventh Recital by adding after the words “five or more storeys” the words “and to exempt the undeveloped portion of Block 5(E) from the requirement to provide a Record of Site Condition since the soils on this part have been previously decommissioned for residential use to the satisfaction of the Ministry of the Environment”,

so that the seventh Recital now reads as follows:

“**WHEREAS** recently, well after the public meeting, the Owner identified the need for minor revisions to density numbers and other provisions to qualify that increased setback provisions apply to apartment houses with five or more storeys, and to exempt the undeveloped portion of Block 5(E) from the requirement to provide a Record of Site Condition since the soils on this part have been previously decommissioned for residential use to the satisfaction of the Ministry of the Environment, where applicable, in the proposed Official Plan Amendment and proposed Zoning By-law that were based on incorrect project statistics provided by the applicant, and planning staff have confirmed that the revisions are minor, and should be corrected;”.

*Votes:*

The motion by Councillor Nunziata carried.

Motion J(31), as amended, carried.

**10.118 Appointment of Councillor Tziretas to Committees, Agencies, Boards and Commissions, etc.**

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

**Moved by: Mayor Lastman**



**Seconded by: Councillor Ootes**

“**WHEREAS** Michael Tziretas has been elected as Councillor for Ward 31, Beaches-East York, to replace the former Councillor Michael Prue, whose resignation was accepted by Council at its meeting held on October 2, 3 and 4, 2001; and

**WHEREAS** it is necessary to make appointments to fill those positions held by former Councillor Michael Prue;

**NOW THEREFORE BE IT RESOLVED THAT** Section 106 of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, be waived to permit the appointment of Councillor Tziretas to the following Boards and Committees without advising all Members of the vacancy and permitting them to submit names for consideration;

**AND BE IT FURTHER RESOLVED THAT** Councillor Michael Tziretas be appointed to the following Boards and Committees:

- (1) Community Services Committee, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (2) Board of Directors of the Crescent Town Club Inc., for a term of office to expire November 30, 2003, and until his successor is appointed;
- (3) City World Youth Day Reference Group, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (4) East York Foundation nominating committee, as the Mayor's nominee, for a term of office to expire November 30, 2003, and until his successor is appointed;
- (5) Heritage Toronto, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (6) Hummingbird Performing Arts Centre Board of Directors, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (7) Hummingbird Performing Arts Centre Corporation Board of Directors, for a term of office to expire November 30, 2003, and until his successor is appointed;
- (8) Old City Hall Office Consolidation Working Group, for a term of office to expire May 31, 2002, and until his successor is appointed;

- (9) School Advisory Committee, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (10) Stan Wadlow Park Recreation Complex Board, for a term of office expiring on November 30, 2003, and until his successor is appointed;
- (11) Tenant Defence Sub-Committee, for a term of office to expire May 31, 2002, and until his successor is appointed;
- (12) Toronto Arts Council, for a term of office to expire May 31, 2002, and until his successor is appointed; and
- (13) Toronto Child Abuse Centre, Board of Directors, for a term of office to expire May 31, 2002, and until his successor is appointed;

**AND BE IT FURTHER RESOLVED THAT** the relevant provisions of Chapter 27, Council Procedures, and Chapter 103, Heritage, of the City of Toronto Municipal Code, be waived to permit the appointment of Councillor Tziretas to the following position held by the former Councillor Prue:

- (14) the Toronto East York Community Preservation Panel, for a term of office to expire May 31, 2002, and until his successor is appointed.”

*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 Striking Committee and the Toronto East 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(32) to the Striking Committee and the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(32) was adopted, without amendment.

*Motion to Re-Open:*

Councillor Mihevc, with the permission of Council, moved that, in accordance with

Chapter 27 of the City of Toronto Municipal Code, Motion J(32) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Mihevc moved that Motion J(32) be adopted, subject to adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Councillor Tziretas be appointed to the Toronto Board of Health for a term of office to expire May 31, 2002, and until his successor is appointed.”

*Vote:*

The motion by Councillor Mihevc carried.

Motion J(32), as amended, carried.

*Motion to Re-Open:*

Councillor Johnston, with the permission of Council, moved that, in accordance with Chapter 27 of the City of Toronto Municipal Code, Motion J(32) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Resignation from Hummingbird Performing Arts Centre Corporation Board of Directors:*

Councillor Tziretas, with the permission of Council, resigned from the Hummingbird Performing Arts Centre Corporation Board of Directors.

*Motion:*

Councillor Johnston moved that Motion J(32) be further amended by:

- (a) amending the Second Operative Paragraph by deleting Recommendation No. (7) embodied therein; and
- (b) adding thereto the following New Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** Councillor Michael Feldman be appointed to the Hummingbird Performing Arts Centre Corporation Board of Directors, for a term of office to expire November 30, 2003, and until his successor is appointed.”

*Vote:*

The motion by Councillor Johnston carried.

Motion J(32), as further amended, carried.

**10.119 Ontario Municipal Board Hearing - 541 St. Germain Avenue**

Councillor Johnston 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(34), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Johnston**

**Seconded by: Councillor Walker**

**“WHEREAS** on October 11, 2001, the Committee of Adjustment unanimously refused consent/variances to divide 541 St. Germain Avenue; and

**WHEREAS** the applicant has appealed the October 11, 2001 Committee of Adjustment decision to the Ontario Municipal Board (OMB) and has been assigned a Hearing on January 21, 2002; and

**WHEREAS** residents, in opposition to the consent/variances, presented a 65 signature petition to the October 11, 2001 Committee of Adjustment meeting, with 15 residents attending and 4 residents acting as spokespersons on behalf of the neighbourhood; and

**WHEREAS** in an almost identical case three years ago, the Committee of Adjustment refused a consent/variance for 467 St. Germain Avenue, the case went to the OMB which ruled that the Committee of Adjustment’s refusal should stand; and

**WHEREAS** the Committee of Adjustment has refused 50-foot lot divisions at 515, 541 and 467 (twice) St. Germain Avenue and 447 Melrose Avenue; and

**WHEREAS** 541 St. Germain Avenue has the potential to be a landmark decision at the OMB; and

**WHEREAS** the time sensitive nature of this request (January 21, 2002 OMB Hearing) requires the endorsement of City Council;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the City Solicitor to attend the Ontario Municipal Board in support of the October 11, 2001 decision of the Committee of Adjustment regarding 541 St. Germain Avenue.”

*Vote:*

Motion J(34) was adopted, without amendment.

**10.120 Support and Best Wishes to HMCS Toronto**

Councillor Korwin-Kuczynski 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(35), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Korwin-Kuczynski**

**Seconded by: Mayor Lastman**

**“WHEREAS** the Canadian Patrol Frigate HMCS Toronto has been selected as Canada’s contribution to NATO’s Standing Naval Force Atlantic and sailed on December 5, 2001, with a crew of 220; and

**WHEREAS** HMCS Toronto will be operating in the Eastern Mediterranean to enhance security in the Middle East; and

**WHEREAS** the citizens of Toronto are proud of the contribution HMCS Toronto is making in the war on terrorism;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council, on behalf of the citizens of our City, extend support and best wishes to the families and crew of Her Majesty’s Canadian Ship, Toronto;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council encourage the citizens of Toronto to extend their support and best wishes to the crew of HMCS Toronto by contacting them on the Department of National Defence internet site message board at [www.forces.ca](http://www.forces.ca), under the ‘Write to the Troops’ icon, or by sending postcards to the following address:

Any Sailor, Soldier or Air Force Personnel  
HMCS TORONTO  
Maritime Forces Atlantic  
P.O. Box 99000 Stn Forces  
Halifax, NS B3K 5X5;

**AND BE IT FURTHER RESOLVED THAT** Council express to the HMCS Toronto:

‘Bravo Zulu (Well Done) HMCS Toronto!’.”

*Vote:*

Motion (35) was adopted, unanimously.

- 10.121 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 February 13, 2002:

REPORT NO. 16 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 34 - "Other Items Considered by the Committee".

Item (b), entitled "Use Of Surveillance Cameras In Public Areas".

JOINT REPORT NO. 1 OF THE PLANNING AND TRANSPORTATION  
COMMITTEE AND THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 1 - "Float Homes and Year-Round Liveaboards on Parks and Recreation Property".

REPORT NO. 17 OF THE WORKS COMMITTEE

Clause No. 2 - "Road Salt Management Plan".

REPORT NO. 10 OF THE ETOBICOKE COMMUNITY COUNCIL

Clause No. 13 - "Traffic Concerns - Westmore Drive Between Finch Avenue West and Humber College Boulevard (Ward 1 - Etobicoke North)".

REPORT NO. 11 OF THE SCARBOROUGH COMMUNITY COUNCIL

Clause No. 14 - "Final Report, Combined Application - TF CMB 2001 0008, Kreadar Enterprises - Reno Depot Inc., Northwest Corner of Midland and McNicoll Avenues, Milliken Employment District (Ward 41 – Scarborough Rouge River)".

REPORT NO. 10 OF THE AUDIT COMMITTEE

Clause No. 9 - "Review of Y2K Spending and Contracts".

REPORT NO. 8 OF THE BOARD OF HEALTH

Clause No. 1 - "Implementation of the Contingency Plan for the Prevention and Control of the West Nile Virus (WNV)".





NOTICES OF MOTIONS

- F - Works Best Practices Program Work Group  
Moved by Councillor Disero, seconded by Councillor Miller
- J(28) - Removal of Aesthetic Gateway Treatment - West Corner of Sheppard Avenue  
and Leslie Street  
Moved by Councillor Sutherland, seconded by Councillor Duguid

Council concurred in the proposal by Deputy Mayor Ootes.

**BILLS AND BY-LAWS**

10.122 On December 4, 2001, at 9:04 p.m., Councillor Mihevc, 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. 1114	By-law No. 992-2001	To confirm the proceedings of the Council at its Meeting held on the 4th day of December, 2001,
---------------	---------------------	---

the vote upon which was taken as follows:

Yes - 23
Mayor: Lastman
Councillors: Ashton, Balkissoon, Cho, Chow, Disero, Hall, Holyday, Jones, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Walker
No - 0

Carried, without dissent.

10.123 On December 5, 2001, at 7:29 p.m., Councillor Holyday, seconded by Councillor Duguid, 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. 1115	By-law No. 993-2001	To confirm the proceedings of the Council at its Meeting held on the 4th and 5th days of December, 2001, with the exception of Motion J(14),
---------------	---------------------	--

the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas, Walker
No - 0	

Carried, without dissent.

10.124 On December 5, 2001, at 7:30 p.m., Councillor Holyday, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bill:

Bill No. 1116	By-law No. 994-2001	To confirm the proceedings of the Council at its Meeting held on the 4th and 5th days of December, 2001, with respect to Motion J(14),
---------------	---------------------	--

the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Tziretas
No - 3	
Councillors:	Minnan-Wong, Silva, Walker

Carried by a majority of 23.

On December 5, 2001, at 7:31 p.m., Councillor Holyday, seconded by Councillor Lindsay Luby, moved that the following Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1116	By-law No. 994-2001	To confirm the proceedings of the Council at its Meeting held on the 4th and 5th days of December, 2001, with respect to Motion J(14),
---------------	---------------------	--

the vote upon which was taken as follows:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Lindsay Luby, McConnell, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Tziretas
No - 3	
Councillors:	Minnan-Wong, Silva, Walker

Carried by a majority of 22.

10.125 On December 6, 2001, at 7:35 p.m., Councillor Disero, seconded by Councillor Mammoliti, 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. 981	By-law No. 995-2001	To amend the former City of Toronto Municipal Code Chapter 20, Business Improvement Areas, to include the new Liberty Village Business Improvement Area and to establish a Board of Management for the Liberty Village Business Improvement Area.
Bill No. 982	By-law No. 996-2001	To amend Chapter 103, Heritage, of the City of Toronto Municipal Code to make the Economic Development and Parks Committee responsible for nominating citizen members to the Colborne Lodge/Mackenzie House/Spadina House Community Museum Management Board.
Bill No. 983	By-law No. 997-2001	To amend City of Toronto Municipal Code Chapter 441, Fees, to include sign permit fees and sign variance application fees and to amend former Borough of East York By-law No. 64-87, former City of Etobicoke Municipal Code, Chapter 215, Signs, former City of North York By-law No. 30788, former City of Scarborough By-law No. 22980, former City of Toronto Municipal Code,

		Chapter 297, Signs, and former City of York Municipal Code, Chapter 835, Sign.
Bill No. 984	By-law No. 998-2001	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 3 Kingsmill Road from the maximum height requirements.
Bill No. 985	By-law No. 999-2001	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. 986	By-law No. 1000-2001	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. 987	By-law No. 1001-2001	To amend the City of Toronto Municipal Code by adding Chapter 636, Public Squares. [as amended]
Bill No. 988	By-law No. 1002-2001	To provide for the levy and collection of 2002 interim realty taxes and penalties for non-payment thereof.
Bill No. 989	By-law No. 1003-2001	To amend the City of Toronto Municipal Code Chapter 767, Taxation, to add a Tax Rebate Program for Veteran's Clubhouses and Legion Halls.
Bill No. 990	By-law No. 1004-2001	To establish a Garden of Hope Reserve Fund, and to amend City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 991	By-law No. 1005-2001	To amend Chapter 103, Heritage, of the City of Toronto Municipal Code to streamline the application process for heritage permits in heritage conservation

districts.

Bill No. 992	By-law No. 1006-2001	To amend Chapter 400, Traffic and Parking, of the Municipal Code of the former Corporation of the City of Toronto to establish an offence for parking vehicles other than motorcycles in designated motorcycle parking spaces.
Bill No. 993	By-law No. 1007-2001	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 994	By-law No. 1008-2001	To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers.
Bill No. 995	By-law No. 1009-2001	To stop up and close portions of the public highways Alcide Street, Codlin Crescent and Steeles Avenue West and to authorize the sale thereof.
Bill No. 996	By-law No. 1010-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 997	By-law No. 1011-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 998	By-law No. 1012-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 999	By-law No. 1013-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 1000	By-law No. 1014-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 1001	By-law No. 1015-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 1002	By-law No. 1016-2001	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 1003	By-law No. 1017-2001	To exempt lands municipally known as 62 to 86 Osler Street from Part Lot Control.
Bill No. 1004	By-law No. 1018-2001	To exempt lands municipally known as 7 to 21 Rural Avenue and 16 and 18 Glen Watford Drive from Part Lot Control.
Bill No. 1005	By-law No. 1019-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1006	By-law No. 1020-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1007	By-law No. 1021-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1008	By-law No. 1022-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1009	By-law No. 1023-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1010	By-law No. 1024-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1011	By-law No. 1025-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1012	By-law No. 1026-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 1013	By-law No. 1027-2001	To amend the Municipal Code of the

Bill No. 1014	By-law No. 1028-2001	former City of Etobicoke with respect to Traffic - Chapter 240, Article I. To amend the Parks Dedication By-laws of the former Cities of Etobicoke (Ch. 302), North York (30152), Scarborough (22660), and York (13-83) to exempt industrial development.
Bill No. 1015	By-law No. 1029-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Clifton Road.
Bill No. 1016	By-law No. 1030-2001	To amend By-law No. 3387-1979 of the former City of York, a by-law with respect to fire routes in the geographic area of former York.
Bill No. 1017	By-law No. 1031-2001	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. 1018	By-law No. 1032-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting the Eastern Branch of Mount Pleasant Road.
Bill No. 1019	By-law No. 1033-2001	To amend Scarborough Zoning By-law No. 9364, as amended, with respect to the Cliffside Community.
Bill No. 1020	By-law No. 1034-2001	To adopt Amendment No. 1078 of the Official Plan for the former City of Scarborough.
Bill No. 1021	By-law No. 1035-2001	To amend Scarborough Zoning By-law, the Employment Districts Zoning By-law No. 24982 with respect to the Progress Employment District.
Bill No. 1022	By-law No. 1036-2001	To amend Scarborough Zoning By-laws



Bill No. 1025	By-law No. 1037-2001	Nos. 9508 and 24982, as amended with respect to the lands at 740 Ellesmere Road. To designate a Site Plan Control Area (Malvern Community).
Bill No. 1026	By-law No. 1038-2001	A by-law to further amend Scarborough Zoning By-law No. 14402, as amended, with respect to the Malvern Community.
Bill No. 1027	By-law No. 1039-2001	To adopt Amendment No. 1076 to the Official Plan for the former City of Scarborough.
Bill No. 1028	By-law No. 1040-2001	To amend Scarborough Zoning By-law No. 10076, the Agincourt Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12797, the Agincourt North Community Zoning By-law; and to amend Scarborough Zoning By-law No. 8786, the Birchcliff Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12466, the L'Amoreaux Community Zoning By-law; and to amend Scarborough Zoning By-law No. 14402, the Malvern Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12181, the Malvern West Community Zoning By-law; and to amend Scarborough Zoning By-law No. 17677, the Milliken Community Zoning By-law; and to amend Scarborough Zoning By-law No. 15907, the Rouge Community Zoning By-law; and to amend Scarborough Zoning By-law No. 16762, the Steeles Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12360, the Tam O'Shanter Community Zoning By-law; and to amend Scarborough Zoning By-law No. 24982, the Employment Districts

Zoning By-law; and to repeal Agricultural Holding Zoning By-law No. 10217; and to repeal Scarborough Zoning By-law No. 2066, the Birchcliff Community Zoning By-law; and to repeal Scarborough Zoning By-law No. 13217, the Neilson Agricultural Holding Zoning By-law; and to repeal Scarborough Zoning By-law No. 13219, the Malvern East Agricultural Holding Zoning By-law.

Bill No. 1029

By-law No. 1041-2001

To amend Scarborough Zoning By-law No. 8786, the Birchcliff Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9174, the Birchmount Park Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9396, the Cliffcrest Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12077, the Centennial 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. 9676, the Guildwood Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12466, the L'Amoreaux Community Zoning By-law; and to amend Scarborough Zoning By-law No. 14402, the Malvern Community Zoning By-law; and to amend Scarborough Zoning By-law No. 11883, the Morningside Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9366, the Maryvale Community Zoning By-law; and to amend Scarborough Zoning By-law No. 9812, the Oakridge Community Zoning By-law; and to amend Scarborough Zoning By-law

No. 10010, the Scarborough Village Community Zoning By-law; and to amend Scarborough Zoning By-law No. 12360, the Tam O'Shanter 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. 9510, the Woburn Community Zoning By-law.

Bill No. 1030	By-law No. 1042-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway Silver Star Boulevard.
Bill No. 1031	By-law No. 1043-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway McCowan Road.
Bill No. 1033	By-law No. 1044-2001	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 151 Tyndall Avenue.
Bill No. 1034	By-law No. 1045-2001	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 65 Spencer Avenue.
Bill No. 1035	By-law No. 1046-2001	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 198 Dunn Avenue.
Bill No. 1036	By-law No. 1047-2001	To amend the Official Plan of the former City of Toronto in respect of the lands known as 203 Dunn Avenue.
Bill No. 1037	By-law No. 1048-2001	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 203 Dunn Avenue.

Bill No. 1038	By-law No. 1049-2001	To amend the Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 216 Dunn Avenue.
Bill No. 1039	By-law No. 1050-2001	To amend Chapter 150, Municipal Law Enforcement Officers, of the Municipal Code of the City of Toronto with respect to the enforcement of parking by-laws on private and municipal property by employees of the Toronto Parking Authority.
Bill No. 1040	By-law No. 1051-2001	To authorize the alteration of Hilldale Road from Orman Avenue to Humber Boulevard South by the installation of speed humps.
Bill No. 1041	By-law No. 1052-2001	To authorize the alteration of Riverview Gardens south of Halford Avenue by the installation of speed humps.
Bill No. 1042	By-law No. 1053-2001	To authorize the alteration of certain highways by the construction of a traffic circle incorporating all legs of Windermere Avenue, Coe Hill Drive and Budgell Terrace and the residential section of Windermere Avenue; and narrowing Windermere Avenue south of Coe Hill Drive.
Bill No. 1043	By-law No. 1054-2001	To authorize the alteration of Gladstone Avenue from Bloor Street West to Dufferin Park Avenue by the installation of speed humps.
Bill No. 1044	By-law No. 1055-2001	To authorize the alteration of Wade Avenue between Paton Road and Lansdowne Avenue by the installation of speed humps.
Bill No. 1045	By-law No. 1056-2001	To authorize the alteration of Mackenzie

		Crescent from Dovercourt Road to Lisgar Street by the installation of speed humps.
Bill No. 1046	By-law No. 1057-2001	To authorize the alteration of Fulton Avenue from Carlaw Avenue to Pape Avenue by the installation of speed humps.
Bill No. 1047	By-law No. 1058-2001	To authorize the alteration of Browning Avenue from Carlaw Avenue to Pape Avenue by the installation of speed humps.
Bill No. 1048	By-law No. 1059-2001	To authorize the alteration of Dearbourne Avenue from Bowden Street to Broadview Avenue by the installation of speed humps.
Bill No. 1049	By-law No. 1060-2001	To authorize the alteration of the southeast corner of McMurrich Street and Frichot Avenue, by widening the south side pavement on Frichot Avenue and widening the east side pavement on McMurrich Street.
Bill No. 1050	By-law No. 1061-2001	To rename the portion of Crawford Street between Canniff Street and Douro Street as "Canniff Street".
Bill No. 1051	By-law No. 1062-2001	To rename Sweepster Court between Huntingwood Drive and Bridlewood Boulevard as "Acara Court".
Bill No. 1052	By-law No. 1063-2001	To authorize the alteration of Westmount Avenue between Gibson Street and Rodgers Road by the installation of speed humps.
Bill No. 1053	By-law No. 1064-2001	To authorize the alteration of Emerson Avenue from Bloor Street West to Dupont Street by the installation of speed humps.
Bill No. 1054	By-law No. 1065-2001	To authorize the alteration of Brookview

		Drive from Kirkland Boulevard to Rondale Boulevard by the installation of speed humps.
Bill No. 1055	By-law No. 1066-2001	To adopt an amendment to the Official Plan for the former City of Toronto in respect of the lands municipally known in the year 2000 as 255 Bremner Boulevard.
Bill No. 1056	By-law No. 1067-2001	To amend By-law No. 168-93, as amended, of the former City of Toronto with respect to the lands known as 255 Bremner Boulevard.
Bill No. 1057	By-law No. 1068-2001	To amend Municipal Code Chapter 629, Property Standards, to restructure the Property Standards Committee.
Bill No. 1058	By-law No. 1069-2001	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1059	By-law No. 1070-2001	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1060	By-law No. 1071-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1061	By-law No. 1072-2001	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. 1062	By-law No. 1073-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1063	By-law No. 1074-2001	To amend the former City of Toronto

Municipal Code Ch. 400, Traffic and  
Parking, respecting Turner Road.

Bill No. 1064

By-law No. 1075-2001

To amend the former City of Toronto  
Municipal Code Ch. 400, Traffic and  
Parking, respecting Ellsworth Avenue,  
Russell Hill Road.

Bill No. 1065	By-law No. 1076-2001	To adopt an amendment to the Official Plan for the former Borough of East York with respect to 45 Overlea Boulevard.
Bill No. 1066	By-law No. 1077-2001	To amend Restricted Area Zoning By-law No. 1916, as amended, of the former Town of Leaside.
Bill No. 1067	By-law No. 1078-2001	To amend further Metropolitan By-law No. 108-96, respecting School Speed Zones on certain former Metropolitan Roads.
Bill No. 1068	By-law No. 1079-2001	To amend former City of Scarborough By-law No. 25064, "A by-law for the licensing, regulating and governing of adult videotape stores and other videotape stores in which adult videotapes are provided", respecting the definition of adult videotapes.
Bill No. 1071	By-law No. 1080-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Navy Wharf Court.
Bill No. 1072	By-law No. 1081-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cambridge Avenue, Glenrose Avenue, Glen Stewart Crescent, Gloucester Street, Pretoria Avenue.
Bill No. 1073	By-law No. 1082-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1074	By-law No. 1083-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1075	By-law No. 1084-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of



		traffic on former Metropolitan Roads.
Bill No. 1076	By-law No. 1085-2001	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1077	By-law No. 1086-2001	To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services, respecting water rates.
Bill No. 1078	By-law No. 1087-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Budgell Terrace, Coe Hill Drive, St. Olave's Road, Windermere Avenue.
Bill No. 1079	By-law No. 1088-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway Norris Place.
Bill No. 1080	By-law No. 1089-2001	To layout and dedicate certain land for public lane purposes to form part of the public lane in the block bounded by Dovercourt Road, Delaware Avenue, Shanley Street and Northumberland Street.
Bill No. 1081	By-law No. 1090-2001	To layout and dedicate certain land on the south side of Lake Shore Boulevard West, west of Palace Pier Court for public highway purposes to form part of the public highway Lake Shore Boulevard West.
Bill No. 1082	By-law No. 1091-2001	To layout and dedicate for public highway purposes certain land to form part of the public highway Alcide Street and to layout and dedicate certain other lands immediately adjacent to the public highway Codlin Crescent for public highway purposes.
Bill No. 1083	By-law No. 1092-2001	To exempt certain lands on Mare

		Crescent, Stallion Place and Triple Crown Avenue from Part Lot Control.
Bill No. 1084	By-law No. 1093-2001	To levy and collect taxes for 2001 on railway roadways and rights of way owned by the Greater Toronto Transit Authority.
Bill No. 1085	By-law No. 1094-2001	To amend further Metropolitan By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers.
Bill No. 1086	By-law No. 1095-2001	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 70 High Park Avenue.
Bill No. 1087	By-law No. 1096-2001	To amend By-law No. 438-86, the Zoning By-law of the former City of Toronto, respecting lands known in the Year 2001 as 70 High Park Avenue.
Bill No. 1088	By-law No. 1097-2001	To designate the property at 106 King Street East (St. James' Parish House and Diocesan Centre) as being of architectural and historical value or interest.
Bill No. 1089	By-law No. 1098-2001	To amend the former City of Toronto Municipal Code Chapter 20, Business Improvement Areas, to establish a Board of Management for the Downtown Yonge Street Business Improvement Area.
Bill No. 1090	By-law No. 1099-2001	To amend the former City of Toronto Municipal Code Chapter 20, Business Improvement Areas, to establish a Board of Management for the Yonge-Lawrence Village Business Improvement Area.
Bill No. 1092	By-law No. 1100-2001	Official Plan Amendment No. 511 To

Bill No. 1093	By-law No. 1101-2001	amend City of North York Official Plan in respect of lands municipally known as 350 Rumsey Road. To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located in the south-east quadrant of The Queensway and Grand Avenue, for the lands known municipally as 95 and 101 Grand Avenue.
Bill No. 1094	By-law No. 1102-2001	To adopt Amendment No. 92-2001 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located on the north side of Lake Shore Boulevard West, between Legion Road and Fleeceline Road, municipally known as 2264 Lake Shore Boulevard West.
Bill No. 1095	By-law No. 1103-2001	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Lake Shore Boulevard West, between Legion Road and Fleeceline Road, municipally known as 2264 Lake Shore Boulevard West.
Bill No. 1096	By-law No. 1104-2001	To designate certain Lots on Registered Plan 1657, York as being exempt from Part Lot Control (re: 135 Laughton Avenue - Rutland Block).
Bill No. 1097	By-law No. 1105-2001	To amend Chapter 324 of the Etobicoke Zoning Code and to remove the Holding Symbol "H" on lands located within the Humber Bay Shore Development Area (formerly the Motel Strip), known municipally as 2115 Lake Shore Boulevard West (Etobicoke).
Bill No. 1098	By-law No. 1106-2001	To amend the General Zoning By-law

		No. 438-86 of the former City of Toronto with respect to lands municipally known as No. 25 Trent Avenue.
Bill No. 1099	By-law No. 1107-2001	To exempt certain lands on Dawes Road from Part Lot Control.
Bill No. 1100	By-law No. 1108-2001	To Appoint an Acting City Solicitor.
Bill No. 1101	By-law No. 1109-2001	To make technical amendments to various by-laws and Municipal Code chapters to correct codification errors and technical errors in the original by-laws as identified in the codification process.
Bill No. 1102	By-law No. 1110-2001	To adopt a new City of Toronto Municipal Code, Chapter 19, Business Improvement Areas. [as amended]
Bill No. 1103	By-law No. 1111-2001	To adopt Amendment No. 89-2001 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 Scarlett Road, immediately north of the Humber Creek Ravine, municipally known as 581 Scarlett Road.
Bill No. 1104	By-law No. 1112-2001	To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the east side of Scarlett Road, municipally known as 581 Scarlett Road.
Bill No. 1105	By-law No. 1113-2001	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 1106	By-law No. 1114-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hannaford Street, Logan Avenue, Winnifred Avenue.

Bill No. 1107	By-law No. 1115-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Selby Street.
Bill No. 1108	By-law No. 1116-2001	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. 1109	By-law No. 1117-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Roe Avenue.
Bill No. 1110	By-law No. 1118-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Blackthorn Avenue, Havelock Street, Marion Street, Melbourne Avenue, Moutray Street, Quebec Avenue, St. Clarens Avenue, St. Helens Avenue.
Bill No. 1111	By-law No. 1119-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue, Sunnyside Avenue.
Bill No. 1112	By-law No. 1120-2001	To adopt Amendment No. 160 to the York Official Plan for the City of York Planning Area in order to implement a site-specific amendment affecting the lands municipally known as 1400 Weston Road.
Bill No. 1113	By-law No. 1121-2001	To amend former City of York By-law No. 1-83 (Re: Lands – 1400 Weston Road),

the vote upon which was taken as follows:

Yes - 33
----------

Mayor:
--------

Lastman
---------

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

10.126 On December 6, 2001, at 7:37 p.m., Councillor Disero, 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, which carried:

Bill No. 1091	By-law No. 1122-2001	To appoint a Chief Financial Officer and Treasurer.
---------------	----------------------	---

10.127 On December 6, 2001, at 7:38 p.m., Councillor Holyday, 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. 1117	By-law No. 1123-2001	To confirm the proceedings of the Council at its Meeting held on the 4th, 5th and 6th days of December, 2001,
---------------	----------------------	---

the vote upon which was taken as follows:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

The following Bills were withdrawn:

Bill No. 1023	To adopt Amendment No. 1075 of the Official Plan for the former City of Scarborough.
---------------	--

Bill No. 1024	To amend the Scarborough Employment Districts Zoning By-law
---------------	---

- No. 24982, as amended, with respect to the Milliken Employment District.
- Bill No. 1032 To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
- Bill No. 1069 To adopt a new City of Toronto Municipal Code Chapter 591, Noise.
- Bill No. 1070 To amend Municipal Code Chapter 441, Fees, to include fees charged in connection with Chapter 591, Noise.

**OFFICIAL RECOGNITIONS:**

10.128 **Condolence Motion**

**December 6, 2001:**

Mayor Lastman, seconded by Deputy Mayor Ootes, moved that:

**“WHEREAS** the Mayor and Members of Council are deeply saddened to learn about the passing of former Police Chief Harold Adamson; and

**WHEREAS** the former Chief Harold Adamson served the people of Toronto for 41 years, joining the Scarborough Police Department on July 12, 1939, until his retirement on August 1, 1980, after having served as Chief for 10 years; and

**WHEREAS** Chief Adamson issued the first standing order on human rights, outlawing any display of bigotry on the force; and

**WHEREAS** Chief Adamson oversaw new police procedures, following the Morand report into allegations of police brutality; and

**WHEREAS** Chief Adamson commissioned the Hickling Johnston report on adapting to the future; and

**WHEREAS** Chief Adamson helped the Toronto Police Service to be professional, dedicated and staffed by men and women of integrity and honour; and

**WHEREAS** Chief Adamson was highly respected by those who worked with and under him and he will be sorely missed;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be direct to convey, on behalf of the Mayor, Members of City Council and the residents of the City of Toronto, our sincere condolences to the family of Mr. Harold Adamson, his

son and daughter, three grandchildren and three great-grandchildren.”

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 Mr. Harold Adamson.



**10.129 Presentations/Introductions/Announcements:**

**December 4, 2001:**

Councillor Mihevc, during the morning session of the meeting, with the permission of Council, advised the Council that the Canadian Diabetes Association works to support Canadians affected by diabetes, through research, education programs and advocacy, and encouraged all Members of Council and staff to support the work of the Association, either by making a donation or supporting the Diabetes Super Lottery.

Mayor Lastman, during the morning session of the meeting, introduced Councillor Michael Tziretas, the new Councillor for Ward 31, Beaches - East York. Deputy Mayor Ootes escorted Councillor Tziretas to his seat in the Council Chamber. Councillor Tziretas, with the permission of Council, addressed the Council.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Sir Wilfrid Laurier Secondary School, present at the meeting.

Councillor Mammoliti, during the morning session of the meeting, with the permission of Council, advised the Council that, during the lunch break, he, on behalf of the Toronto Zoo, would be accepting a cheque from Mr. Joseph Lebovic, for the 'Window to the Wild' Campaign, and invited all Members of Council to attend the ceremony in the Members Lounge.

Deputy Mayor Ootes, during the afternoon session of the meeting, invited Councillor Disero and Mayor Lastman to the podium. Councillor Disero addressed the Council, outlined the details of the 'Re:Source Gift of Opportunity Campaign', a campaign which refurbishes old computers and, rather than throwing them in the City of Toronto's landfills, provides such computers to children who cannot afford new ones, and introduced Mr. Ron Smith of the Learning Support Council, Mr. John Andras and Ms. Karen Fraser of Project Worth, and Superintendent Forde of the Toronto Police Service present at the meeting.

Mr. Andras presented a cheque from Project Worth, in the amount of \$10,000.00, to Mayor Lastman for the 'Re:Source Gift of Opportunity Campaign', and Councillor Disero invited Minkirat Sandhu, Jasmeen Sandhu, Jean Paul Kamand, Le Nuyen, Luna Chowdhury and Alisha Missen, children from the areas of Regent Park and Parkdale in the City of Toronto, to the podium to, in turn, receive a computer mouse from Mayor Lastman and Ron Smith as a symbol of the computer they will receive as a result of the program.

Deputy Mayor Ootes, during the afternoon session of the meeting, invited Mayor Lastman and Councillor Cho to the podium. Councillor Cho addressed the Council and introduced Mr. Kwan Soo Kim, President, Canadian Korean Senior Bowling and Health Association,

who presented a cheque, in the amount of \$1,000.00, to Mayor Lastman, to aid the homeless in the City of Toronto.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of the Toronto Heshel School, present at the meeting.

**December 5, 2001:**

Deputy Mayor Ootes, during the morning session of the meeting, invited Mayor Lastman and Councillor Rae to the podium. Councillor Rae addressed the Council in regard to the International Year of the Volunteer and invited the following volunteers to come forward to receive a memento from Mayor Lastman in recognition of their dedication of time and effort as volunteers in the City of Toronto:

- Ms. Marlene Cater, President of Albion Lodge and Chair of the Inter-Home Volunteer Association, representing the Homes for the Aged Volunteers;
- Ms. Karen Dubinsky, York Woods Branch, representing Toronto Public Library Volunteers;
- Miodrag Zakonvoivc, Waste Watchers Program, representing Works Volunteers;
- Mr. Albert Adelstein, former Chair of the Queen Broadview Business Improvement Area, representing Economic Development Volunteers;
- Ms. Ethel Johnston, volunteer at Montgomery's Inn, representing Culture Volunteers;
- Mr. Jim Wise, volunteer with Special Events, representing Special Events Volunteers; and
- Ms. Sau Lin Wong, volunteer with Parks and Recreation, representing Parks and Recreation Volunteers.

Mayor Lastman addressed the Council and extended, on behalf of Council, the appreciation of Council to all of the volunteers for their dedication to the City of Toronto.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Keelesdale Junior Public School, present at the meeting.

**December 6, 2001:**

Councillor McConnell, during the afternoon session of the meeting, with the permission of Council, advised the Council that, in recognition of the National Day of Remembrance and Action on Violence Against Women, flags on all federal buildings in Canada and the Ontario Legislative Building will be lowered today, December 6, 2001, together with the flags on Nathan Phillips Square, and read the proclamation by Mayor Lastman proclaiming December 6, 2001, as a 'National Day of Remembrance' in the City of Toronto, in

commemoration of all women who are or have been victims of violence, and in remembrance of the victims of the Montreal Massacre.

Deputy Mayor Ootes, during the afternoon session of the meeting, extended, on behalf of Council, the best wishes of Council to Councillor Cho, who had celebrated his 65th birthday last week.

Councillor Pitfield, during the afternoon session of the meeting, with the permission of Council, addressed the Council in regard to the United Way and encouraged all Members of Council to give generously.

Mayor Lastman, during the afternoon session of the meeting, extended Season's Greetings to all Members of Council and staff.

#### 10.130 MOTIONS TO VARY PROCEDURE

*Vary the order of proceedings of Council:*

Councillor Miller on December 4, 2001, moved that Council vary the order of its proceedings to consider Clause No. 11 of Report No. 10 of The Audit Committee, headed "Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services", at 6:00 p.m. today, during the in-camera portion of this meeting, which carried.

Councillor Walker on December 4, 2001, moved that Council vary the order of its proceedings to consider Clause No. 18 of Report No. 16 of The Policy and Finance Committee, headed "Disposal of Residual Solid Waste", as the first item of business, which carried.

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

#### **December 4, 2001:**

Deputy Mayor Ootes, at 12:25 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Ootes.

Councillor Duguid, at 7:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to continue consideration of Clause No. 11 of Report No. 10 of The Audit Committee, headed "Review of Computer Leasing Contract

Between City of Toronto and MFP Financial Services”, which carried, more than two-thirds of Members present having voted in the affirmative.

**December 5, 2001:**

Councillor Flint, at 12:15 p.m., moved that Council now recess and reconvene at 2:00 p.m. today, which carried, more than two-thirds of Members present having voted in the affirmative.

**December 6, 2001:**

Deputy Mayor Ootes, at 12:25 p.m., during the in-camera portion of this meeting, 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 permit Members of Council to conclude their remarks with respect to Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”, which carried, without dissent.

Councillor Holyday, at 5:55 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, in order to conclude consideration of Clause No. 11 of Report No. 10 of The Audit Committee, headed “Review of Computer Leasing Contract Between City of Toronto and MFP Financial Services”, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 7:30 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 continue in session to conclude consideration of those matters remaining on the Order Paper for this meeting of Council that could be disposed of expeditiously, which carried, more than two-thirds of Members present having voted in the affirmative.

**10.131 ATTENDANCE**

Councillor Pantalone, seconded by Councillor Johnston, moved that the absence of Councillors Moeser and Moscoe from this meeting of Council be excused, which carried.

December 4, 2001	9:35 a.m. to 12:26 p.m.*	Roll Call 11:00 a.m.	2:15 p.m. to 5:45 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.	9:04 p.m. to 9:06 p.m.*
Lastman	x	x	x	x	x
Altobello	x	-	x	x	-
Ashton	x	x	x	x	x
Augimeri	x	-	x	x	-
Balkissoon	x	x	x	x	x

Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 4, 2001	9:35 a.m. to 12:26 p.m.*	Roll Call 11:00 a.m.	2:15 p.m. to 5:45 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.	9:04 p.m. to 9:06 p.m.*
Berardinetti	x	-	x	x	-
Bussin	x	-	x	x	-
Cho	x	x	x	x	x
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	-
Disero	x	x	x	x	x
Duguid	x	x	x	x	-
Feldman	x	x	x	x	-
Filion	x	x	x	x	-
Flint	x	x	x	x	-
Ford	x	x	x	x	-
Hall	x	x	x	x	x
Holiday	x	x	x	x	x
Johnston	x	-	x	x	-
Jones	x	x	x	x	x
Kelly	x	x	x	x	-
Korwin-Kuczynski	x	x	x	x	-
Layton	x	x	x	x	x
Li Preti	x	x	x	x	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	x	-
McConnell	x	-	x	x	x
Mihevc	x	x	x	x	x
Mileczyn	x	x	x	x	x
Miller	x	x	x	x	-
Minnan-Wong	x	-	x	x	-
Moeser	-	-	-	-	-
Moscoe	-	-	-	-	-
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	-
Pitfield	x	x	x	x	x
Rae	x	x	x	x	x

Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 4, 2001	9:35 a.m. to 12:26 p.m.*	Roll Call 11:00 a.m.	2:15 p.m. to 5:45 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.	9:04 p.m. to 9:06 p.m.*
Shaw	x	x	x	x	x
Shiner	x	-	x	x	x
Silva	x	x	x	x	-
Soknacki	x	x	x	x	x
Sutherland	x	x	x	x	x
Tziretas	-	-	-	-	-
Walker	x	x	x	x	x
Total	42	34	42	42	23

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

December 5, 2001	Roll Call 9:38 a.m.	9:38 a.m. to 12:20 p.m.*	Roll Call 10:36 a.m.	2:10 p.m. to 5:25 p.m.*	Roll Call 3:35 p.m.
Lastman	x	x	x	x	x
Altobello	x	x	x	x	x
Ashton	-	x	x	x	x
Augimeri	-	x	x	x	-
Balkissoon	x	x	-	x	x
Berardinetti	-	x	x	x	-
Bussin	x	x	-	x	-
Cho	-	x	x	x	x
Chow	-	x	x	x	x
Di Giorgio	-	x	x	x	x
Disero	-	x	x	x	x
Duguid	-	-	-	x	x
Feldman	x	x	x	x	x
Filion	-	x	x	x	x
Flint	x	x	x	x	x
Ford	x	x	x	x	-
Hall	x	x	x	x	x
Holyday	x	x	-	x	x
Johnston	-	x	x	x	x
Jones	x	x	x	x	x
Kelly	-	-	-	-	-
Korwin-Kuczynski	-	-	-	-	-
Layton	-	-	-	-	-

Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 5, 2001	Roll Call 9:38 a.m.	9:38 a.m. to 12:20 p.m.*	Roll Call 10:36 a.m.	2:10 p.m. to 5:25 p.m.*	Roll Call 3:35 p.m.
Li Preti	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	-	x	x
McConnell	x	x	-	x	x
Mihevc	x	x	-	x	x
Milezyn	-	x	-	x	-
Miller	-	x	x	x	-
Minnan-Wong	-	x	x	x	x
Moeser	-	-	-	-	-
Moscoe	-	-	-	-	-
Nunziata	x	x	x	x	-
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Rae	x	x	-	x	-
Shaw	-	-	-	-	-
Shiner	-	-	-	x	-
Silva	x	x	-	x	-
Soknacki	x	x	-	x	x
Sutherland	x	x	x	x	x
Tziretas	x	x	x	x	-
Walker	x	x	x	x	x
Total	25	37	27	39	28

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

December 5, 2001	Roll Call 4:11 p.m.	Roll Call 4:16 p.m.	Roll Call 4:21 p.m.	Cttee. of the Whole in-Camera 5:33 p.m.	7:28 p.m. to 7:30 p.m.*
Lastman	x	x	x	x	x
Altobello	x	x	x	x	x
Ashton	x	x	x	x	x
Augimeri	-	-	-	x	-
Balkissoon	-	x	x	x	x
Berardinetti	-	-	-	x	-
Bussin	x	x	x	x	x



Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 5, 2001	Roll Call 4:11 p.m.	Roll Call 4:16 p.m.	Roll Call 4:21 p.m.	Cttee. of the Whole in-Camera 5:33 p.m.	7:28 p.m. to 7:30 p.m.*
Cho	x	x	x	x	x
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	x
Feldman	x	x	-	x	x
Filion	x	x	x	x	-
Flint	x	x	x	x	x
Ford	-	-	-	x	-
Hall	-	x	-	x	x
Holiday	x	x	x	x	x
Johnston	x	x	-	x	-
Jones	x	x	-	x	x
Kelly	-	-	-	-	-
Korwin-Kuczynski	-	-	-	-	-
Layton	-	-	-	-	-
Li Preti	x	x	x	x	-
Lindsay Luby	x	x	x	x	x
Mammoliti	-	-	-	x	-
McConnell	x	x	x	x	x
Mihevc	-	x	-	x	x
Milczyn	-	x	x	x	x
Miller	-	-	-	x	-
Minnan-Wong	x	-	-	x	x
Moeser	-	-	-	-	-
Moscoe	-	-	-	-	-
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	-	-	x	x	x
Rae	x	x	-	x	x
Shaw	-	-	-	-	-
Shiner	-	-	x	x	x
Silva	x	x	x	x	x

Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 5, 2001	Roll Call 4:11 p.m.	Roll Call 4:16 p.m.	Roll Call 4:21 p.m.	Cttee. of the Whole in-Camera 5:33 p.m.	7:28 p.m. to 7:30 p.m.*
Soknacki	x	x	-	x	-
Sutherland	x	x	-	x	-
Tziretas	-	-	-	x	x
Walker	x	x	x	x	x
Total	27	30	24	39	29

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

December 6, 2001	Roll Call 9:43 a.m.	9:43 a.m. to 10:04 p.m.*	Cttee. of the Whole in-Camera 10:10 a.m.	12:29 p.m. to 12:30 p.m.*	2:10 p.m. to 2:18 p.m.*	Cttee. of the Whole in-Camera 2:25 p.m.	4:25 p.m. to 7:40 p.m.*
Lastman	x	x	x	x	x	x	x
Altobello	x	x	x	x	x	x	x
Ashton	-	x	x	x	x	x	x
Augimeri	-	-	-	-	x	x	x
Balkissoon	x	x	x	x	x	x	x
Berardinetti	-	x	x	x	x	x	x
Bussin	x	x	x	x	x	x	x
Cho	-	-	-	-	x	x	x
Chow	x	x	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x	x
Disero	-	-	-	-	x	x	x
Duguid	x	x	x	x	x	x	x
Feldman	x	x	x	x	x	x	x
Filion	-	x	x	x	x	x	x
Flint	x	x	x	x	x	x	x
Ford	x	x	x	x	-	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	-	x	x	x	x	x	x
Jones	x	x	x	x	x	x	x
Kelly	-	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x	x	x
Layton	-	-	-	-	-	-	-
Li Preti	x	x	x	x	x	x	x

Minutes of the Council of the City of Toronto  
December 4, 5 and 6, 2001

December 6, 2001	Roll Call 9:43 a.m.	9:43 a.m. to 10:04 p.m.*	Ctte. of the Whole in-Camera 10:10 a.m.	12:29 p.m. to 12:30 p.m.*	2:10 p.m. to 2:18 p.m.*	Ctte. of the Whole in-Camera 2:25 p.m.	4:25 p.m. to 7:40 p.m.*
Lindsay Luby	x	x	x	x	x	x	x
Mammoliti	x	x	x	x	x	x	x
McConnell	x	x	x	x	x	x	x
Mihevc	-	x	x	x	x	x	x
Milczyn	-	x	x	x	x	x	x
Miller	x	x	x	x	x	x	x
Minnan-Wong	-	x	x	x	x	x	x
Moeser	-	-	-	-	-	-	-
Moscoe	-	-	-	-	-	-	-
Nunziata	x	x	x	x	x	x	x
Ootes	x	x	x	x	x	x	x
Pantalone	x	x	x	x	x	-	x
Pitfield	x	x	x	x	x	x	x
Rae	x	x	x	x	x	x	x
Shaw	-	-	-	-	-	-	-
Shiner	x	x	x	x	x	x	x
Silva	x	x	x	x	x	x	x
Soknacki	x	x	x	x	x	-	-
Sutherland	x	x	x	x	x	x	x
Tziretas	x	x	x	x	x	x	x
Walker	x	x	x	x	x	x	x
Total	30	38	38	38	41	39	40

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

**MEL LASTMAN,**  
Mayor

**ULLI S. WATKISS,**  
City Clerk

**ATTACHMENT NO. 1 [Notice of Motion J(2)]**

Report dated November 28, 2001, from the Acting Chief Financial Officer, entitled "Toronto Hydro-Electric System Limited – Promissory Note". (See Minute No. 10.88, Page 94):

Purpose:

This report recommends a renewal of the promissory note of Toronto Hydro-Electric System Limited that is currently held by the City.

Financial Implications and Impact Statement:

Renewal of the current promissory note of Toronto Hydro Electric-System Limited will result in annual interest payments to the City of \$66,655,705.00 to support the capital program in fiscal 2002, unchanged from the amount that had been anticipated in the City's revenue forecasts.

Recommendations:

It is recommended that:

- (1) Council authorize the City's Acting Chief Financial Officer to renew the current promissory note of Toronto Hydro Electric System-Limited ("Toronto Hydro"), and that Toronto Hydro be directed to reissue this promissory note on the same terms as are currently included in the promissory note dated as of December 30, 2000, subject to any modifications deemed necessary by the City Solicitor, except that the maturity date be set at December 31, 2003; and
- (2) Toronto Hydro be required to meet the full interest obligation to the City of \$66,655,705.00, in fiscal 2002 and 2003.

Background:

At its meeting of June 9, 10 and 11, 1999, City Council adopted the recommendations of Strategic Policy and Priorities Committee, Report No. 10, Clause No. 1, as amended, entitled "Incorporation of the Toronto Hydro Corporation".

As a result, a promissory note has been held by the City in respect of Toronto Hydro had a principal amount of \$980,230,955.00, which was required to yield the City \$66,655,705.00, per annum, in interest income.

In September 2000, OEB regulatory orders limited allowable electricity distribution rate increases. As a result, Toronto Hydro no longer was able to generate the level of revenue necessary to allow it to afford the full interest payment to the City for fiscal 2000 and 2001. Therefore, at its meeting of March 6, 2001, Council adopted the recommendations of Report No. 2, Clause No. 8 of the Policy and Finance Committee, directing the City Chief Financial Officer and Treasurer to make the necessary changes to the promissory note as permitted under By-law No. 374-1999 that would make the interest obligation consistent with the company's ability to pay in fiscal 2000 of \$33 million, and in fiscal 2001 of \$42 million, as compared with original expectations of \$67 million.

Comments:

The promissory note of Toronto Hydro-Electric System Limited is up for renewal or extension on December 31, 2001. Clarification has only recently been received that Council authority would be required to renew the promissory note. Since Council will not meet again until February 2002, it is necessary to report directly to Council on this matter.

This report recommends that the currently held promissory note be renewed for an additional period ending December 31, 2003. Terms of the currently held note are recommended to remain in effect, in that the principal amount of \$980,230,955.00 will remain unchanged, and the attached interest rate will remain at 6.8 percent, payable to the City in quarterly instalments. However, Toronto Hydro will be required to meet the full interest obligation in the 2002 and 2003 fiscal years, for a total annual interest payment to the City of \$66,655,705.00.

Failure to renew the promissory note would cause Toronto Hydro to refinance this debt without the City's participation. This would result in a serious loss of income to the City, as it would lose the ability to generate the related level of interest income, which is more favourable than currently permitted alternative investments.

Conclusions:

The City currently holds a \$980-million promissory note of Toronto Hydro-Electric System Limited with an attached interest rate of 6.8 percent, per annum, which is set to mature on December 31, 2001. Clarification has only recently been received that Council authority would be required to renew the promissory note. This report recommends that this promissory note be renewed for an additional term, to expire on December 31, 2003. Renewal of the promissory note would result in the City receiving annual interest payments totalling \$67 million in fiscal 2002 and 2003 as previously anticipated.

**ATTACHMENT NO. 2 [Notice of Motion J(6)]**

Report dated November 29, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, entitled "2001 Levy on Railway Roadways or Rights-of-Way Owned by the Greater Toronto Transit Authority". (See Minute No. 10.92, Page 100):

Purpose:

To obtain Council's authority for the adoption of a by-law for levying and collection of taxes on railway rights-of-way owned by the Greater Toronto Transit Authority as required by the Municipal Act and the Education Act.

Financial Implications:

In 2001, the City will collect \$74,984.91 by levying taxes on the railway rights-of-way currently owned by the Greater Toronto Transit Authority. The City share is \$31,966.45.

By calculating the taxes on the rights-of-way at the maturity rate, the City will experience a loss of \$924,114.90 in total taxes, of which the City share is \$371,760.46. Maturity rates apply when companies acquire rights-of-way after December 31, 1997. The Greater Toronto Transit Authority purchased this land from the Toronto Terminal Railway Company Limited in mid 2000.

Recommendations:

It is recommended that:

- (1) Council authorize the levy and collection of taxes for 2001 on railway rights-of-way currently owned by the Greater Toronto Transit Authority, in accordance with subsection 368.3(1) of the Municipal Act and subsection 257.7(1) of the Education Act;
- (2) authority be granted for the introduction of the necessary bill in Council to levy taxes for the year 2001 on the rights-of-way currently owned by the Greater Toronto Transit Authority; and
- (3) the appropriate City officials be authorized to take necessary action to give effect to the foregoing.

Comments:

At its meeting held on November 6, 7 and 8, 2001, City Council had before it a report dated October 12, 2001, entitled '2001 Levy on Railways or Rights-of-way and on Power Utility Transmission or Distribution Corridors' (Clause No 10, Report No 14 of the Policy and Finance Committee). This report introduced the by-law for the levy and collection of taxes for the 2001 taxation year on roadways or rights-of-way of railways owned by the Canadian National Railway and the Canadian Pacific Railway.

However, the report before Council did not provide for the levying of taxes for the railway corridors previously owned by the Toronto Terminal Railway Company Limited. Prior to preparation of the report and the by-law, Ministry of Finance staff advised that, in mid-2000, the railway rights-of-way previously owned by the Toronto Terminal Railway Company Limited had been assumed by the Greater Toronto Transit Authority. Given that the assessed ownership had not yet been updated by the Municipal Property Assessment Corporation (MPAC), the City was not clear as to who was the rightful owner of the property at that time. As such, the property was deliberately omitted from the report pending clarification.

MPAC has now confirmed that the Greater Toronto Transit Authority had purchased the railway rights-of-way previously owned by the Toronto Terminal Railway Company Limited. The Revenue Services Division also received a request for ownership change on the tax system from the lawyers of the Greater Toronto Transit Authority and updated its record accordingly.

For companies who acquire rights-of-way after December 31, 1997, and use the acquired land as rail corridors, the City must use the maturity rate, which is \$611.33 per acre. The education rate, at maturity, is \$822.69 per acre.

Had the Toronto Terminal Railway Company Limited continued to own the rights-of-way in 2001, the City would have used the applicable rate (transition rate) for the tax calculation on the City portion. The transition rate would have been \$7,720.92 per acre. As a result, the City will experience a loss of \$371,760.46 in revenue on the City portion. The loss in revenue on the education portion is \$552,354.44. As shown in Table 1, the loss in the total revenue due to the ownership change is \$924,114.90.

**Table 1**  
**Loss in Revenue due to Transfer of Ownership of the Railway Rights-of-way**  
**(Toronto Terminal Railway Company Ltd to Greater Toronto Transit Authority)**

Taxes	Rates per Acre			Acres	Loss in Taxes
	Transition Rates (Toronto Terminal Railway Company Limited)	Maturity Rates (Greater Toronto Transit Authority)	Loss in Rates		
City Taxes	\$7,720.92	\$611.33	\$7,109.59	52.29	\$371,760.46
Education Taxes	\$11,385.98	\$822.69	\$10,563.29	52.29	\$552,354.44
Total Taxes					\$924,114.90

Conclusion:

The estimated revenue for 2001, from the railway corridors formally owned by the Toronto Terminal Railway Limited and currently owned by the Greater Toronto Transit Authority, will be \$74,984.91, of which the City share is \$31,966.45 and the education share is \$43,018.46.

Contact Names:

Giuliana Carbone  
Director, Revenue Services Division  
Phone: 416-392-8065  
Fax: 416-395-6811  
Email: gcarbone@city.toronto.on.ca

Carmela Romano  
Manager, Accounting/Fin., Billings & Meter Services  
Phone: 416-395-6730  
Fax: 416-395-6703  
Email: cromano@city.toronto.on.ca

Raj Mathavan  
Financial Analysis, Tax Policy  
Phone: 416-395-6738  
Fax: 416-392-0364  
Email: rmathava@city.toronto.on.ca



**ATTACHMENT NO. 3 [Notice of Motion J(8)]**

Report dated November 1, 2001, from the Director, Transportation Services District 1, entitled "McRoberts Avenue, North of Rogers Road – Request to Switch the On-Street Parking from the West Side of the Street to the East Side During the Winter Months. (Davenport, Ward 17)". (See Minute No. 10.94, Page 103):

Purpose:

To increase the supply of on-street parking spaces on the subject section of McRoberts Avenue during the winter months.

Financial Implications and Impact Statement:

Funds to cover the cost of the necessary sign adjustments, in the amount of \$500.00, are contained in the Transportation Services Division 2001 Operating Budget.

Recommendations:

It is recommended that:

- (1) the parking prohibition at all times on the east side of McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, from 7:00 p.m. on the first day of December to 7:00 p.m. on the 1st day of April, inclusive, be rescinded;
- (2) parking be prohibited at all times on the west side of McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, from 7:00 p.m. on the first day of December to 7:00 p.m. on the 1st day of April, inclusive;
- (3) the permit parking provisions on McRoberts Avenue, between Rogers Road and a point 201 metres north of Corby Avenue, be adjusted accordingly from the west side to the east side; and
- (4) that the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

Background:

Humber York Community Council, at its meeting of October 23, 2001, in considering a motion from Councillor Betty Disero (October 3, 2001) requested Transportation Services to report to its November 20, 2001 meeting on the feasibility of changing the parking regulations on McRoberts Avenue from Corby Avenue to Rogers Road, from the west side of the street to the east side of the street, from December 1st to March 31st. (Clause No. (50)(q) of Report No. 9 of Humber York Community Council).

Comments:

Transportation Services staff have reviewed Councillor Disero's request. It is feasible to implement this request; however, it would be more practical to switch the parking on the entire section of McRoberts Avenue, between Rogers Road and its terminus north of Corby Avenue.

McRoberts Avenue, between Rogers Road and its terminus north of Corby Avenue, operates two-way on a pavement width of 7.5 metres. Parking operates on an alternate side basis on McRoberts Avenue and is allowed for a maximum time period of three hours outside of the hours of permit parking operation, 12:01 a.m. to 6:00 a.m., daily.

Alternate side parking operates from spring to fall (April 1st to November 30th) and is restricted to one side of the street only during the winter months (December 1st to March 31st) to facilitate snow clearing operations. Parking on McRoberts Avenue, during the winter months, is allowed on the west side of the street and prohibited on the east side.

Between Rogers Road and Corby Avenue, there are approximately 24 parking spaces on the west side of McRoberts Avenue and 35 parking spaces on the east side. Switching the parking from the west side to the east side during the winter would provide an additional 11 parking spaces for area residents. These additional spaces are mainly due to the presence of fire hydrants and a greater number of driveway ramps on the west side of the street.

Changing the parking during the winter months only on the block between Rogers Road and Corby Avenue could create confusion for motorists and make it difficult for snow clearing operations, as parking would remain on the west side of the street between Corby Avenue and its terminus north of Colby Avenue. There are approximately 48 parking spaces on the west side and 69 parking spaces on the east side of this entire section of McRoberts Avenue. It would be prudent to change the parking during the winter months to the east side on both blocks of McRoberts Avenue, between Rogers Road and its terminus north of Colby Avenue. This would

provide an additional 21 parking spaces during the winter months.

Conclusion:

Switching the parking from the west side to the east side of McRoberts Avenue between Rogers Road and its terminus north of Colby Avenue will increase the supply of on-street parking spaces during the winter months.

Contact:

Brian Holditch, Traffic Investigator  
Phone: (416) 338-5428  
Fax: (416) 392-0816  
E-mail: bholditc@city.toronto.on.ca

(A copy of Drawing No. 421F-6276, dated November 2001, is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 4 [Notice of Motion J(9)]**

Report dated November 29, 2001, from the Commissioner of Urban Development Services, entitled "Recruitment of the City's Board Appointees to the Interim Toronto Waterfront Revitalization Corporation". (See Minute No. 10.95, Page 105):

Purpose:

To appoint three individuals that will represent the City of Toronto on the inaugural Board of the Interim Toronto Waterfront Corporation.

Financial Implications and Impact Statement:

There are no financial implications resulting from approval of this report. The appointment of individuals to the Board of the Interim TWRC will ensure that the City's interests and priorities are represented through the Waterfront Revitalization Initiative.

Recommendations:

It is recommended that:

- (1) the following three persons be appointed as the City of Toronto's appointees to the Board of Directors of the Toronto Waterfront Revitalization Corporation for a term of office of up to three years to expire December 4, 2004, and until their successors are appointed:

Murray Chusid  
Tony Dionisio  
Mark Wilson; and

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

Background:

On October 20, 2000, the leaders of the City, Provincial and Federal Governments announced their support of the Toronto Waterfront Revitalization Initiative and their commitment of \$1.5 billion to be shared equally by the three governments. The leaders directed senior staff of the respective governments to co-operate in developing the mechanics of implementing the revitalization plan.

On March 5, 2001, Mayor Lastman, joined by Federal Transport Minister David Collenette and Ontario Deputy Premier and Finance Minister Jim Flaherty, announced the commitment of the three governments to the creation of a TWRC and the funding of four priority capital projects totalling \$300 million.

At its meeting on May 30, 31 and June 1, 2001, Council approved, as amended, Clause No. 1 of Report No. 7 of The Policy and Finance Committee, headed "Governance Structure and Funding to Implement the Toronto Waterfront Revitalization Initiative". In approving this report, Council endorsed the creation of an Interim TWRC and a proposed Board structure for the new entity. The Interim TWRC Board is to contain nine directors and one chair, Robert Fung. Each of the three Government partners is to appoint three Directors to the Board. Consistent with Federal and Provincial policy, elected officials are not eligible for appointment. The City's appointees are to report to Council for approval, through the Waterfront Reference Group.

Comments:

An open and public process was employed to recruit the City's appointees to Interim TWRC. The Caldwell Partners were retained to assist with this process and to ensure that a strong slate of candidates was developed. With assistance from City staff, Caldwell developed a comprehensive Information Kit for potential Board appointees, broadcast and advertised the opportunity, identified and developed up-to-date information on potential candidates, consulted with key stakeholders, including members of Council, on skill requirements and possible appointees, and undertook exploratory meetings with candidates.

As a result of these initiatives, 515 individuals were contacted by the Caldwell Partners, of which 124 were formally screened by telephone interview. A long list of 29 individuals were interviewed and nine candidates were presented to representatives of the Waterfront Reference Group for consideration. Of this total, six were interviewed on November 28, 2001, by representatives of the Reference Group, facilitated by the Caldwell Partners. Candidates were asked, among other things, to outline their vision for the waterfront, the skills and qualifications that they would bring to the Board and the manner in which they would remain apprised of the interests and priorities of communities in Toronto relative to Waterfront Revitalization.

Based on these interviews, the following three individuals are recommended as the City's appointees to the Interim TWRC:

Murray Chusid  
Tony Dionisio

Mark Wilson

Background information on each candidate is attached as Appendix "A".

Conclusion:

The three individuals identified above are recommended as the City's appointees to the Board of the Interim TWRC. These individuals have the skills and expertise necessary to ensure that the City's interests and priorities are reflected in initiatives undertaken by the Corporation.

Contact:

Elaine C. Baxter-Trahair, Waterfront Project Director  
(416) 397-4083 ebaxter@city.toronto.on.ca

(The Background Information on Recommended Appointees, 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 identifiable individuals, and a copy thereof is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 5 [Notice of Motion J(11)]**

Report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled “Quotation for Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards – Blanket Contract No. 47003759 (Various Wards – District 1)”. (See Minute No. 10.97, Page 110):

Purpose:

The purpose of this report is to obtain Council’s confirmation to extend Blanket Contract No. 47003759 to cover the costs associated with current and anticipated work, for Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards that have been incurred and are anticipated for the period ending December 31, 2001.

Financial Implications and Impact Statement:

Funds in the amount of \$600,000.00 are available from various capital and current appropriations of the Division and external agencies.

Recommendations:

It is recommended that:

- (1) Quotation Request No. 3923-00-5432 in respect of Blanket Contract No. 47003759 be increased by \$600,000.00, from \$500,000.00 to \$1,100,000.00, to cover the costs associated with ongoing emergent or unplanned adjustments to pavements, curbs, sidewalks and boulevards for the period ending December 31, 2001, at the unit prices included in the current contract; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Quotation Request No. 3923-00-5432 for the Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards - District 1, was opened by the Purchasing and Materials Management Division on October 25, 2000. Blanket Contract No. 47003759 was issued to Metropolitan Paving and Concrete Limited, being the lowest bidder, with the total estimated amount not to exceed \$500,000.00, for the period January 1 to December 31, 2001. In view of the schedule for Committee and Council meetings, we are reporting on this matter directly to City Council at its December 4, 2001 meeting, in order to resolve this contract and

authorize payment for work completed prior to year-end.

Comments:

The quotation documents for this project provide for the submission, by the bidder, of unit and hourly rates for specified labour and equipment required in connection with the annual delivery of emergent repairs. Annual estimates for emergent works are generally based on previous contracts and estimated work for the year. The total price is used only to determine the minimum required amount for performance bond purposes. When this quotation was awarded, in the fall of 2000, to Metropolitan Paving and Concrete Limited, it was anticipated that the total cost of work involved would be in the order of \$500,000.00, based on the unit prices submitted and expected quantities of work. Accordingly, Purchasing and Materials Management staff issued Quotation Request No. 3923-00-5432 in respect of Blanket Contract No. 47003759, on November 30, 2000, in the amount of \$500,000.00.

Under the terms of the contract, the Contractor must be available as and when required on a 24-hour, seven-day-a-week basis, during the period January 1 to December 31, 2001. The work involves pavement, sidewalk, curb, and boulevard repairs or replacements that cannot expeditiously be carried out under the traditional tender process due to limited time constraints, emergency situations or small quantities and diverse locations.

The work performed under this contract is funded primarily by divisional and external Capital Accounts. In addition to an increased volume of emergent work typically undertaken as part of this contract, other works that have contributed to the increased expenditures in 2001 include:

- (a) Parks and Recreation works in the amount of \$200,000.00;
- (b) garage and fence demolition and interim adjustments related to a lane expropriation in the amount of \$60,000.00;
- (c) emergency repairs to utility cuts on major arterial roads in the amount of \$160,000.00; and
- (d) construction of urgently needed missing sidewalk links, boulevard adjustments and areaway repairs in the amount of \$225,000.00.

Metropolitan Paving and Concrete Limited has been requested to continue to proceed with emergent work now in progress and to maintain crews available as required under the terms of their contract. Staff of Audit Services and Finance have advised that, notwithstanding the unit rate nature of this contract, it is necessary to report on



this matter to Council.

Conclusion:

The contract for the Emergent and Miscellaneous Work to the Maintenance of City Pavements, Curbs, Sidewalks and Boulevards - District 1 was in place as of January 1, 2001 and is due to expire on December 31, 2001. With heavier than anticipated emergent work engaged during this period, an additional expenditure of \$600,000.00 will be required. On the basis of minimizing administrative costs, reducing disruption and ensuring safety to the public, the contractor has been advised to proceed with emergent work now in progress. The contractor will maintain crew availability as required under the terms of the contract and all work being performed is at the unit prices included in the current contract. The current contract was awarded to the lowest bidder as a result of a Request for Quotation issued by the Purchasing and Materials Management Division.

In accordance with the Toronto Municipal Code, Chapter 71, Financial Control, this report requests confirmation of Council as to the amendment of this contract.

Contact:

Andrew Koropeski, Director  
Transportation Services District 1  
Telephone: 392-7714, and Fax: 392-1920  
E-mail: akoropeski@city.toronto.on.ca

**ATTACHMENT NO. 6 [Notice of Motion J(11)]**

Report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled "Maintenance of City Pavements, Curbs and Sidewalk within District 1- Quotation No. 3923-01-5147 (Wards 11 and 21)". (See Minute No. 10.97, Page 110):

Purpose:

The purpose of this report is to obtain City Council approval for the expenditure of extra costs under Quotation No. 3923-01-5147 associated with the resurfacing of Claxton Boulevard, resulting in the initial contract value being exceeded by more than 10 percent.

Financial Implications and Impact Statement:

Funds in the amount of \$141,000.00 are available in Local Road Reconstruction Capital Account CTP301-15-12.

Recommendations:

It is recommended that:

- (1) additional expenditures in the amount of \$141,000.00 in Quotation No. 3923-01-5147 be authorized to cover additional work associated with free-standing curb, general excavation and sub-drainage work on Claxton Boulevard; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Bid Committee, at its meeting of June 20, 2001, awarded Quotation No. 3923-01-5147, Maintenance of City Pavements, Curbs and Sidewalk within District 1 for the Resurfacing and Maintenance Repairs to Various Types of Pavements on Four Local Streets, Terry Drive, Hunter Avenue, Livingston Avenue and Claxton Boulevard, in the amount of \$352,853.64, to 961488 Ontario Limited, O/A Sanan Construction. In view of the schedule for Committee and Council meetings, we are reporting on this matter directly to City Council at its meeting of December 4, 2001, in order to resolve this contract and authorize payment for work completed prior to year-end.

Comments:

This work commenced on Claxton Boulevard, under the subject contract, on August 31, 2001, and was partially completed on November 12, 2001, with final completion in the Spring of 2002. This involved asphalt resurfacing of the pavement and partial replacement of the free-standing curb. During the work, unstable ground conditions were encountered which required additional sub-drainage to control ground water, and more extensive curb replacement as a result. Additional excavation, granular backfilling and sod repairs were also necessary due to these unforeseeable ground conditions. It is noted that further core testing has revealed that more extensive repairs to other sections of the pavement structure will be required.

Accordingly, it is necessary to increase the final cost of this contract for works incurred and still to be carried out, including all taxes and charges, to an amount of \$493,853.64 which is in excess of the award amount by \$141,000.00 or 40 percent, based on the unit prices contained in the contract.

Conclusions:

The current contract was awarded to the lowest bidder as a result of a Request for Quotation issued by the Purchasing and Materials Management Division.

In accordance with the Toronto Municipal Code, Chapter 71, Financial Control, this report requests approval of Council of additional expenditures exceeding 10 percent of the original contract award amount.

Contact:

Andrew Koropeski, Director  
Transportation Services District 1  
Telephone: 392-7714, and Fax: 392-1920

**ATTACHMENT NO. 7 [Notice of Motion J(11)]**

Report dated November 29, 2001, from the Commissioner of Works and Emergency Services, entitled "Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads, District One, Contract No. 01D1-112TU in former Wards 1 and 26, Contract No. 01D1-114TU in former Wards 22 and 23". (See Minute No. 10.97, Page 110):

Purpose:

To advise City Council of additional expenditures in Contract Nos. 01D1-112TU and 01D1-114TU for Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads in District One, resulting in the initial contract award value being exceeded by more than 10 percent.

Financial Implications and Impact Statement:

Interim funding for these unit cost contracts is contained in Account No. TP0129-4420. Once the cut repair is completed, the utility companies responsible for the cuts are required to pay for the work and for overheads associated with the cut repair operations. Accordingly, the cut repair account is replenished and the operation has no budgetary impact.

Recommendations:

It is recommended that:

- (1) additional expenditures in the amount of \$500,000.00 and \$1,500,000.00 for work undertaken under Contract Nos. 01D1-112TU and 01D1-114TU, respectively, Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads, District One, be authorized by City Council; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

City Council, at its meeting of April 23 to 27, April 30 and May 1 and 2, 2001, awarded Contract Nos. 01D1-112TU and 01D1-114TU for the Permanent Repairs to Utility Road Cuts on Various City of Toronto Local Streets and Collector Roads in District One to Vaughan Paving Limited and Warren Bitulithic Limited. Purchase Orders in the amount of \$2,119,201.87 and \$3,544,674.38 were issued accordingly. (Clauses Nos. 23 and 25 of Report No. 5 of the Works Committee). In view of the schedule for Committee and Council meetings, we are reporting on this matter directly to City Council at its meeting of December 4, 2001, in order to resolve these contracts and authorize payment prior to year-end.

Comments:

It is necessary to increase the amount of Contract No. 01D1-112TU due to an increase in the volume of cuts which were repaired.

City Council, at its meeting of November 6, 7 and 8, 2001, adopted Clause No. 5 of Report No. 16 of The Works Committee which recommended an additional expenditure for work to be undertaken under Contract No. 01D1-114TU in the amount of \$1,450,000.00. It is necessary to further increase the amount of this contract due to the additional volume of cuts which were repaired.

These are unit price contracts and were awarded on the basis of the unit rates quoted by the successful bidders. The total tender price is used only to determine the minimum required amount for performance bond purposes. The utility companies responsible for the cuts pay the necessary amounts for the permanent repairs and for overheads associated with the cut repair operation. Accordingly, the cut repair operation has no budgetary impacts on the City.

The approximate final costs of these Contracts will be as follows:

Contract No. 01D1-112TU in the amount of \$2,619,201.87, including all taxes and charges, and will be in excess of the award amount by \$500,000.00 or 24 percent.

Contract No. 01D1-114TU in the amount of \$6,494,674.38, including all taxes and charges, and will be in excess of the amended award amount by \$1,500,000.00 or 30 percent.

The final costs of these Contracts have not been determined as the final payments have not yet been made.

Staff of Audit Services and Finance have advised that, notwithstanding the unit rate nature of these Contracts, it is necessary to report on this matter to City Council.

Contact:

R. A. Spizarsky  
Superintendent, Surface Maintenance District 1  
Transportation Services  
Tel: (416) 392-1805 and Fax: (416) 392-7776

**ATTACHMENT NO. 8 [Notice of Motion J(14)]**

Report dated December 3, 2001, from the Chief Administrative Officer, entitled "Appointment – Chief Financial Officer and Treasurer". (See Minute No. 10.100, Page 116):

Purpose:

The purpose of this report is to recommend to Council an appointment to the position of Chief Financial Officer and Treasurer.

Financial Implications and Impact Statement:

Funding for the position is included in the Finance Department operating budget. The Acting Treasurer concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Joseph P. Pennachetti be appointed to the position of Chief Financial Officer and Treasurer and Collector for the City of Toronto and that such appointment be effective January 21, 2002, provided that he has entered into an employment contract with the City prior to that date;
- (2) the Chief Administrative Officer be authorized to negotiate terms and conditions of employment based on the pro-forma employment contract provisions previously approved and consistent with other second level senior management of the City;
- (3) the By-law appointing the Acting Chief Financial Officer and Acting Treasurer remain in full force and effect until a by-law appointing a new Chief Financial Officer and Treasurer 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:

At its meeting held on May 30, 31 and June 1, 2001, Council considered a recruitment and selection process for the hiring of a Chief Financial Officer and Treasurer, including the recommendation of the selection decision for the approval and appointment by Council.

The members of the selection panel were the Mayor, Deputy Mayor, Chair of Budget Advisory Committee, Chair of Administration Committee, Chair of Personnel Sub-Committee, Chief Administrative Officer and Commissioner, Corporate Services. The other Members of Council were invited to audit the interviews of the finalist candidates.

Comments:

Consistent with the established process, the selection panel has concluded its interviews of the short list of qualified candidates for the position of Chief Financial Officer and Treasurer. 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.

A summary of the curriculum vitae of the candidate is attached.

Subject to the execution of an employment contract with the recommended candidate prior to January 21, 2002, the appointment of Joseph P. Pennachetti as Chief Financial Officer and Treasurer should come into effect on January 21, 2002.

In order to avoid a situation which could arise if an employment contract with the recommended candidate is not executed by January 21, 2002, it is recommended that the by-law appointing the Acting Chief Financial Officer and Acting Treasurer remain in full force and effect until a by-law appointing a new Chief Financial Officer and Treasurer comes into effect.

Conclusions:

The selection process for the Chief Financial Officer and Treasurer has been thorough and comprehensive, open, fair and objective. The recommendation of the selection panel is presented for the consideration of Council.

Contact:

Shirley Hoy  
Chief Administrative Officer  
Telephone: 416-392-3551  
Fax: 416-392-1827

(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, and a copy thereof

is on file in the Office of the City Clerk.)



**ATTACHMENT NO. 9 [Notice of Motion J(15)]**

Report dated December 3, 2001, from the Commissioner of Corporate Services, entitled "Appointment – Acting City Solicitor". (See Minute No. 10.101, Page 119):

Purpose:

The purpose of this report is to recommend the appointment of an Acting City Solicitor from the date of retirement of the current City Solicitor until a by-law appointing a new City Solicitor comes into effect.

Financial Implications and Impact Statement:

Funding related to the acting appointment will be available in the Legal Services Division operating budget.

The Acting Treasurer concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Margaret A. Fischer be appointed Acting City Solicitor from February 6, 2002, until a by-law appointing a new City Solicitor comes into effect; and
- (2) 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:

At its meeting held in April/May 2001, Council established a recruitment and selection process for the hiring of a City Solicitor, including the recommendation of a selection decision for the approval and appointment by Council. This process is underway.

Comments:

The current City Solicitor will retire effective February 5, 2002. This is a by-law position, and it is necessary to appoint an Acting City Solicitor to ensure properly authorized representation by the City in various Courts and Tribunals. The Acting City Solicitor will also be responsible for the overall management of the Legal Services Division.

In order to avoid a situation where the current City Solicitor retires and a new City Solicitor has not been appointed, it is recommended that an Acting City Solicitor be appointed.

Conclusions:

The City Solicitor has been consulted concerning this matter. A recommendation concerning the appointment of a new City Solicitor will be submitted to Council at the earliest opportunity.

Contact:

M. Joan Anderton  
Commissioner, Corporate Services  
Telephone: 416-397-4000

**ATTACHMENT NO. 10 [Notice of Motion J(17)]**

Report dated December 3, 2001, from the Acting Commissioner of Community and Neighbourhood Services, entitled “Update on Development Proposal for Transitional Housing Using Manufactured Structures”. (See Minute No. 10.103, Page 122):

Purpose:

The purpose of this report is to provide an information update on the development proposal for transitional housing using manufactured structures.

Financial Implications and Impact Statement:

There are no financial implications or impacts at the current time, as this report is for information only.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council, at its meeting of November 6, 7 and 8, 2001, adopted the October 18, 2001 report from the Acting Commissioner of Community and Neighbourhood Services “Development Proposal for Transitional Housing Using Manufactured Structures – Ward 30 Toronto Danforth”.

At the same meeting, Council also had before it a November 6, 2001 supplementary report from the Acting Commissioner of Community and Neighbourhood Services to Council, entitled “Supplementary Report on the Development Proposal for Transitional Housing using Manufactured Structures – Ward 30 Toronto Danforth”. The supplementary report contained a recommendation requiring the Acting Commissioner of Community and Neighbourhood Services to report back to City Council at its meeting of December 4, 5 and 6, 2001. The recommendation reads as follows:

- “(1) Council request the recommended proponent, Homes First Society, to submit a modified proposal that enhances the development in their original proposal, and the Acting Commissioner of Community and Neighbourhood Services be delegated authority to negotiate with Homes First Society for this purpose, and report back to City Council at its meeting of December 4, 5 and 6, 2001 on the modified proposal, which:

- (a) demonstrates how more transitional units could be developed on the entire site for people with greater needs, including for people living on the Home Depot site;
- (b) uses the built form of the transitional manufactured structures recommended in the original proposal from Homes First Society;
- (c) identifies the capital funding being made available from non-public sector sources to help finance the modified proposal;
- (d) details the additional capital funding required from the Transitional Housing Envelope of the Supporting Communities Partnership Initiative;
- (e) details the projected operating funding necessary to adequately staff and resource the additional transitional housing for hard to house clients, including some people living on the Home Depot site, so long as the prospective tenants meet all eligibility and selection criteria of Homes First Society;
- (f) provides an accurate account of the number of people residing on the Home Depot site and a basic assessment of their housing and shelter needs;
- (g) contains a plan to vacate the Home Depot site, including the phase out of all residential occupancies on the site including the removal of Durakit structures and other temporary shelters such as tents or other homemade structures; and
- (h) provides written concurrence and support for the modified proposal from the other short-listed proponent Home Aid Housing Corporation.”

Council also passed the following recommendations and amendments at its November meeting:

- “(3) up to \$150,000.00 from the Provincial Off-the-Street, Into Shelter Homelessness Initiative funding be made available to one or more community-based organizations to help people living at the Home Depot site to find alternative and appropriate shelter and housing options, and the Acting Commissioner of Community and Neighbourhood Services be delegated authority to enter into service agreements with one or more community-based

organizations for this purpose;

- (4) staff from all relevant City departments and agencies actively work with the recommended proponent, Homes First Society, to resolve outstanding issues with regard to 525 Commissioners Street, including further evaluation of this project with respect to the proposed Central Waterfront Plan and the legal action brought by the Toronto Port Authority against the City;
  - (b) the Acting Commissioner of Community and Neighbourhood Services be requested to:
    - (i) submit a report to the Community Services Committee, in six months, providing an update on the transitional housing; and
    - (ii) submit status reports to the Community Services Committee on an annual basis thereafter;
  - (c) the Acting Commissioner of Community and Neighbourhood Services and the Acting Chief Financial Officer be requested to submit a joint report to the Community Services Committee on all financial impacts and potential costs, including operating costs, opportunity costs and property taxes; and
  - (d) any additional City financial responsibilities above those approved in the 2001 budget be considered with the 2002 budget submission.”

City staff have completed an initial review of the modified proposal. This report provides further information on the development proposal for transitional housing using manufactured structures as directed in recommendation 1 approved by Council at its November meeting.

Comments:

I. Modified Proposal:

City staff met with Homes First Society during November to discuss and negotiate the modified proposal. City staff received Homes First Society's modified proposal on November 26, 2001.

An initial assessment of the modified proposal indicates that it addresses the criteria set out in Recommendation No. (1) of the November 6, 2001 supplementary report. Staff are continuing with their due diligence review of the proposal.

(a) More Transitional Units on the Entire Site for People with Greater Needs, Including People Living on the Home Depot Site

Homes First Society has more than doubled the number of transitional units and beds on the site from the original proposal. Homes First Society, in the modified proposal, has demonstrated that 73 beds can be developed in 65 units. A proposed site plan is included as Appendix 1, which illustrates how Homes First Society proposes to use the site.

Homes First Society has demonstrated diversity in the type of transitional units provided, thereby ensuring a range of housing options, including options suitable for people such as those living on the Home Depot site known as Tent City. The modified proposal includes single room occupancy units with bathrooms and kitchens, single room occupancy units with only bathrooms and congregate living units. Each unit has its own entrance from the exterior of the building. There will also be common areas for eating, laundry and meetings.

(b) Using the Built Form of the Transitional Manufactured Structures Recommended in the Original Proposal from Homes First Society:

As in the original proposal, the built form will be manufactured housing, built by Royal Homes of Wingham, Ontario.

(c) Capital Funding to Finance the Modified Proposal from Non-Public Sector Sources

The total cost of the modified development, before fees and permits are waived and tax rebates are received, is projected at \$2,370,782. This translates into \$32,476.00 per bed.

Fees and permits for this modified proposal are projected at \$66,002.00. Because Homes First Society is a non-profit organization, these fees will be waived.

As a non-profit organization providing rent-geared-to-income housing, Homes First Society is also eligible for a GST rebate of an estimated \$88,834.00, and a PST rebate of an estimated \$52,534.00.

For the remaining \$2,163,412.00 (\$2,370,782.00 less fees and permits and tax rebates) Homes First Society has established a target of \$113,412.00 in fundraising to assist in the development of this project. Homes First Society has made contact with the United Way of Greater Toronto about identifying a possible donor.

Home Depot Canada has been approached and is open to participation in a public-

private partnership arrangement. Discussions in this regard are ongoing.

Homes First Society has also developed partnerships for in-kind contributions. For example, approximately \$25,000.00 of industrial kitchen equipment may be made available for the modified transitional housing project from a restaurant equipment company, as well as dishes, glasses and other kitchen supplies.

(d) Capital Funding from the Transitional Housing Envelope of the Supporting Communities Partnership Initiative:

Homes First Society has outlined that \$2,050,000.00 in Supporting Communities Partnership Initiatives (SCPI) funding will be necessary for the modified proposal. This amount of SCPI funding is slightly more than double what was allocated under the original request for proposals for transitional housing using manufactured structures.

(e) Projected Operating Funding for the Modified Proposal:

The original proposal was dependent upon rental revenues for operating funding. However, this assumed tenants had a history of paying rent, as well as tenants requiring minimal supports.

Once the project became directed toward housing some of the people living on the Home Depot site known as Tent City, as well as others experiencing absolute homelessness, the project required revenue from sources other than rent since the modified proposal requires 24-hour staffing to address the high needs of the prospective tenants. Homes First Society has identified a need for per diem shelter funding for this purpose. This hard to house client group, several of whom Homes First Society has worked with in the past, have often had difficulty paying rent. As a result, they are often evicted not long after housing is secured for them. The modified proposal is structured such that there is flexibility and the opportunity to work toward having the tenant pay rent as they strive toward increased housing stability and other permanent housing.

Homes First Society has identified an operating per diem of \$64.00 per bed, based upon a 95 percent occupancy level for the 73 beds (69 beds occupied at any given time). Therefore, gross annual operating costs for the modified proposal are anticipated to be \$1,611,840. However, Homes First Society plans on designating 32 of the 73 beds as rent paying. Whenever rent is paid for those beds, Homes First Society will reimburse the City for unused per diems.

- (f) Number of People Residing on the Home Depot Site and a Basic Assessment of their Housing and Shelter Needs:

Homes First Society staff have visited the Home Depot site on several occasions to get a more accurate account of the number of people residing on the site and to undertake a basic assessment of their housing and shelter needs. The total population on the site fluctuates on a nightly basis; however, it is estimated that on most nights 75 people reside on the site in 40 different structures.

The people on the site are a heterogeneous group in terms of age, gender, being single or in couples, mental health issues or addictions (or absence thereof), and housing needs. There are four distinct groups separated into the north, south, west and east ends of the site, and a range of shelters on the site including prefabricated structures, self-built structures and other camps. Several people on the site are employed.

All people on the site interviewed by Homes First Society have rejected emergency shelters as an option. The duration of stay on the site ranges from four months to two and a half years. All but four people thus far have expressed a desire to acquire housing that meets their needs off the Home Depot site.

- (g) Plan to Vacate the Home Depot Site, Including the Phase-Out of all Residential Occupancies:

Under the modified proposal, Homes First Society will take the primary role in working with individuals presently living on the Home Depot site to find alternative housing within the community, including those operated by Homes First (including the modified development once constructed), other non-profit housing providers, and private landlords. This work will be done in collaboration with other organizations that have been working with and supporting the people living on the site. Homes First Society predicts that timing is key to this initiative being successful. Once the weather gets warmer, relocation will become increasingly difficult because more people are expected to return to the Home Depot site in the spring.

The removal of the existing residential occupancies on the site will require co-operation from the people living on the site, other organizations and service providers who have been providing assistance and Home Depot Canada. Homes First Society has indicated a willingness to co-ordinate and facilitate a series of meetings with these groups to determine a process for the removal of residential structures, including securing the site after the structures and personal belongings have been removed from the site. Securing of the site is at the discretion of Home Depot Canada.

- (h) Written Concurrence and Support for the Modified Proposal from Home Aid



Housing Corporation:

Home Aid Housing Corporation has provided written concurrence and support for the modified proposal.

II. Site for Development

There are ongoing discussions regarding the use of 525 Commissioners Street for the development of transitional housing using manufactured structures with relevant agencies and City departments. Recent investigation has revealed a restrictive covenant on the 525 Commissioners Street site which was included in the 1994 Agreement of Purchase and Sale between the Toronto Port Authority and TEDCO. This covenant requires reasonable access to unload from ships at 525 Commissioners Street.

Staff from Urban Development Services have noted several significant planning issues related to locating the transitional housing development at 525 Commissioners Street. Urban Development Services staff have indicated that the proposal conflicts with the direction of the new waterfront plan, which identifies the area as part of the continuous public waterfront edge and is in the centre of a possible convergence centre. Urban Development Services has also noted that the site is very isolated and does not currently provide for local community or retail services for new residents. Furthermore, as has been noted in previous reports, the site is within the Don River Floodplain and is not zoned for residential uses. The fact that the site is very narrow and flanked on one side by Commissioners Street and the dockwall on the other side has also raised planning issues pertaining to the safety of the development because it is in close proximity to the water. The structure of the dockwall in this area, which has long tiebacks under the site, cannot be disturbed by construction. They also note that the traffic flow on Commissioners Street carries heavy volumes of truck traffic, often at high speeds.

It is clear that these site issues need to be resolved before any development can proceed. To that end, due diligence activities will continue at 525 Commissioners Street, together with a review of possible alternate site locations that would meet the proposal requirements and timelines for development.

III. Next Steps

Capital and operating funding cannot be finalized until the due diligence process on 525 Commissioners Street and other possible sites has been completed, as only then will the exact size and scope of the modified development, as well as outstanding costs associated with site preparation and opportunity costs be known. To this end, staff will report back in the new year.

Conclusions:

An initial assessment of the modified proposal indicates that Homes First Society has addressed the criteria set forth in Recommendation No.(1) from the November Council meeting. Homes First Society has demonstrated in their modified proposal that it is possible to expand their proposed transitional housing development using the same built form. Homes First Society has also undertaken a count of the people on the site and has demonstrated that they can work with the people on the Home Depot site to help them move to the new transitional housing development, or to other Homes First housing, other non-profit housing providers or private landlords, thereby vacating the Home Depot site. Homes First Society has also received written concurrence and support for the modified proposal from Home Aid Housing Corporation.

Capital and operating funding cannot be finalized until the due diligence process on 525 Commissioners Street and other possible sites has been completed, as only then will the exact size and scope of the modified development, as well as outstanding costs associated with site preparation and opportunity costs, be known. To this end, staff will report back in the new year.

Contact:

Phil Brown  
General Manager  
Shelter, Housing and Support  
Phone: 416-392-7885  
Fax: 416-392-0548  
Email: pbrown1@city.toronto.on.ca

(A copy of Appendix 1, being the Proposed Site Plan for the Modified Proposal, appended to the foregoing report, is on file in the Office of the City Clerk).

**ATTACHMENT NO. 11 [Notice of Motion J(18)]**

Report dated October 29, 2001, from the Chief Administrative Officer and the Acting Chief Financial Officer, entitled “Financial Policies and Protocols to Guide Decision-Making in the City of Toronto – Reporting Decisions with Financial Implications”. (See Minute No. 10.104, Page 122):

Purpose:

This report establishes and recommends financial principles, policies, protocols and practices to guide and assure that all financial implications and impacts are provided to City Council for decisions with financial impacts.

Financial Implications and Impact Statement:

There are no financial implications arising from this report, however, approval of the recommended policies and protocols will ensure the consistent reporting of decisions with financial impacts, enhance the financial management of the City’s affairs and support fiscally responsible decision-making in the City of Toronto.

Recommendations:

It is recommended that:

- (1) City Council adopt the following financial principle to guide the reporting of decisions with financial implications:

Council and its Committees, in making decisions, should have full knowledge of financial implications before approving matters that increase spending in current and future years;
- (2) the information included in the financial implications section of staff reports be amended to include the following mandatory information, as appropriate:
  - (a) Current year impacts – current approved budget, current year incremental cost of the proposed change and total amended approved budget as proposed, indicating gross expenditure, revenue and net amounts in all cases, and any appropriate budget adjustments that may be required;
  - (b) Future year impacts – current plus following year(s) incremental costs for full implementation of decisions; the total project cost and 5-year cash flow for capital works and operating impacts for capital projects,

- including debt service costs;
- (c) Corporate impacts – financial impacts to other programs and agencies to be included to determine total impact to the City, including potential precedent setting ability, and any opportunity costs;
  - (d) identification of sustainable funding sources and resultant impact on service levels and/or standards or capital program work plan, to offset the total new financial impacts;
  - (e) resultant budget adjustments to capture cost-savings and revenue sources for current and future years;
  - (f) impact on reserves/reserve funds; current and future liabilities;
  - (g) impact on staffing levels; and
  - (h) consistency with Council strategic directions and fiscal priorities;
- (3) all reports having financial implications, current and/or future, be reviewed by Budget Services staff for the Chief Financial Officer and Treasurer and be signed off by the Chief Financial Officer and Treasurer or his/her designate, prior to Committee or Council consideration of the matter;
- (4) where the Chief Financial Officer and Treasurer does not concur with the reported financial implications and impacts or the financial implications and impacts are not fully reflected, the Chief Financial Officer and Treasurer submit a companion report outlining such issues and potential recommendations;
- (5) Standing Committee and Community Council recommendations which introduce financial impacts or amend staff-reported financial impacts be reviewed by the Chief Financial Officer and Treasurer and a fiscal impact statement be submitted prior to Council's consideration of this matter;
- (6) all Notices of Motion submitted by Council members for introduction which deal with matters that are not on the agenda of the Council meeting in question:
- (a) be referred to the appropriate Standing Committee for review, together with a report from staff on policy, financial and any other implications for consideration by Council at its next scheduled meeting; and

- (b) should City Council waive referral of the Notice of Motion, then the Notice of Motion be accompanied by a fiscal impact statement reviewed by the Chief Financial Officer and Treasurer, prior to Council's consideration of the matter;

and that Chapter 27, Council Procedures, of the City of Toronto Municipal Code be amended accordingly;

- (7) the City of Toronto's Financial Control By-law be amended to include the foregoing; and
- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In July 1999, City Council adopted the report, entitled "Financial Control Protocols within the Revised Council-Committee Structure", which outlined the criteria for decision-making protocols for addressing matters with financial implications and the subsequent routing of Committee reports with financial implications through the Council-Committee review and approval process.

The joint report (July 6, 1999) together with the supplementary joint report (July 28, 1999) both from the Chief Administrative Officer and Chief Financial Officer and Treasurer set out the roles and relationships for the planning, management and expending of financial resources within the City of Toronto. It also established the decision-making protocols for routing staff reports, Committee recommendations and Council Notice of Motions with financial implications. It clearly identified guidelines for ensuring consistent treatment of matters with financial implications by defining the approval process based on the Council-Committee structure.

City Council adopted, inter alia, the following protocols and requirements:

- a decision-making protocol that sets out the criteria and process for the routing of staff and Committee reports;
- all staff reports be required to identify clearly, at the beginning of the report, any financial implications, including:
  - the amount of expenditures and revenues;
  - the sources of revenues;

- any in-year financial implications beyond the approved budget;
  - future year financial impacts; and
  - where there are financial implications, a statement be included that indicates that the Chief Financial Officer and Treasurer has reviewed and concurs with the financial implications.
- Standing Committee and Community Council recommendations to Council and Notices of Motion introduced at Council which have financial implications beyond the approved annual budget be accompanied by staff identification, including a review by the Chief Financial Officer and Treasurer, of any financial implications during consideration of the items by Council.

It was noted that continued consultation would be required with program, agency (includes board and commission), Finance and City Clerk's staff to support implementation of the approved financial protocols. While such consultation occurred, the financial protocols have not been consistently adhered to nor have they been fully implemented, such as the identification and review of financial impacts on Notices of Motion.

The report dated September 21, 2000, entitled "Implementing Council's Corporate Management Framework: A New Budget Process for 2001 and Beyond", was considered by City Council at the conclusion of the 2001 budget cycle. The financial principles, roles and responsibilities put forward in that report require a strengthening of the City's financial protocols and practices to ensure that the review, approval and management of decisions having financial impacts are undertaken in a consistent and fiscally prudent manner. This need was reflected in the recommendation contained in that report requesting that the financial protocols be reviewed and that any improvements deemed necessary be reported back.

The 2002 Budget Process represents a transitional phase towards full implementation of the mature budget process based on the principles, roles and responsibilities outlined in the September 21, 2000 report. Consequently, the Acting Chief Administrative Officer and Acting Chief Financial Officer, in her report (August 24, 2001), entitled "2002 Budget Process and Schedule", recommended that the Acting Chief Financial Officer review existing financial protocols and practices regarding in-year policy decisions having current and future year budget impacts and report to the Policy and Finance Committee, in October 2001, on any improvements deemed necessary. City Council approved this report at its meeting of October 2, 3 and 4, 2001.

This report responds to Council's various directives to review current financial protocols to determine whether their implementation and use are supporting financially sustainable decision-making in the City. This report recommends sound financial principles, policies and resultant revised protocols and practices to guide City Council in its review of decisions with financial impacts in a fiscally prudent and consistent manner. These recommended improvements will ensure the consistent treatment of decisions with financial impacts, enhance the financial management of the City's affairs as well as promote fiscally responsible decision-making.

Comments:

In reviewing the use and effectiveness of current financial protocols and practices, the Committee and Council review and approval process was examined from a budgetary perspective, as the budget is the major fiscal benchmark for evaluating financial implications. Many of the recommendations arising out of the budget cycle direct program staff to examine service issues that have surfaced through the budget process, requiring staff to report back throughout the year and/or in time for the next budget process. These directives contribute to staff's annual work plans, a great deal of which is considered during the summer and fall, making particularly the third quarter of the fiscal year the busiest for staff, Committees and Council, as each attempts to resolve matters prior to the next budget process to ensure inclusion for consideration with the budget. This results in a high volume of staff reports and Committee recommendations on service/policy issues with potential financial impacts which are before Council for its consideration, some of which are approved prior to the budget process while others are referred for consideration with the budget.

This report focuses on the reporting of decisions with financial implications, proposing additional requirements for staff reports as well as the provision of full financial information of Community Council and Standing Committee recommendations and Notices of Motion prior to Council's consideration of such matters.

Reporting Decisions with Financial Implications:

Principle:

Council and its Committees, in making decisions, should have full knowledge of financial implications before approving matters that increase spending in current and future years.

Supporting Financial Protocols and Practices - Staff Reports:

Currently, the level and quality of detailed information respecting financial impacts vary in staff reports. In most cases, the data, while accurate, is limited to program-specific information and does not identify corporate impacts and other relevant information. In addition, there is no assurance that the Chief Financial Officer is reviewing all reports with current and/or future financial implications, particularly where any financial impacts may not be apparent or perceived to be direct. Finally, there is no established mechanism that ensures the appropriate reports have, in fact, been reviewed by Finance staff. As a result, the following revised protocols and practices are recommended below:

- (a) Financial implications statement of reports must be expanded to include the following mandatory items, as appropriate:
  - Current year impacts – current approved budget, current year incremental cost of the proposed change and total amended approved budget as proposed, indicating gross expenditure, revenue and net amounts in all cases, and any appropriate budget adjustments;
  - Future year impacts – current plus following year(s) incremental costs for full implementation of service issues; the total project cost and 5-year cash flow for capital works and operating impacts for capital projects, including debt service costs;
  - Corporate impacts – financial impacts to other programs and agencies to be included to determine total impact to the City, including ability to be precedent setting, and opportunity costs;
  - identification of sustainable funding sources and resultant impact on service levels and/or standards, capital program work plan;
  - resultant budget adjustments to capture cost-savings and revenue sources for current and future years;
  - impact on reserves/reserve funds; current and future liabilities;
  - impact on staffing levels; and
  - consistency with Council strategic directions and fiscal priorities.
- (b) all reports having financial implications, current and/or future, must be reviewed by Budget Services staff for the Chief Financial Officer and Treasurer and be signed off by the Chief Financial Officer and Treasurer or his/her designate, prior to Committee or Council consideration of the matter; and



- (c) where the Chief Financial Officer and Treasurer does not concur with the reported financial implications or where the financial implications and impact are not fully reflected, the Chief Financial Officer and Treasurer send a companion report outlining such issues and/or potential recommendations for consideration of the matter in question.

Adoption of the above recommendations will ensure that City Council and its Committees will be provided with comprehensive information regarding financial implications of matters under consideration.

Supporting Financial Protocols – Committee Recommendations/Notices of Motion:

There is no current practice to provide financial impact statements arising from Committee or Community Council recommendations that amend staff reports or in Notices of Motion. Furthermore, there is no established practice for the Chief Financial Officer and Treasurer, or designate, to review and report financial impacts prior to Council's consideration of such matters, even though this practice is a current requirement under existing financial protocols. As a result, many decisions are made and new matters introduced on the floor of Council without an assessment of the fiscal impacts of Committee or Councillor recommendations. There are three options to address this shortcoming. They include:

- (1) amend Chapter 27, Council Procedures, in the City of Toronto Municipal Code, to include a requirement that Notices of Motion be accompanied by a fiscal impact statement, prior Council's consideration of the matter;
- (2) the City Clerk develop guidelines for preparing Notices of Motion that require Councillors to include, as part of their Notices of Motion, a financial impact statement and that, except for Notices of Motion without notice, the Clerk should immediately, upon receipt, submit a copy of Notices of Motions to the Chief Financial Officer and Treasurer for review; or
- (3) all Notices of Motion presented to Council will be referred by Council to the appropriate Standing Committee for review and that the relevant body investigate the financial impact, prior to making a decision on such Notices of Motion.

It is recommended that all Notices of Motion submitted by Council Members for introduction which deal with matters that are not on the agenda of the Council meeting in question:

- (a) be referred to the appropriate Standing Committee for review, together with

- a report from staff on policy, financial and any other implications for consideration by Council at its next scheduled meeting; and
- (b) should City Council waive referral of the Notice of Motion, then the Notice of Motion be accompanied by a fiscal impact statement reviewed by the Chief Financial Officer and Treasurer, prior to Council's consideration of the matter; and
  - (c) Chapter 27, Council Procedures, of the City of Toronto Municipal Code be amended to reflect (a) and (b) above.

This affords City Council and staff the opportunity to refer the matter arising from the Notice of Motion to be reviewed to determine any service or service delivery issues and to identify financial, as well as any other implications, prior to decisions being made.

It should be noted that continued consultation with City Clerk's, program and agency staff will be necessary to support the implementation of the financial protocols recommended above.

Finally, it is also recommended that the City of Toronto's Financial Control By-law be amended to include the aforementioned financial policies and protocols to further promote financial accountability and compliance across the Corporation.

#### Conclusions:

This report responds to Council's various directives to review current financial protocols to determine whether their implementation and use are supporting financially sustainable decision-making in the City. This report recommends sound financial principles, policies and resultant revised protocols and practices to guide City Council in its review of decisions with financial impacts in a fiscally prudent and consistent manner. These recommended improvements pertaining to reporting decisions with financial implications will ensure consistent treatment, enhance the financial management of the City's affairs as well as promote fiscally responsible decision-making.

#### Contacts:

Bob Mavin, Director, Budget Services  
Tel: 416-392-8095; Email: [bmavin@city.toronto.on.ca](mailto:bmavin@city.toronto.on.ca)

Josie La Vita, Manager, Budget Services  
Tel: 416-397-4229; Email: [jlavita@city.toronto.on.ca](mailto:jlavita@city.toronto.on.ca)

**ATTACHMENT NO. 12 [Notice of Motion J(19)]**

Joint Report dated December 4, 2001, from the Acting Commissioner of Community and Neighbourhood Services and the Chief Administrative Officer and Acting Chief Financial Officer, entitled "Construction of a Child Care, Apartments and Transitional Residence, 28 Bathurst Street, Tender Call No. 214-2001, Ward 19 (Trinity-Spadina)". (See Minute No. 10.105, Page 126):

Purpose:

The purpose of this report is to advise the results of the Tender issued for construction of a Child Care, Apartments and Transitional Residence at 28 Bathurst Street, in accordance with specifications required by the Community and Neighbourhood Services Department, the Shelter, Housing and Support Division and the Children's Services Division, and to request the authority to award the contract to the recommended bidder, and to approve an increase in funding of \$390,000.00, with no new City debt.

Financial Implications and Impact Statement:

On August 1, 2, 3 and 4, 2000, by adoption of report, entitled "Transitional Residence/Housing and Child Care North Portion of 28 Bathurst", City Council approved funding for the 28 Bathurst project of up to \$ 5.75 million. Funding sources included approximately 50 percent from the Supporting Communities Partnership Initiative (SCPI) and \$ 1.321million from the Child Care Capital Reserve. Subsequently, Council approved in the amount of \$6,024,000.00 (an additional \$0.274 million over the original estimate) by adoption of the Shelter, Housing and Support 2001 Capital Budget.

Funding in the amount of \$6,024,000.00 was approved in the Capital Program Budget, Account No. CHS017-1. A \$390,000.00 funding increase is required as a result of increases in costs over preliminary cost estimates. The funding to cover the increase in costs can be provided from the Supporting Communities Partnership Initiative (\$330,000.00) and the Child Care Capital Reserve Fund (\$60,000.00). This brings the total SCPI contribution to the project to \$3,022,375.00.

Recommendations:

It is recommended that:

- (1) Tender Call No. 214-2001 for Construction of a Child Care, Apartments and Transitional Housing at 28 Bathurst be awarded to C.L. Construction & General Contractors Ltd., in the amount of \$5,749,027.00 including all taxes

- and charges, being the lowest Tender received;
- (2) the Capital budget for 28 Bathurst be increased by \$390,000.00 to \$6,414,000.00; and
- (3) \$330,000.00 of the additional required funding be transferred from the Shelter, Housing and Support Division's Supporting Communities Partnership Initiative Fund, and \$60,000.00 be transferred from the Child Care Capital Reserve Fund.

Background:

This joint project of the Shelter, Housing and Support Division and the Children Services Division, to build and operate a Child Care Centre, Apartments and a Transitional Residence at 28 Bathurst Street, was approved by Council on August 3, 4 and 5, 2000. The approved 2001 Capital Budget for this project is \$6,024,000.00.

The Bid Committee at its meeting held on October 10, 2001, opened the following Tenders for the Tender Call No. 214-2001 for Construction of a Child Care, Apartments and Transitional Residence at 28 Bathurst Street:

Tenderer	Tender Price
C.L. Construction & General Contractors Ltd.	\$ 5,749,027.00
M.J. Dixon Construction Limited	5,950,000.00
Bradscot (MCL) Ltd.	5,971,000.00
Proforma Construction Inc.	6,023,492.00
The Atlas Corporation	6,338,500.00
Maystar General Contractors Inc.	6,415,000.00
Carosi Construction Limited	6,430,000.00
Gottardo Construction Limited	6,468,000.00
Ross Clair/Division of R.O.M. Contractors Inc.	6,530,000.00
Torbear Contracting Inc.	6,660,750.00
Garritano Bros. Ltd.	6,736,907.08
Jasper Construction Corp.	7,150,000.00

The lowest Tender exceeds the portion of the project budget for construction by approximately \$390,000.00. The other charges to the project budget are Architect Fees and Disbursements of approximately \$500,000.00, Building Permit Fees of \$46,548.00 and Environmental and other costs of \$61,415.00. Additional funding of \$390,000.00 is required, in order to proceed with this project. In order to facilitate the completion of this project before the next winter season, it is recommended that \$330,000.00 be transferred from the Shelter, Housing and Support Division's

Supporting Communities Partnership Initiative Fund and \$60,000.00 be transferred from the Child Care Capital Reserve Fund.

Comments:

The Tender documentation submitted by the recommended bidder has been reviewed by the Acting Commissioner of Community and Neighbourhood Services and was found to be in conformance with the Tender requirements.

The Manager, Fair Wage and Labour Trades Office has reported favourably on the firm recommended.

Conclusion:

This report requests the authority to issue a contract for Construction of a Child Care, Apartments and Transitional Residence at 28 Bathurst Street to C.L. Construction & General Contractors Ltd., being the lowest Tender received. In addition, the Community and Neighbourhood Services Department requests an increase of \$390,000.00 to the project budget, to be accommodated from the Shelter Housing and Support Division's Supporting Communities Partnership Initiative Fund and the Child Care Capital Reserve Fund.

Contact:

Phil Brown  
General Manager  
Shelter, Housing and Support Division  
Phone: 416-392-7885  
Fax: 416-392-0548  
E-mail: pbrown1@city.toronto.on.ca

L. Pagano, P. Eng.  
Director  
Purchasing and Materials Management  
Phone: 416-392-7312  
Fax: 416-392-0801  
E-mail: lpagano@city.toronto.on.ca

J. Jagt  
Director, Hostel Services  
Shelter, Housing and Support Division  
Phone: 416-392-5358  
Fax: 416-392-8758  
E-mail: JJagt@city.toronto.on.ca

P. Varmuza  
Director  
Children's Services  
Phone: 416-392-8297  
Fax: 416-392-4576  
E-mail:  
varmuza@oradev.csis.csd.metrotor.on.ca

**ATTACHMENT NO. 13 [Notice of Motion J(23)]**

Joint Report dated November 27, 2001, from the Commissioner of Works and Emergency Services and the Acting Chief Financial Officer, entitled "Award of Contract for Sidewalk Snow Clearing - Transportation Services - District 2 (All Etobicoke Wards 1-6)". (See Minute No. 10.109, Page 131):

Purpose:

To report on the award of contracts for the clearing of Sidewalks in Transportation Services District 2.

Financial Implications and Impact Statement:

Funds have been provided as part of the \$2.7 million expansion of the sidewalk snow clearing program approved by Council at its meeting on July 24, 25 and 26, 2001. Specifically, interim funding of \$705,130.00 is available in the Division's Account TP0359 – Roadside Winter Control, for the period of January 1, 2002, to March 31, 2002. The balance of the funds will be available, if required, in the 2002 Transportation Services' Operating Budget, once approved. Funds will also be required in the 2003 Transportation Services Operating Budget in the amount of \$705,130.00 for the season of January 1, 2003, to March 31, 2003.

Recommendations:

It is recommended that:

- (1) Contract No. 01D2-112TW, Tender Call No. 238-2001 for Winter Maintenance on City of Toronto Roads – Sidewalk Ploughing, District 2 be awarded to Carillion Construction Canada a division of Carillion Canada Inc., being the lowest tender received, in the amount of \$1,598,045.00 including all taxes and charges for the periods of January 1, 2002, to March 31, 2002, and November 15, 2002, to March 31, 2003, with an option in favour of the City to renew on a seasonal basis for an additional four years at the City's discretion, with an annual increase of \$5.00 per hour operating rate; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any bills that may be required.

**Background:**

Council, at its meeting held on July 24, 25 and 26, 2001, in considering Clause No. 2 of Report No. 11 of The Works Committee, approved the extension of existing sidewalk and seniors snow clearing contracts in the Etobicoke Community Council area for a period of one-year with an option in favour of the City to renew for one additional year.

Further, Council also approved expanding the North York mechanical sidewalk clearing program to all sidewalks in the City of Toronto, effective January 2002.

To partially implement City Council’s direction to expand the sidewalk snow clearing program, the Commissioner of Works and Emergency Services was authorized by Council at its meeting held on November 6, 7 and 8, 2001, to re-negotiate existing senior’s contracts for the Etobicoke Community Council area. In order to complete the expanded service, staff from District 2 prepared Contract No. 01D2-112TW for expanded sidewalk ploughing in the Etobicoke Community Council area.

Comments:

The Bid Committee at its meeting held on November 21, 2001, opened the following tenders for Contract No. 01D2-112TW – Sidewalk Ploughing Within District 2:

FIRM NAME	TOTAL TENDER PRICE FOR WINTER MAINTANANCE ON CITY OF TORONTO ROADS SIDEWALK PLOUGHING DISTRICT 2 INCLUDING ALL CHARGES AND APPLICABLE TAXES						
	Jan. 1, 2002 to Mar. 31, 2002	Nov. 15, 2002 to Mar. 31, 2003	Nov. 15, 2003 to Mar. 31, 2004	Nov. 15, 2004 to Mar. 31, 2005	Nov. 15, 2005 to Mar. 31, 2006	Nov. 15, 2006 to Mar. 31, 2007	Total 6 years
Carillion Construction Canada	\$705,130	\$892,915	\$915,385	\$937,855	\$960,325	\$982,795	\$5,394,405
K. J. Beamish Construction Co, Ltd	\$1,543,310	\$1,919,472	\$1,754,265	\$1,764,265	\$1,764,265	\$1,764,265	\$10,479,842
Warren Bitulithic Ltd.	\$1,644,250	\$2,040,600	\$2,274,535	\$2,365,718	\$2,470,653	\$2,576,127	\$13,371,884

The lowest bidder is Carillion Construction Canada for a contract term of January 1, 2002, to March 31, 2002, and November 15, 2002, to March 31, 2003, with an option in favour of the City to renew on a seasonal basis for an additional four years, at the City’s discretion, with an annual increase of \$5.00 per hour operating rate.

Staff of Transportation Services, Works and Emergency Services have reviewed the tender documentation submitted by the recommended bidder and found them to be in conformance with the Tender requirements.

The Manager, Fair Wage and Labour Trades Office, has reported favourably on the firm recommended. Further, the Finance Department has also reviewed this report

and concurs with its recommendations.

Conclusions:

Pursuant to City Council's direction that all sidewalks that can be cleared mechanically be done commencing January 1, 2002, this report requests authority to award Contract No. 01D2-112TW, Tender Call No. 238-2001 for Winter Maintenance on City of Toronto Roads – Sidewalk Ploughing, District 2 to Carillion Construction Canada, a division of Carillion Canada Inc., for the period of January 1, 2002, to March 31, 2002, and November 15, 2002, to March 31, 2003. The City reserves an option to renew this contract on a seasonal basis for the periods of November 15, 2003, to March 31, 2004, November 15, 2004, to March 31, 2005, November 15, 2005, to March 31, 2006, and November 15, 2006, to March 31, 2007.

Contact:

John W. Thomas, MBA, P.Eng. Director,  
Transportation Services, West District  
416-394-8341; Fax 416-394-5416  
E-mail: [jthomas@city.toronto.on.ca](mailto:jthomas@city.toronto.on.ca)

Contact:

L. A. Pagano, P.Eng., Director,  
Purchasing and Material Management  
416-392-7312  
E-mail: [lpagano@city.toronto.on.ca](mailto:lpagano@city.toronto.on.ca)



**ATTACHMENT NO. 14 [Notice of Motion J(30)]**

Joint Report dated December 3, 2001, from the Chief Administrative Officer and Acting Chief Financial Officer, and the Commissioner of Economic Development, Culture and Tourism, entitled "Private Donation for the Don Valley Brick Works, Ward 29 Toronto-Danforth". (See Minute No. 10.116, Page 114):

Purpose:

The purpose of this report is to obtain Council approval for the receipt of a private donation of \$1,000,000.00 for the Don Valley Brick Works and to obtain authority to enter into an agreement with the donor.

Financial Implications and Impact Statement:

A private donor will contribute \$1,000,000.00 for improvements at the Don Valley Brick Works. The site improvements at the Don Valley Brick Works will be included in the Capital Program of the Culture Division, with recovery from the donated funds.

The Acting Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Council approve the receipt of a private donation of \$1,000,000.00 for the Don Valley Brick Works on the terms and conditions outlined in the Memorandum of Understanding in Attachment No. 1;
- (2) the donation be deposited into a reserve fund for the purpose of funding improvements to the Don Valley Brick Works;
- (3) authority be granted to enter into an agreement with the private donor to cover the implementation of improvements to the Don Valley Brick Works on terms and conditions satisfactory to the Commissioner Economic Development, Culture and Tourism and to the City Solicitor and Chief Financial Officer and Treasurer; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Culture Division was recently approached by Mr. Ying Hope (a former Councillor) in his capacity as an agent representing an anonymous donor. The donor is a family that lives in the vicinity of the Don Valley Brick Works that wishes to honour a distinguished, but ailing, member of their family in a public way.

Comments:

The identity of the donor has been disclosed to Deputy Mayor Ootes who can attest to the credibility of the family name and the individual to be recognized through this donation. Essentially the donor is prepared to donate \$1,000,000.00 to the City for the purpose of making a number of civic and cultural improvements to the Don Valley Brick Works site.

These improvements include clearing a small portion of public wood lot to make a defined access park space that would properly connect the Brick Works site, with its historic buildings and quarry garden, to the adjacent "Belt Line Trail" – an old railway right-of-way now used as a walking trail.

The donor also requests that, in addition to appropriate signage identifying the park, a doggy station be installed along the Belt Line Trail in this location for the convenience of pet owners who regularly use the trail.

To recognize the donation, the donor is requesting that the donor's name be associated with the one acre access park and appear on a small brick building adjacent to the park known now only as Building No. 1. Building No. 1 is one of the restored buildings on site that is being used by the cultural community – primarily by the Don Valley Art Club. This fund will also be used for future improvements to Building Number 1 that will enhance the cultural use of the site.

This is a welcome and public-spirited initiative that is consistent with the evolutionary vision of the Brick Works site and improves its public accessibility.

It is recommended that Council approve a private donation of \$1,000,000.00 for the Don Valley Brick Works on the terms and conditions outlined in the Memorandum of Understanding in Attachment No. 1.

Following Council approval of the donation, City staff will work with the donor to determine the exact nature of the civic improvements to be funded by the donation. It is further recommended that authority be granted to enter into an agreement with the private donor to cover the implementation of improvements to the Don Valley Brick Works on terms and conditions satisfactory to the Commissioner Economic

Development, Culture and Tourism and to the City Solicitor and City Treasurer.

Conclusion:

The private donation of \$1,000,000.00 to fund civic improvements at the Don Valley Brick Works is a remarkable private initiative for the improvement of the cultural life of the City. The family making the donation is to be congratulated for their generosity and their commitment to the City of Toronto.

Contact:

Rita Davies, Managing Director of Culture  
Tel: 416-397-5323  
Fax: 416-395-0278  
E-mail: rdavies@city.toronto.on.ca

Joe Farag, Director, Development, Policy and Research  
Tel: 416-392-8108  
Fax: 416-397-4465  
E-mail: jfarag@city.toronto.on.ca

---

Attachment No. 1

Memorandum of Agreement:  
Between: City Of Toronto

and:

Woodbridge Company Limited, Toronto

The Woodbridge Company Limited, Toronto, would like to contribute financially to create a new one-acre park space, as part of the regeneration of the Don Valley Brickworks site. In return, the City of Toronto agrees to designate and name the park space in honour of a prominent Toronto citizen as provided by Woodbridge.

On behalf of the person so honoured, Woodbridge hereby agrees to provide to the City the sum of \$1,000,000.00 (Cdn.), with a deposit of \$60,000.00 (Cdn.) to its agent, Harvey Kalles Real Estate Limited, to be held in trust, pending finalization of the necessary details to this agreement. Time is of the essence and Woodbridge and the City agree to immediate implementation of the park development early in the year 2002.

The City of Toronto will implement the plan, develop the park space, make all practical parks and related building improvements, and operate and maintain same for public enjoyment. The park space, being adjacent to the existing "Belt Line" walking trail next to the Don Valley Brick Works site will include a permanent doggie station for pets on the trail. The park space will include an outdoor interpretative display explaining the importance of the industrial heritage of this site to Toronto.

In recognition of this donation, which will also be used for future cultural improvements, the city will dedicate this new access park space in honour of the donor, and in addition have the donor's name associated with Building No. 1 at the Brick Works. The City agrees that, on an occasional basis, Building No. 1 may be made available for the presentation of displays related to the history of Toronto.

All professional fees and conceptual plans related to the new park space will be provided by the donor from the funds made available by this agreement as per above.