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These Minutes were confirmed by City Council on October 29, 2002.

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MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, OCTOBER 1, 2002,
WEDNESDAY, OCTOBER 2, 2002, AND
THURSDAY, OCTOBER 3, 2002**

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

CALL TO ORDER

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

The meeting opened with O Canada.

7.2 CONFIRMATION OF MINUTES

Councillor Disero, seconded by Councillor Nunziata, moved that the Minutes of the Special meeting of Council held on the 30th and 31st days of July, and the 1st of August, 2002, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

- 7.3 Councillor Feldman presented the following Deferred Clauses and New Reports for consideration by Council:

Deferred Clauses:

Report No. 9 of The Administration Committee, Clause No. 1(a),
Report No. 10 of The Administration Committee, Clauses Nos. 3(a), 4(a), 26(a) and
34(a),

Joint Report No. 2 of The Policy and Finance Committee and The Works Committee, Clause No. 1(a), and
Report No. 8 of The Humber York Community Council, Clause No. 1(a).

New Reports:

Report No. 13 of The Policy and Finance Committee,
Report No. 8 of The Economic Development and Parks Committee,
Report No. 10 of The Planning and Transportation Committee,
Report No. 10 of The Works Committee,
Report No. 12 of The Administration Committee,
Report No. 8 of The Community Services Committee,
Report No. 10 of The North York Community Council,
Report No. 8 of The Scarborough Community Council,
Report No. 10 of The Toronto East York Community Council,
Report No. 11 of The Etobicoke Community Council,
Report No. 11 of The Humber York Community Council,
Report No. 7 of The Midtown Community Council, and
Report No. 6 of The Striking Committee,

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

- 7.4 Councillor Feldman, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 8 of The Audit Committee,

and moved, seconded by Councillor Cho, 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.

- 7.5 Councillor Lindsay Luby, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 7 of The Striking Committee,

and moved, seconded by Councillor Duguid, 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.

Councillors Bussin, Johnston, Layton, Miller, Moscoe and Walker requested that their opposition to the introduction of this 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, the introduction of Report No. 7 of The Striking Committee be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Di Giorgio, Holyday, Johnston, Kelly, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Soknacki, Walker
No - 18	
Mayor:	Lastman
Councillors:	Cho, Disero, Duguid, Feldman, Flint, Hall, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sutherland

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

7.6 DECLARATIONS OF INTEREST

Councillor Altobello declared his interest in Clause No. 33 of Report No. 8 of The Scarborough Community Council, headed “Request for Direction - Official Plan and Zoning Amendments and Draft Plan of Subdivision Application - TF OPA 2002 0002, TF ZBL 2001 0018 and TF SUB 2001 0002, Candituft Developments Limited, 76 Brumwell Street and Vacant Lands to the West Centennial Community (Ward 44 - Scarborough East)”, in that his brother owns property within the subject area.

Councillor Disero declared her interest in Clause No. 20 of Report No. 10 of The Toronto East York Community Council, headed “Refusal of Application - Official Plan Amendment and Rezoning - 76 and 100 Davenport Road, Part of 3 McAlpine Street, and Closing and Conveyancing of Public Lane (Toronto Centre-Rosedale, Ward 27)”, in that she owns property within the subject area.

Councillor Li Preti declared his interest in Clause No. 24 of Report No. 10 of The North York Community Council, headed “Request to Amend Subdivision Agreement - TB SPC 2001 0071 - The Norfinch Group - 1947-2013 Finch Avenue West - Block A and Part of Block B, RP M-1399 - Ward 7 - York West”, in that he runs two community programs out of that location.

Councillor Miller declared his interest in Clause No. 26a of Report No. 10 of The Administration Committee, headed “Purchase and Sale Agreement With First Place Spadina Inc. (Municipal Carpark 164) (Ward 22 - St. Paul’s)”, in that his spouse is the owner of property within the subject area; and in Item (n), entitled “1968 Bloor Street West – Keltro Holdings Limited, Appeal to OMB from Committee of Adjustment (Parkdale-High Park, Ward 11)”, as embodied in Clause No. 60 of Report No. 11 of The Humber York Community Council, headed “Other Items Considered by the Community Council”, in that his spouse is an adjacent property owner.

Councillor Shaw declared her interest in Clause No. 1 of Report No. 10 of The Planning and Transportation Committee, headed “By-law Amendment to Regulate Drive-Through Facilities in the City of Toronto”, insofar as it pertains to 2500 Eglinton Avenue East, in that she owns property in the vicinity of the application; and in Item (c), entitled “Preliminary Report, Zoning By-law Amendment Application TF ZBL 2002 0008, McCowan Centre Inc., Northeast Corner of McCowan Road and Ellesmere Road (Ward 38 – Scarborough Centre)”, as embodied in Clause No. 43 of Report No. 8 of The Scarborough Community Council, headed “Other Items Considered by the Community Council”, in that she and her family own property in the vicinity of the application.

Councillor Shiner declared his interest in a motion moved by Councillor Chow with respect to Clause No. 1 of Report No. 13 of The Policy and Finance Committee, headed “Policy for City-Owned Space Provided at Below-Market Rent”, in that his son attends a private school; and in Item (c), entitled “Toronto Computer Leasing Inquiry – Funding for Parties with Standing”, as embodied in Clause No. 10 of Report No. 8 of The Audit Committee, headed “Other Items Considered by the Audit Committee”, in that a solicitor named is representing a relative of his on a legal matter, not related to MFP.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Report No. 9 of The Administration Committee, Clause No. 1(a).

Report No. 10 of The Administration Committee, Clauses Nos. 3(a), 4(a), 26(a) and 34(a).

Joint Report No. 2 of The Policy and Finance Committee and The Works Committee, Clause No. 1(a).

Report No. 8 of The Humber York Community Council, Clause No. 1(a).

Report No. 13 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 4, 5, 7, 9, 12, 14, 17, 18 and 21.

Report No. 8 of The Economic Development and Parks Committee, Clause No. 2.

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

Report No. 10 of The Works Committee, Clauses Nos. 1, 2, 3, 4, 8, 10, 11 and 17.

Report No. 12 of The Administration Committee, Clauses Nos. 1, 4, 5, 6, 9, 16, 18, 19 and 24.

Report No. 8 of The Community Services Committee, Clauses Nos. 2, 7, 9, 10, 11 and 12.

Report No. 10 of The North York Community Council, Clause No. 33.

Report No. 8 of The Scarborough Community Council, Clause No. 4.

Report No. 10 of The Toronto East York Community Council, Clauses Nos. 13, 16, 39, 40, 41, 72 and 75.

Report No. 11 of The Etobicoke Community Council, Clause No. 20.

Report No. 11 of The Humber York Community Council, Clauses Nos. 11, 34, 51, 56, 58, 59 and 60.

Report No. 7 of The Midtown Community Council, Clauses Nos. 12, 25 and 39.

Report No. 6 of The Striking Committee, Clause No. 1.

Report No. 7 of The Striking Committee, Clause No. 1.

Report No. 8 of The Audit Committee, Clause No. 7.

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

Joint Report No. 2 of The Policy and Finance Committee and The Works Committee, Clause No. 1(a).

Report No. 8 of The Humber York Community Council, Clause No. 1(a).

Report No. 13 of The Policy and Finance Committee, Clauses Nos. 3, 5, 9, 12, 14 and 21.

Report No. 10 of The Works Committee, Clauses Nos. 3, 4, 10, 11 and 17.

Report No. 12 of The Administration Committee, Clause No. 6.

Report No. 8 of The Community Services Committee, Clauses Nos. 7 and 11.

Report No. 10 of The Toronto East York Community Council, Clauses Nos. 16 and 39.

Report No. 11 of The Humber York Community Council, Clause No. 60.

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.**

- 7.8 **Clause No. 2 of Report No. 8 of The Economic Development and Parks Committee, headed “Donation to the Victoria Garden in St. James Park (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

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

“It is further recommended that City Council express its appreciation to the heirs of Joyce Stephenson Cockburn, upon receipt of this generous donation to the City of Toronto for the restoration and revitalization of the Victorian Garden within St. James Park.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

7.9 **Clause No. 9 of Report No. 8 of The Community Services Committee, headed “Community Services Grants Program - 2002/2003 Program Update”.**

Vote:

The Clause was adopted, without amendment.

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

7.10 **Clause No. 4 of Report No. 8 of The Scarborough Community Council, headed “Naming of Proposed Public Street Located East of Kennedy Road and South of Lawrence Avenue East (Jenkinson Drive) (Ward 37 - Scarborough Centre)”.**

Motion:

Councillor Berardinetti moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on October 29, 2002.

Vote:

The motion by Councillor Berardinetti carried.

Motion to Re-Open:

Councillor Berardinetti, 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 Berardinetti moved that the Clause be struck out and referred back to the Scarborough Community Council for further consideration.

Vote:

The motion by Councillor Berardinetti carried.

7.11 **Clause No. 12 of Report No. 7 of The Midtown Community Council, headed “28 Arjay Crescent, Toronto (Don Valley West – Ward 25)”.**

Motion:

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

“It is further recommended that the existing two-inch chain-link fence be maintained as is and as part of a swimming pool enclosure, on the following conditions:

- (1) that the substantial hedges and landscaping be maintained in good condition; and
- (2) should the pool at either 26 Arjay Crescent or 28 Arjay Crescent be filled in or removed, a fence be built in full compliance with the by-law by the party whose pool remains.”

Votes:

The motion by Councillor Flint carried.

The Clause, as amended, carried.

- 7.12 **Clause No. 25 of Report No. 7 of The Midtown Community Council, headed “Maintenance of Various Encroachments Within the Public Right-of-Way and Request for an Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening for Two Vehicles at 192 Dunvegan Road (St. Paul’s - Ward 22)”.**

Motion:

Councillor Walker moved that the Clause be struck out and referred back to the Midtown Community Council for further consideration.

Vote:

The motion by Councillor Walker carried.

- 7.13 **Clause No. 39 of Report No. 7 of The Midtown Community Council, headed “Roadways in North Leaside - Reduction of the Maximum Speed Limit from 50 Kilometres Per Hour to 40 Kilometres Per Hour (Don Valley West – Ward 26)”.**

Motion:

Councillor Pitfield moved that the Clause be amended by amending the appendices to the report dated June 12, 2002, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

- (1) deleting from Appendix 1, under the heading “40 KM/H MAXIMUM SPEED”, under the column headed “TO”:
 - (a) the street name “Brentcliffe Avenue”, and inserting in lieu thereof the street name “Brentcliffe Road”; and
 - (b) the street name “Bessborough Avenue”, wherever it occurs, and inserting in lieu thereof the street name “Bessborough Drive”;
- (2) deleting from Appendix 1, under the heading “50 KM/H MAXIMUM SPEED”, under the column headed “TO”, the street name “Glanvale Boulevard”, wherever it occurs, and inserting in lieu thereof the street name “Glenvale Boulevard”; and
- (3) deleting from Appendix 2, under the heading “PROPOSED 40 KM/H MAXIMUM SPEED”, under the column headed “TO”, the street name “Glanvale Boulevard”, wherever it occurs, and inserting in lieu thereof the street name “Glenvale Boulevard”.

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

7.14 Clause No. 1 of Report No. 6 of The Striking Committee, headed “Appointments of Members of Council to Advisory Committees, Special Committees and Task Forces”.

Motion:

Councillor McConnell moved that the Clause be amended by deleting from Recommendation No. (11) of the Striking Committee, the name “I. Jones”, and inserting in lieu thereof the name “P. McConnell”, so that such recommendation shall now read as follows:

“(11) Advisory Committee to Review the Leases of the Boat Clubs Across the Toronto Waterfront:

(1 Member to be appointed in addition to 1 Economic Development and Parks Committee Member)

The Striking Committee recommends that the following Members of Council be appointed to Advisory Committee to Review the Leases of the Boat Clubs Across the Toronto Waterfront for a term of office expiring May 31, 2003:

M. Feldman - Economic Development and Parks Committee
P. McConnell.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

7.15 Clause No. 56 of Report No. 11 of The Humber York Community Council, headed “275 Wallace Avenue - Exemption from Part Lot Control (Davenport, Ward 18)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Silva moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated September 24, 2002, from the Commissioner of Urban Development Services, entitled ‘Report on Application No. 002054 to Exempt Lots Within the Approved Subdivision at 275 Wallace Avenue from Part Lot Control, Davenport, Ward 18’, embodying the following recommendations:

‘It is recommended that:

- (1) the City Solicitor be authorized to introduce a Bill in Council exempting the lots identified in Schedule ‘A’ from Part Lot Control for a period of one year following enactment of the by-law; and
- (2) the City Solicitor be authorized to register the by-law on title.’ ”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

7.16 Clause No. 9 of Report No. 12 of The Administration Committee, headed “Apportionment of Taxes”.

Motion:

Councillor Holyday moved that the Clause be amended by striking out and referring the following application, as embodied in the detailed hearing report (Appendix “A”), together with the communication dated September 25, 2002, from David V. Hutchinson, Barrister and Solicitor, entitled “Section 413 of the Municipal Act, R.S.O. 1990, Regarding the Apportionment of 2001 Taxes for Roll No. 1908-101-480-00110-0000, 1100 Eglinton Avenue East, Toronto (North York), Inn on the Park Hotel”, back to the Administration Committee for further consideration:

Tax Year	Original Roll No.	Property Address	Tax Roll No. for Apportioned Properties	Tax Apportionment
2001	1908-10-1-480-00100	1100 Eglinton Avenue E.	1908-10-1-480-00110	\$ 1,602,911.77
			1908-10-1-480-00160	\$ 106,024.65
			Total	\$ 1,708,936.42

Votes:

The motion by Councillor Holyday carried.

The Clause, as amended, carried.

7.17 Clause No. 1(a) of Report No. 9 of The Administration Committee, headed “Sweatshop Abuses in the Garment Industry, Development of an Anti-Sweatshop Procurement Policy”.

Motion:

Councillor Miller moved that the Clause be amended by deleting from Recommendation No. (1) of the Administration Committee, the motion by Councillor Miller, seconded by Councillor Shaw, and inserting in lieu thereof the following:

Moved by: Councillor Miller

Seconded by: Councillor Shaw

“WHEREAS the City of Toronto and its agencies, boards and commissions purchase a large volume of uniforms and other garments; and

WHEREAS the City of Toronto has an interest in ensuring that these items are manufactured in appropriate conditions; and

WHEREAS parts of the garment trade around the world are known to be involved in employing workers in conditions which violate their rights and which are commonly referred to as ‘sweat shops’; and

WHEREAS it is in the interest of the City of Toronto to take a lead on this issue, to ensure workers are treated with respect and dignity and in accordance with their legal rights; and

WHEREAS the garment trade in the City of Toronto is striving for a reputation of producing high quality garments and would benefit from the recognition of Toronto

as a ‘no sweat’ city; and

WHEREAS other municipalities, including the City of New York, have passed by-laws requiring purchases from ‘No Sweat’ workshops; and

WHEREAS many clothing manufacturing businesses have expressed support for the City’s initiative;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto enact a purchasing policy requiring the purchase of garments, uniforms, or other apparel items from ‘No Sweat’ manufacturers, and the Director, Purchasing and Materials Management, be requested to consult with all interested parties in the development of the policy and to develop suitable definitions and policy recommendations for presentation to Council, through the Administration Committee, within current staffing resources.”

Votes:

The motion by Councillor Miller carried.

Adoption of Clause, as amended:

Yes - 34	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

7.18 **Clause No. 26(a) of Report No. 10 of The Administration Committee, headed “Purchase and Sale Agreement With First Place Spadina Inc. (Municipal Carpark 164) (Ward 22 - St. Paul’s)”.**

Motion:

Councillor Walker moved that the Clause be struck out and referred back to the Administration Committee for further consideration, and the City Solicitor be requested to

consult with the appropriate parties and submit a further report thereon to the Committee for consideration with this matter.

Vote:

The motion by Councillor Walker carried.

7.19 **Clause No. 4(a) of Report No. 10 of The Administration Committee, headed “Use of Corporate Logo, Donations and Sponsorships and Personal Funds by Members of Council”.**

Motions:

- (a) Councillor Hall moved that the Clause be amended by amending the report dated June 11, 2002, from the City Clerk, as embodied in the Clause, by amending Recommendation No. (3) to now read as follows:

“(3) Members of Council continue to be permitted to pay office and related expenses from their personal funds when dealing with over-expenditures of global office budgets and the matter of paying office and related expenditures out of personal funds be referred to the Ethics Steering Committee for further review;”.

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

- (1) striking out Recommendation No. (3) embodied in the report dated June 11, 2002, from the City Clerk, as embodied in the Clause; and
- (2) adding thereto the following:

“It is further recommended that the following expenses for Members of Council must be paid for through the Councillors’ global office budgets and not through personal funds:

- (a) postage and distribution costs;
- (b) printing services (newsletters, flyers, business cards);
- (c) advertising and promotion and related office expenses; and
- (d) photocopying.”
- (c) Councillor Mammoliti moved that the Clause be amended by:

- (1) amending the report dated June 11, 2002, from the City Clerk, as embodied in the Clause, by striking out Recommendation No. (2) and inserting in lieu thereof the following:

“(2) funds given to Councillors outside of their allocated operating budgets be prohibited;” and

- (2) adding thereto the following:

“It is further recommended that Members of Council who have received outside funds, in-kind payments or donations within the last four years, report same to the City Auditor, prior to the end of 2002.”

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

“It is further recommended that the City Clerk be requested to:

- (1) consult with Revenue Canada and the Canadian Institute of Chartered Accountants with respect to the tax implications of outside corporate donations;
- (2) determine the audit or other functions which would be required to track these donations; and
- (3) submit a report to the Ethics Steering Committee in this regard.”

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

“It is further recommended, if office expenditures are paid by Members of Council through the use of personal funds, such expenditures be reported to the City Clerk.”

Withdrawal of Motion:

Councillor McConnell, with the permission of Council, withdrew Part (1) of her motion (b).

Votes:

Adoption of motion (a) by Councillor Hall:

Yes - 30

Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Ootes, Pantalone, Pitfield, Rae, Shiner, Sutherland, Tziretas, Walker
No - 6 Councillors:	Ford, Holyday, Kelly, Layton, Nunziata, Soknacki

Carried by a majority of 24.

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

Yes - 28 Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Ootes, Pantalone, Pitfield, Rae, Sutherland, Tziretas, Walker
No - 7 Councillors:	Ford, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Soknacki

Carried by a majority of 21.

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

Yes - 26 Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Jones, Layton, Mammoliti, McConnell, Mihevc, Miller, Moeser, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 10 Councillors:	Cho, Disero, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata

Carried by a majority of 16.

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

Yes - 29

Councillors:	Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Kelly, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Ootes, Pantalone, Pitfield, Rae, Shiner, Sutherland, Tziretas, Walker
No - 7	
Councillors:	Ashton, Cho, Ford, Holyday, Minnan-Wong, Nunziata, Soknacki

Carried by a majority of 22.

Adoption of motion (d) by Councillor Milczyn:

Yes - 34	
Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Tziretas, Walker
No - 2	
Councillors:	Ford, Sutherland

Carried by a majority of 32.

Ruling by Deputy Mayor:

Councillor Pantalone requested Deputy Mayor Ootes to rule on whether motion (e) by Councillor Lindsay Luby, was in order.

Deputy Mayor Ootes, having regard to the nature of motion (e) by Councillor Lindsay Luby, ruled such motion in order.

Councillor Pantalone challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 19	
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Councillors:	Ashton, Berardinetti, Disero, Duguid, Filion, Flint, Hall, Holyday, Layton, Lindsay Luby, Mammoliti, Milczyn, Moeser, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Walker
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No - 17

Councillors:	Balkissoon, Bussin, Cho, Chow, Di Giorgio, Feldman, Ford, Jones, Kelly, McConnell, Mihevc, Miller, Minnan-Wong, Pantalone, Rae, Shiner, Tziretas
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Carried by a majority of 2.

Votes:

Adoption of motion (e) by Councillor Lindsay Luby:

Yes - 29 Councillors:	Ashton, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Soknacki, Sutherland, Tziretas, Walker
No - 7 Councillors:	Balkissoon, Feldman, Ford, Holyday, Kelly, Minnan-Wong, Shiner

Carried by a majority of 22.

Adoption of Clause, as amended:

Yes - 30 Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 5 Councillors:	Ford, Holyday, Kelly, Minnan-Wong, Nunziata

Carried by a majority of 5.

In summary, Council amended this Clause by:

- (1) amending the report dated June 11, 2002, from the City Clerk, as embodied in the Clause, by:
 - (a) striking out Recommendation No. (2) and inserting in lieu thereof the following:

“(2) funds given to Councillors outside of their allocated operating budgets be prohibited;” and

(b) amending Recommendation No. (3) to now read as follows:

“(3) Members of Council continue to be permitted to pay office and related expenses from their personal funds when dealing with over-expenditures of global office budgets and the matter of paying office and related expenditures out of personal funds be referred to the Ethics Steering Committee for further review;”,

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

“It is recommended that:

- (1) Members of Council be permitted to apply the City of Toronto corporate logo only to the common applications listed in Appendix A, in a manner which is consistent with the requirements of the Corporate Identity Program. For any other use, or for uses that are inconsistent with the Corporate Identity Program, Members shall seek the prior approval of City Council, such approval to be subject to such terms and conditions as Council may impose;
- (2) funds given to Councillors outside of their allocated operating budgets be prohibited;
- (3) Members of Council continue to be permitted to pay office and related expenses from their personal funds when dealing with over-expenditures of global office budgets and the matter of paying office and related expenditures out of personal funds be referred to the Ethics Steering Committee for further review; and
- (4) 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:

- (a) the following expenses for Members of Council must be paid for through the Councillors’ global office budgets and not through personal funds:
 - (i) postage and distribution costs;
 - (ii) printing services (newsletters, flyers, business cards);

- (iii) advertising and promotion and related office expenses; and
- (iv) photocopying;
- (b) if office expenditures are paid by Members of Council through the use of personal funds, such expenditures be reported to the City Clerk;
- (c) Members of Council who have received outside funds, in-kind payments or donations within the last four years, report same to the City Auditor, prior to the end of 2002; and
- (d) the City Clerk be requested to:
 - (i) consult with Revenue Canada and the Canadian Institute of Chartered Accountants with respect to the tax implications of outside corporate donations;
 - (ii) determine the audit or other functions which would be required to track these donations; and
 - (iii) submit a report to the Ethics Steering Committee in this regard.”

7.20 **Clause No. 40 of Report No. 10 of The Toronto East York Community Council, headed “Removal of Private Tree - 50 Portland Street (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 Council adopt Recommendation No. (2) embodied in the report dated August 20, 2002, from the Commissioner of Economic Development, Culture and Tourism, wherein it is recommended that the request for a permit for tree removal at 50 Portland Street be denied.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

7.21 **Clause No. 41 of Report No. 10 of The Toronto East York Community Council, headed “Removal of Private Tree - 43-45 Lowther Avenue (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 Council adopt Recommendation No. (1) embodied in the report dated June 6, 2002, from the Commissioner of Economic Development, Culture and Tourism, wherein it is recommended that the request for the removal of one privately owned tree at 43-45 Lowther Avenue be denied.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Motion:

Councillor Chow moved that Council adopt the following recommendation:

“It is recommended that Council approve the request for the removal of one privately-owned tree at 43-45 Lowther Avenue, conditional on the applicant agreeing to implement the revised landscape plan on file with Urban Forestry Services, that being the planting of six (6) pyramidal English Oaks, three (3) Sugar Maples and one (1) Tulip Tree as replacement for the loss of the privately-owned black locust tree.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

7.22 Clause No. 75 of Report No. 10 of The Toronto East York Community Council, headed “Other Items Considered by the Community Council”.

Motion to Re-Open:

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

Motion:

Councillor Chow moved that the Clause be received as information, subject to striking out and referring Item (u), entitled “Request for Approval of Minor Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 200 University Avenue (Trinity-Spadina, Ward 20)”, embodied therein, back to the Toronto East York Community Council for further consideration.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, was received as information.

7.23 Clause No. 18 of Report No. 12 of The Administration Committee, headed “Disposition of Surplus Property - 39 Newcastle Street (Ward 6 Etobicoke - Lakeshore)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Shiner moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated September 20, 2002, from the Commissioner of Corporate Services, embodying the following recommendations:

‘It is recommended that:

- (1) CIC Millwork Limited’s Offer to Purchase the City-owned property known municipally as 39 Newcastle Street be amended by revising the purchase price to \$590,000.00 and deleting the Purchaser’s conditions, and that either one of the Commissioner of Corporate Services or the

Director of Real Estate Services be authorized to execute an amending agreement on behalf of the City;

- (2) 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 she considers reasonable; and
- (3) 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.

7.24 Clause No. 34 of Report No. 11 of The Humber York Community Council, headed “Proposed Reduction in Speed Limit to 40 km/h in the Area Bounded by Rogers Road, Dufferin Street, Eglinton Avenue West and Prospect Cemetery (Davenport, Ward 17)”.

Motion:

Councillor Disero moved that the Clause be amended by:

- (1) inserting in Recommendation No. (1) embodied in the report dated July 17, 2002, from the Director, Transportation Services, District 1, as embodied in the Clause, after the word “attached”, the word “Revised”, so that such recommendation shall now read as follows:
 - “(1) Schedule ‘A’ of By-law No. 1129-87 of the former City of York be amended by reducing the speed limit from 50 km/h to 40 km/h on all roads in the area bounded by Rogers Road, Dufferin Street, Eglinton Avenue West, and Prospect Cemetery as listed in the attached Revised Table ‘A’;”;
- (2) deleting Table “A” and inserting in lieu thereof the following Revised Table “A”:

Revised Table “A”

STREET NAMES		FROM/TO
1.	Bloem Avenue	Westerly terminus street and Dufferin Street
2.	Boon Avenue	Rogers Road and Eversfield Road
3.	Branstone Road	Ennerdale Road (south junction) and Ennerdale Road (north junction)

4.	Day Avenue	Rogers Road and Bloem Avenue
5.	Dynevor Road	Ennerdale Road and Eglinton Avenue West
6.	Earlscourt Avenue	Rogers Road and Hatherley Road
7.	Eversfield Road	Earlscourt Avenue and Dufferin Street
8.	Harlow Avenue	Ennerdale Road and Kirknewton Road
9.	Harvie Avenue	Rogers Road and Hatherley Road
10.	Holmesdale Crescent	Ennerdale Road and Holmesdale Road
11.	Hunter Avenue	Kirknewton Road and Dufferin Street
12.	Kitchener Avenue	McRoberts Avenue and Nairn Avenue
13.	Nairn Avenue	Rogers Road and Hatherley Road
14.	Preston Road	Holmesdale Crescent and Dufferin Street
15.	Redhill Avenue	Harvie Avenue and easterly terminus street
16.	Rowan Avenue	Dynevor Road and Dufferin Street
17.	Sellers Avenue	Rogers Road to Bloem Avenue
18.	Tiegnmouth Avenue	Westerly terminus street and Boon Avenue
19.	Thornton Avenue	Harvie Avenue and Branstone Road
20.	Woodcroft Crescent	Hatherley Road and westerly terminus street

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

7.25 Clause No. 34(a) of Report No. 10 of The Administration Committee, headed “City Hall Store (Ward 27 - Toronto Centre Rosedale)”.

Motions:

- (a) Councillor Pantalone moved that the Clause be amended by deleting Recommendation No. (1) embodied in the report dated June 13, 2002, from the Commissioner of Corporate Services, as embodied in the Clause, and inserting in lieu thereof the following:

- “(1) (a) the Commissioner of Economic Development, Culture and Tourism be authorized to seek a private sector, tourism-related user for the lease of the space, currently occupied by the City Hall Security Office, as a City Hall tourist store; and
- (b) the City Hall Security Office be relocated, once an agreement has been reached for the tourist-related store;”.

- (b) Councillor Shiner moved that motion (a) by Councillor Pantalone be amended by adding to Part (1)(a) the words “and be directed to submit a report thereon to the Administration Committee, in consultation with the Commissioner of Corporate Services, within three months”.

Votes:

Motion (b) by Councillor Shiner carried.

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

Yes - 26	
Councillors:	Ashton, Augimeri, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Holyday, Johnston, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Tziretas, Walker
No - 6	
Mayor:	Lastman
Councillors:	Balkissoon, Hall, Kelly, Moeser, Sutherland

Carried by a majority of 20.

The Clause, as amended, carried.

In summary, Council amended this Clause by deleting Recommendation No. (1) embodied in the report dated June 13, 2002, from the Commissioner of Corporate Services, as embodied in the Clause, and inserting in lieu thereof the following:

- “(1) (a) the Commissioner of Economic Development, Culture and Tourism be authorized to seek a private sector, tourism-related user for the lease of the space, currently occupied by the City Hall Security Office, as a City Hall tourist store, and be directed to submit a report thereon to the Administration Committee, in consultation with the Commissioner of Corporate Services, within three months; and
- (b) the City Hall Security Office be relocated, once an agreement has been reached for the tourist-related store;”.

7.26 Clause No. 3(a) of Report No. 10 of The Administration Committee, headed “Municipal Campaign Finance Reform”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended:
- (1) by amending Part (IV) of the recommendation of the Administration Committee by:
 - (a) deleting from Part (a) the words “if allowed”, so that Part (a) shall now read as follows:

“(a) that rebates only be issued for contributions of legal tender; and”;
 - (b) striking out Part (b); and
 - (c) inserting the following new Parts (b) and (c):

“(b) inclusion of factors in the rebate program that will provide adjustments for inflation; and

(c) the adequacy of limits on campaign expenditures and adjustments that will account for inflationary increases in costs;”;
 - (2) to provide that the composition of the Toronto Election Finance Review Task Force include the originator of the municipal election rebate plan, Bernard Nayman, C.A., and the Nayman Report, originally submitted to the former City of North York Council, be provided to the Task Force.
- (b) Councillor Miller moved that:
- (1) the Clause be struck out and referred back to the Administration Committee for further consideration, together with motion (a) by Councillor Moscoe and the following proposed motions by Councillor Hall, and the Mayor be requested to write to the Minister of Municipal Affairs and Housing requesting the Province not to finalize the legislation related to this matter until after the City of Toronto Council meeting scheduled to be held on October 29, 2002:

Moved by Councillor Hall:

“It is further recommended that the City’s previous request of the Province of Ontario, approved by City Council on November 6, 7 and 8, 2001, by its adoption, as amended, of Clause No. 1 of Report No. 15 of The Administration

Committee, headed 'Municipal Elections Act, 1996 - Amendments and Election 2000 Report', to amend the Municipal Elections Act to require the City Clerk to have voters prove that they meet citizenship and residency requirements, again be submitted to the Minister of Municipal Affairs and Housing for support prior to the 2003 municipal election."

Further moved by Councillor Hall:

"It is further recommended that the Toronto Election Finance Review Task Force be requested to review and respond to the Discussion Paper on Municipal Elections Act Reform 2002, at the same time as the Task Force reviews the 19 issues raised in the joint report dated June 11, 2002, from the Chief Administrative Officer, the City Solicitor and the City Clerk."; and

(2) Council also adopt the following recommendations:

"It is recommended that:

- (a) the City Clerk be requested to provide each Member of Council with a copy of the legislation at this meeting; and
- (b) the Minister of Municipal Affairs and Housing and the Association of Municipalities of Ontario be advised of City Council's schedule in this regard."

Vote:

The motion by Councillor Miller carried.

7.27 Clause No. 2 of Report No. 13 of The Policy and Finance Committee, headed "Canada Strategic Infrastructure Fund and Border Infrastructure Fund".

Motions:

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

"It is further recommended that the Chief Administrative Officer be requested to give consideration to the road and transit infrastructure improvements contemplated for the

Etobicoke City Centre as possible projects that could be funded through this Program.”

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

“It is further recommended that the Chief Administrative Officer be requested to consider the impact of potential projects outside Toronto, such as the York Region LRT and the potential closing of the Canada Southern Railway, on the City of Toronto, and report as appropriate.”

- (c) Councillor Silva 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 establishment of an additional category for infrastructure investment which would include green energy power for such projects as Hydro’s windmills and Enwave’s deep water cooling, in her discussions with the Federal Government.”

Votes:

Motion (a) by Councillor Milczyn carried.

Motion (b) by Councillor Miller carried.

Motion (c) by Councillor Silva carried.

The Clause, as amended, carried.

7.28 **Clause No. 7 of Report No. 13 of The Policy and Finance, headed “Licence to Use ‘Municipal Connect’ Property Assessment Information System (All Wards)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by adding to the recommendation of the Policy and Finance Committee, the words “subject to the licence agreement with MPAC including a provision that the information be made available to the City Clerk and City Councillors on-line in their offices”, so that such recommendation shall now read as follows:

“The Policy and Finance Committee recommends the adoption of the following report (September 5, 2002) from the Chief Financial Officer and Treasurer, subject to the licence agreement with MPAC including a provision that the information be made available to the City Clerk and the City Councillors on-line in their offices:”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.29 Clause No. 17 of Report No. 13 of The Policy and Finance Committee, headed “Request to the Crown Attorney’s Office for Youth Suspects to be Tried in Adult Court”.

Motion:

Councillor Milczyn moved that the Clause be amended by deleting from the recommendation of the Policy and Finance Committee, the words “subject to deleting the second Operative Paragraph”.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the motion by Councillor Milczyn, ruled such motion out of order.

Councillor Milczyn challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 22	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Moeser, Ootes, Pantalone, Rae, Sutherland, Walker
No - 6	
Councillors:	Hall, Holyday, Johnston, Milczyn, Nunziata, Pitfield

Carried by a majority of 16.

Vote on Clause:

The Clause was adopted, without amendment.

7.30 Clause No. 18 of Report No. 13 of The Policy and Finance Committee, headed “City of Toronto’s Submission to the Education Equality Task Force (All Wards)”.

Motions:

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

“It is further recommended that City Council send a letter to the Premier expressing concern about the removal of local oversight, the erosion of democratic control of education and the funding shortfall of our schools, such letter to include the following statements:

‘Toronto City Council is opposed to the undemocratic appointment of Paul Christie as the Supervisor of the Toronto District School Board, which was elected by and is responsible to the people of Toronto.’

‘Toronto City Council believes that our schools are an important community resource built with the tax dollars of Torontonians and cutting the funding of those schools, to the point where the broader community can no longer have access to use the space, is not a cost-effective use of the community resource.’ ”

- (b) Councillor Chow moved that the Clause be amended by adding thereto the following:
“It is further recommended that the City of Toronto communicate to the parents of Toronto its opposition to the Provincial Government’s removal of financial and governance power of the democratically-elected School Trustees of Toronto.”
- (c) Councillor Cho moved that the Clause be amended by adding thereto the following:
“It is further recommended that copies of this Clause be forwarded to the Prime Minister and the Federal Minister of Citizenship and Immigration.”
- (d) Councillor Sutherland moved that the Clause be amended by inserting in Recommendation No. (1)(d) embodied in the report dated September 9, 2002, from the Chief Administrative Officer, after the word “municipal”, the word “and”, and after the words “government and”, the words “lowering the cost for use by ratepayer and”, so that such recommendation shall now read as follows:

“(1)(d) facilitates and enhances the use of school facilities as a vital community resource, with appropriate equitable cost-sharing, by school boards, municipal and provincial government and lowering the cost for use by ratepayer and community organizations;”.

Votes:

Adoption of motion (d) by Councillor Sutherland:

Yes - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Fillion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Sutherland, Walker
No - 0	

Carried, without dissent.

Adoption of motion (a) by Councillor McConnell:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Shaw, Silva, Sutherland, Walker
No - 7	
Mayor:	Lastman
Councillors:	Holyday, Li Preti, Lindsay Luby, Nunziata, Ootes, Pitfield

Carried by a majority of 18.

Adoption of motion (b) by Councillor Chow:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Shaw, Silva, Walker
No - 4	
Councillors:	Holyday, Minnan-Wong, Ootes, Sutherland

Carried by a majority of 4.

Motion (c) by Councillor Cho carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) inserting in Recommendation No. (1)(d) embodied in the report dated September 9, 2002, from the Chief Administrative Officer, after the word “municipal”, the word “and”, and after the words “government and”, the words “lowering the cost for use by ratepayer and”, so that such recommendation shall now read as follows:

“(1)(d) facilitates and enhances the use of school facilities as a vital

- community resource, with appropriate equitable cost-sharing, by school boards, municipal and provincial government and lowering the cost for use by ratepayer and community organizations;” and
- (2) adding thereto the following:

“It is further recommended that:

- (a) City Council send a letter to the Premier expressing concern about the removal of local oversight, the erosion of democratic control of education and the funding shortfall of our schools, such letter to include the following statements:

‘Toronto City Council is opposed to the undemocratic appointment of Paul Christie as the Supervisor of the Toronto District School Board, which was elected by and is responsible to the people of Toronto.’

‘Toronto City Council believes that our schools are an important community resource built with the tax dollars of Torontonians and cutting the funding of those schools, to the point where the broader community can no longer have access to use the space, is not a cost-effective use of the community resource.’;

- (b) the City of Toronto communicate to the parents of Toronto its opposition to the Provincial Government’s removal of financial and governance power of the democratically-elected School Trustees of Toronto; and
- (c) copies of this Clause be forwarded to the Prime Minister and the Federal Minister of Citizenship and Immigration.”

7.31 Clause No. 1 of Report No. 10 of The Planning and Transportation Committee, headed “By-law Amendment to Regulate Drive-Through Facilities in the City of Toronto”.

Motions:

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

“It is further recommended that Council adopt the supplementary report dated September 20, 2002, from the Commissioner of Urban Development Services.”

Councillor Disero in the Chair.

- (b) Councillor Sutherland moved that:

- (1) the Clause be struck out and referred to the Chief Planner;
 - (2) the Chief Planner be requested to consult fully with representatives of the food service industry and other industry stakeholders and submit a report to City Council, through the Planning and Transportation Committee, with any revised recommendations; and
 - (3) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Planning and Transportation Committee, at the same time, on the impacts of this By-law on industry stakeholders in the City of Toronto.
- (c) Councillor Duguid moved that motion (b) by Councillor Sutherland be amended by adding thereto the following new Part (4):
- “(4) the Commissioner of Economic Development, Culture and Tourism also report on the economic impact of banning drive-through facilities in City Centre areas on current and future development plans and job-generating opportunities.”
- (d) Councillor Nunziata moved that motion (b) by Councillor Sutherland be amended to provide that the report of the Chief Planner also address the issue of regulating hours of operation for drive-through facilities, auto body shops and car washes.

Deputy Mayor Ootes in the Chair.

Vary Proceedings to Permit Presentation by Chief Planner:

Councillor Moscoe, with the permission of Council, moved that Council vary the order of its proceedings to permit the Chief Planner to now make a presentation to Council in regard to the proposed by-law, the vote upon which was taken as follows:

Yes - 30	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Feldman, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 6	
Councillors:	Ashton, Disero, Duguid, Ford, Moeser, Nunziata

Carried by a majority of 24.

Vote to Permit Second Round of Questions:

Councillor Ashton, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived, in order to permit a second round of questions by Members of Council of the Chief Planner in regard to the proposed by-law, the vote upon which was taken as follows:

Yes - 23	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Filion, Hall, Holyday, Layton, Li Preti, McConnell, Mihevc, Moeser, Moscoe, Pitfield, Rae, Shaw, Sutherland, Tziretas, Walker
No - 11	
Councillors:	Bussin, Di Giorgio, Duguid, Flint, Ford, Jones, Lindsay Luby, Nunziata, Ootes, Pantalone, Shiner

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

Motions:

- (e) Councillor Mihevc moved that motion (b) by Councillor Sutherland be amended to provide that this issue, together with all reports requested, be submitted to the November 4, 2002 meeting of the Planning and Transportation Committee.

Vote on Referral:

Adoption of motion (c) by Councillor Duguid:

Yes - 16	
Councillors:	Cho, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Nunziata, Ootes, Shaw, Soknacki, Sutherland, Tziretas
No - 26	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Filion, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shiner, Silva, Walker

Lost by a majority of 10.

Adoption of motion (d) by Councillor Nunziata:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 13	
Councillors:	Ashton, Augimeri, Berardinetti, Chow, Filion, Ford, Layton, McConnell, Mihevc, Moscoe, Pantalone, Silva, Soknacki

Carried by a majority of 16.

Adoption of motion (e) by Councillor Mihevc:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 6	
Councillors:	Berardinetti, Bussin, Ford, Holyday, Mammoliti, Pantalone

Carried by a majority of 30.

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

Yes - 14	
Councillors:	Duguid, Feldman, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Shaw, Soknacki, Sutherland, Tziretas
No - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Hall, Jones, Layton, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Pantalone, Pitfield, Rae, Shiner, Silva, Walker

Lost by a majority of 14.

Motions:

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

“It is further recommended that, in the event of an appeal, the Chief Planner be directed to meet with all parties who have expressed concerns and report back to the Planning and Transportation Committee, at the earliest possible date, outlining the concerns raised.”

- (g) Councillor Nunziata moved that motion (a) by Councillor Mihevc be amended by adding thereto the words “subject to adding to Recommendation No. (7) the words ‘auto body shops and car washes’ ”.

- (h) Councillor Duguid moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be directed to have regard for Planning applications that are currently in process.”

- (i) Councillor Milczyn moved that the Clause be amended to provide that the property at 5322 Dundas Street West be excluded from this by-law.

Votes:

Adoption of motion (i) by Councillor Milczyn:

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

Carried by a majority of 26.

Adoption of motion (f) by Councillor Shiner:

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

Carried by a majority of 37.

Adoption of motion (g) by Councillor Nunziata:

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

Carried by a majority of 23.

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

Yes - 36 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Feldman, Filion, Flint, Hall, Johnston, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 4 Councillors: Duguid, Holyday, Korwin-Kuczynski, Nunziata

Carried by a majority of 32.

Adoption of motion (h) by Councillor Duguid:

Yes - 26 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Cho, Chow, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 14 Councillors:	Balkissoon, Bussin, Di Giorgio, Filion, Flint, Johnston, Jones, Mammoliti, McConnell, Minnan-Wong, Pantalone, Pitfield, Rae, Walker

Carried by a majority of 12.

Adoption of Clause, as amended:

Yes - 35 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Feldman, Filion, Flint, Hall, Johnston, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 5 Councillors:	Duguid, Holyday, Korwin-Kuczynski, Nunziata, Soknacki

Carried by a majority of 30.

In summary, Council amended this Clause:

- (1) to provide that the property at 5322 Dundas Street West be excluded from this by-law;
and
- (2) by adding thereto the following:

“It is further recommended that:

- (a) Council adopt the supplementary report dated September 20, 2002, from the Commissioner of Urban Development Services, subject to adding to Recommendation No. (7) the words ‘auto body shops and car washes’, so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) the Drive-through Facilities By-law for North York be amended to permit two Drive-through Facilities on the property at 1947 - 2013 Finch Avenue West, substantially in accordance with Attachment 1;
 - (2) City Council determine that no further notice be given in respect to all the proposed by-laws;
 - (3) the Commissioner of Urban Development Services be directed to undertake an assessment of the merits of imposing a 15-metre setback from all public rights-of-way and report to Planning and Transportation Committee as part of the phase two review of drive-through facilities;
 - (4) the Commissioner of Urban Development Services be directed to undertake an assessment of the merits of imposing a separation distance requirement between drive-through facilities and report to Planning and Transportation Committee as part of the phase two review of drive-through facilities;
 - (5) the Commissioner of Urban Development Services report to the Planning and Transportation Committee regarding identification of areas along the Sheppard Corridor that may permit drive through facilities and provide necessary amendments to the Zoning By-law which would prohibit such facilities where appropriate;
 - (6) the Commissioner of Urban Development Services be authorized to bring forward to a public meeting, if necessary, any technical Zoning By-law amendments as may be required, which clarify and reinforce the intent of the drive-through facilities by-law; and
 - (7) the City Solicitor, in consultation with the Commissioner of Urban Development Services, report to next meeting of the Licensing Sub-Committee, on the issue of regulating hours of operation for drive-through facilities, auto body shops and car washes.’;
- (b) the Commissioner of Urban Development Services be directed to have regard for Planning applications that are currently in process; and
- (c) in the event of an appeal, the Chief Planner be directed to meet with all parties who have expressed concerns and report back to the Planning and Transportation Committee, at the earliest possible date, outlining the concerns

raised.”

7.32 Clause No. 24 of Report No. 12 of The Administration Committee, headed “Declaration as Surplus - Parcel of Vacant Land Portion of 4667 Kingston Road (Ward 44 - Scarborough East)”.

Motion:

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

“It is further recommended that the Commissioner of Corporate Services be directed to:

- (a) delay the marketing of this property until after the new Zoning By-law resulting from the Kingston Road ‘Avenue’ Study has been adopted by City Council; and
- (b) in the event the new by-law has not been adopted by City Council by April 30, 2003, submit a report to the Administration Committee, at that time, on the appropriate disposition of the property.”

Votes:

The motion by Councillor Moeser carried.

The Clause, as amended, carried.

7.33 Clause No. 12 of Report No. 8 of The Community Services Committee, headed “Review of Advisory Committees and Special Committees Under the Purview of the Community Services Committee”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Chow moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated September 23, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

‘It is recommended that:

- (1) the following Advisory and Special Committees be disbanded:
 - (a) the Aboriginal Homelessness Advisory Committee;
 - (b) the Affordable and Social Housing Committee;
 - (c) the Council Reference Group to Oversee the Implementation of the Supporting Communities Partnership Initiative (SCPI); and
 - (d) the Social Development Strategy Steering Committee; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

7.34 **Clause No. 13 of Report No. 10 of The Toronto East York Community Council, headed “Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 280 Spadina Avenue (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:

- (1) the sign application be approved, subject to the following conditions as offered by the applicant:
 - (a) that each year, the sign location will be made available for three months for public art display (free of charge) or made available for non-profit organizations for public announcement purposes;
 - (b) that the applicant will pay for the cost of selection of artists, installation and production of the work; and
 - (c) that the selection of the artists should be done with community consultation and the City’s cultural affairs department; and
- (2) the Chief Financial Officer and Treasurer be requested to set up the appropriate account for the implementation of these recommendations.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

- 7.35 **Clause No. 1 of Report No. 10 of The Works Committee, headed “New and Emerging Technologies, Policies and Practices – Formation of Citizen and Expert Advisory Group”.**

Motions:

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

“It is further recommended that:

- (1) the New and Emerging Technologies, Policies and Practices Working Group be requested to submit a report to the Works Committee, in March 2003, on a recommended technology; and
- (2) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on:
 - (a) the issue of including all plastic materials in the blue box; and
 - (b) the potential market for such materials.”
- (b) Councillor Layton moved that motion (a) by Councillor Disero be amended by adding thereto the following new Part (2)(c):
 - “(c) the collection of toxic items, such as the introduction of black boxes, which has been implemented in other cities.”

Votes:

Motion (b) by Councillor Layton carried.

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

The Clause, as amended, carried.

- 7.36 **Clause No. 33 of Report No. 10 of The North York Community Council, headed “Site Plan Control Application No. TB SPC 2002 0045 - Manjit and Afaf Mangat - 206 Hollywood Avenue - Ward 23 - Willowdale”.**

Motion:

Councillor Filion moved that the Clause be amended by adding to the recommendation of the North York Community Council, the words “and that this condition be registered on title”, so that such recommendation shall now read as follows:

“The North York Community Council recommends the adoption of the report (September 12, 2002) from the Acting Director, Community Planning, North District, Urban Development Services, subject to confirmation by the Acting District Manager, North District, Municipal Licensing and Standards, Urban Development Services, that the site conforms to all City By-laws and that this condition be registered on title.”.

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

7.37 Clause No. 2 of Report No. 10 of The Works Committee, headed “2003-2004 Waste Collection Calendars”.

Motion:

Councillor Soknacki moved that the Clause be amended by inserting in Recommendation No. (1) embodied in the report dated August 23, 2002, from the Commissioner of Works and Emergency Services, as embodied in the Clause, after the words “whereby some”, the words “or all”, so that such recommendation shall now read as follows:

“(1) staff be authorized to proceed with a Request for Proposals process for the design, production and distribution of a month per page calendar for 2003/2004, whereby some or all of the costs associated with the design, production and distribution are offset by advertising revenue, and the Commissioner of Works and Emergency Services, in conjunction with the Purchasing and Materials Management Division, be authorized to negotiate with the preferred proponent(s) and award the contract in accordance with Purchasing guidelines;”.

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

7.38 Clause No. 4 of Report No. 12 of The Administration Committee, headed “Procedural Changes Relating to Debates to Defer or Refer Entire Clauses”.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting from Part B of the amendment to § 27-44 of Chapter 27 of the City of Toronto Municipal Code, as embodied in Recommendation No. (1) of the report dated May 14, 2002, from the City Clerk, as embodied in the Clause, the words “without extension”, so such Part shall now read as follows:

- “B. a member may speak to a motion to defer or refer made pursuant to § 27-43 for a maximum of two minutes;”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.39 Clause No. 5 of Report No. 12 of The Administration Committee, headed “Electoral Boundaries Re-Adjustment Process”.

Motions:

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

“It is further recommended that the Electoral Boundaries Commission be advised of City Council’s support for the rationalization of the Federal riding boundaries (Wards 17, 21 and 15) along Eglinton Avenue West and Oakwood Avenue.”

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

“It is further recommended that the Electoral Boundaries Commission be requested to reconsider the splitting of the area south of Dundas Street West, particularly between Dufferin Street and the railway tracks.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Silva carried.

The Clause, as amended, carried.

7.40 **Clause No. 4 of Report No. 10 of The Planning and Transportation Committee, headed “Graffiti Removal: Proposed Partnership With Business Improvement Areas”.**

Motions:

- (a) Councillor Miller moved that the Clause be amended:
- (1) to provide that the incentive program for graffiti removal be completed in time to be considered in the 2003 budget process; and
 - (2) by adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services, in conjunction with the Toronto Police Services Board, be requested to submit a report to the Planning and Transportation Committee, as soon as possible, on a strategy to address graffiti removal outside of Business Improvement Areas.”
- (b) Councillor Korwin-Kuczynski moved that the Clause be amended by adding to Recommendation No. (2) of the Planning and Transportation Committee, the words “such report to also include proposed changes to legislation which would allow more effective means to deal with the graffiti epidemic which is taking place”, so that such recommendation shall now read as follows:
- “(2) the Police Services Board be requested to report to the Planning and Transportation Committee on any initiatives taken by Toronto Police to ensure the complete eradication of graffiti in the City, such report to also include proposed changes to legislation which would allow more effective means to deal with the graffiti epidemic which is taking place.”
- (c) Councillor Silva moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on:
- (1) the legislation that deals with graffiti, including fines;
 - (2) how other municipalities are dealing with or combating graffiti; and
 - (3) what materials are used to produce graffiti and the possibility of banning the use of such materials.”

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

“It is further recommended that:

- (1) the Chief Administrative Officer be requested to submit a report to the Planning and Transportation Committee on a protocol for the identification and removal of graffiti on public buildings; and
- (2) the City Solicitor be requested to submit a report to the Planning and Transportation Committee on the ability of Municipal Law Enforcement Officers to enforce anti-littering policies and graffiti legislation.”

Votes:

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

Motion (b) by Councillor Korwin-Kuczynski carried.

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

Motion (c) by Councillor Silva carried.

Motion (d) by Councillor Ashton carried.

Adoption of Clause, as amended:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Tziretas, Walker
No - 0	

Carried, without dissent.

7.41 **Clause No. 11 of Report No. 11 of The Humber York Community Council, headed “71 The Queensway - Request for Minor Variances from Chapter 297, Signs, of the (Former) City of Toronto Municipal Code (Parkdale-High Park, Ward 14)”.**

Motions:

- (a) Councillor Pitfield moved 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 Council adopt the report dated June 7, 2002, from the Director, Community Planning, South District, as embodied in the Clause.”

Councillor Lindsay Luby in the Chair.

- (b) Councillor Korwin-Kuczynski moved that the Clause be struck out and referred back to the Humber York Community Council for further consideration and consultation with the local community and staff of the Urban Development Services Department.

Votes:

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

Yes - 7	
Councillors:	Di Giorgio, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, Tziretas
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Disero, Flint, Johnston, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Walker

Lost by a majority of 15.

Adoption of motion (a) by Councillor Pitfield:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Flint, Hall, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Walker
No - 1	
Councillor:	Korwin-Kuczynski

Carried by a majority of 28.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

7.42 **Clause No. 1 of Report No. 13 of The Policy and Finance Committee, headed “Policy for City-Owned Space Provided at Below-Market Rent”.**

Motions:

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

“It is further recommended that the Commissioners of Community and Neighbourhood Services and Economic Development, Culture and Tourism, in reporting back to the Administration Committee on implementation, be requested to provide criteria to ensure that any City-owned space which is provided at below-market rates is limited to those organizations that serve City residents, support City objectives and have mandates that are not the responsibility of senior levels of government.”

(b) Councillor Jones moved that the Clause be amended by amending Appendix “B”, entitled “Inventory of City-Owned Space Occupied at Below-market Rent”:

- (1) to indicate that the rental shown for 185 Fifth Street, Lakeshore Area Multi-Services Project Inc. (LAMP), is for operating and maintenance costs; and
- (2) by adding 3199 Lake Shore Boulevard West (Gatehouse) thereto.

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

“It is further recommended that:

- (1) as part of the transparency guidelines in the City Policy on City-Owned Space Provided at Below-Market Rent, criteria for lease renewals be considered as an important factor; and
- (2) the Commissioner of Community and Neighbourhood Services and appropriate senior staff be requested to:
 - (a) review the lease of City properties to educational institutions serving clients eligible for the Ontario Private School Tax Credit or listed as ‘for profit’, with a view to removing these tenants from the below-market rent eligibility list; and
 - (b) establish standard criteria to determine the eligibility of community groups to access City space at below market value which will be developed and be part of the City Policy on City-owned Space Provided at Below-Market Rent, and all user groups, including existing groups, be measured against the criteria at the implementation stage.”

Votes:

Motion (b) by Councillor Jones carried.

Adoption of motion (a) by Councillor Shiner:

Yes - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Sutherland
No - 0	

Carried, without dissent.

Motion (c) by Councillor Chow carried.

The Clause, as amended, carried.

- 7.43 **Clause No. 58 of Report No. 11 of The Humber York Community Council, headed “Refusal and Directions Report – 800 Lansdowne Avenue, Application to Amend the Official Plan and Zoning By-law of the (Former) City of Toronto, Ridgevest Developments Limited (Davenport, Ward 18)”.**

Councillor Disero in the Chair.

Motions:

- (a) Councillor Miller moved 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 Council adopt the report dated August 23, 2002, from the Director, Community Planning, South District, as embodied in the Clause.”

- (b) Councillor Moscoe moved that the Clause be amended by amending Recommendation No. (3) of the Humber York Community Council to provide that community consultation be undertaken within 500 metres of the site, with the cost of this expanded notice to be borne by the applicant.

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

“It is further recommended that the City Solicitor be directed to appear at the Ontario Municipal Board, accompanied by the appropriate staff of the Urban Development Services Department, to uphold the decision of City Council, in the event the applicant appeals to the Ontario Municipal Board.”

Votes:

Adoption of motion (a) by Councillor Miller:

Yes - 23	
Councillors:	Altobello, Ashton, Bussin, Chow, Filion, Flint, Hall, Holyday, Johnston, Kelly, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Sutherland, Walker
No - 7	
Councillors:	Augimeri, Di Giorgio, Disero, Korwin-Kuczynski, Lindsay Luby, Shaw, Silva

Carried by a majority of 16.

Motion (c) by Councillor Walker carried.

Acting Chair Disero, having regard to the foregoing decisions of Council, declared motion (b) by Councillor Moscoe, redundant.

The Clause, as amended, carried.

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

“It is recommended that:

- (1) Council adopt the report dated August 23, 2002, from the Director, Community Planning, South District, as embodied in the Clause; and
- (2) the City Solicitor be directed to appear at the Ontario Municipal Board, accompanied by the appropriate staff of the Urban Development Services Department, to uphold the decision of City Council, in the event the applicant appeals to the Ontario Municipal Board.”

Deputy Mayor Ootes in the Chair.

7.44 Clause No. 2 of Report No. 8 of The Community Services Committee, headed “Update on Transfer of Care Delays Experienced by Toronto Emergency Medical Services”.

Motion:

Councillor Ashton 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 Community Services Committee on the impact of possible delays on the operational requirements of response times throughout the system.”

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

7.45 Clause No. 72 of Report No. 10 of The Toronto East York Community Council, headed “Designation of 183 Dovercourt Road (Ideal Bread Factory) (Trinity-Spadina, Ward 19)”.

Motion:

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

“It is recommended that:

- (1) Council adopt the report dated August 16, 2002, from the City Clerk, as embodied in the Clause; and
- (2) the Conservation Review Board be requested to expedite the hearing in this matter.”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

7.46 Clause No. 1 of Report No. 7 of The Striking Committee, headed “Appointment of Members of Council to the Waterfront Reference Group”.

Motion to Now Consider Clause:

Councillor Bussin requested that consideration of this Clause be deferred until later in the meeting.

Deputy Mayor Ootes, having regard that this Clause was the next ‘time critical’ matter remaining on the Order Paper for this meeting, proposed that Council now consider this Clause, the vote upon which was taken as follows:

Yes - 18	
Councillors:	Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Moeser, Ootes, Shaw, Shiner, Sutherland, Tziretas
No - 10	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Johnston, Miller, Rae, Silva, Walker

Carried by a majority of 8.

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

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. 9 of Report No. 13 of The Policy and Finance Committee, headed “Role of the Waterfront Reference Group, The Toronto Waterfront Revitalization Project”, be re-opened for further consideration, the vote upon which was taken as follows:

<p>Yes - 16 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Miller, Moscoe, Rae, Walker</p>
<p>No - 23 Mayor: Lastman Councillors: Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas</p>

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

Motions:

- (a) Councillor Moscoe moved that the following Members of Council be nominated for appointment to the Waterfront Reference Group:
- Councillor Bussin; and
 - Councillor Minnan-Wong.
- (b) Councillor Walker moved that the Clause be amended by deleting from Recommendation No. (i) of the Striking Committee, the name “D. Shiner”, and inserting in lieu thereof the name “S. Bussin”.

Permission to Withdraw Motion:

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

Withdrawal of Names of Nominees:

Councillor Bussin withdrew her name as a nominee for appointment to the Waterfront Reference Group.

Councillor Minnan-Wong withdrew his name as a nominee for appointment to the Waterfront Reference Group.

Deputy Mayor Ootes, having regard that Councillors Bussin and Minnan-Wong had withdrawn as nominees for appointment to the Waterfront Reference Group, declared motion (a) by Councillor Moscoe, redundant.

Vote:

The Clause was adopted, without amendment.

7.47 **Clause No.10 of Report No. 8 of The Community Services Committee, headed “City of Toronto Homeless Initiatives Fund - Allocations Report 2002”.**

Motions:

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

(1) amending Recommendation No. (1) embodied in the report dated August 26, 2002, from the Commissioner of Community and Neighbourhood Services, to provide that the funding recommended for Street Health Community Nursing Foundation (for \$8,470.00) and All Saints’ Church-Community Centre (for \$12,725.00) not be approved; and

(2) adding thereto the following:

“It is further recommended that:

(a) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on any other organization receiving City funding which may be distributing paraphernalia related to criminal activity; and

(b) the City Solicitor be requested to submit a report to the Community Services Committee on City Council’s culpability when providing grants to community organizations that may be aiding or abetting illegal activities.”

(b) Councillor Rae moved that Part (2)(b) of motion (a) by Councillor Sutherland be referred to the Minister of Health and Long-Term Care.

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

“It is further recommended that the Medical Officer of Health be requested to submit a report to the Board of Health on the funding provided to All Saints’ Church-Community Centre and Street Health Community Nursing Foundation and the appropriateness of funding drug kits.”

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

“It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to obtain semi-annual performance measurement reports on the activities of All Saints Church-Community Centre and Street Health Community Nursing Foundation and submit such reports to Council, through the Community Services Committee.”

- (e) Councillor Duguid moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Medical Officer of Health be requested to submit a report to the Community Services Committee, in consultation with the Commissioner of Community and Neighbourhood Services, outlining harm reduction programs that target drug users that the City of Toronto funds or that are provided by outside agencies.”

- (f) Councillor Hall moved that the Clause be amended by amending Recommendation No. (1) embodied in the report dated August 26, 2002, from the Commissioner of Community and Neighbourhood Services, by referring the grants recommended for All Saints’ Church-Community Centre and Street Health Community Nursing Foundation to the Commissioner of Community and Neighbourhood Services, with a request that he submit a further report to the next meeting of the Community Services Committee addressing the concerns expressed with regard to these two organizations; and the funds therefor be held in abeyance pending such report.

- (g) Councillor Chow moved that motion (f) by Councillor Hall be referred to the Commissioner of Community and Neighbourhood Services and the Medical Officer of Health for report thereon to the Community Services Committee.

Councillor Disero in the Chair.

- (h) Councillor Holyday moved that the Clause be amended to provide that those organizations listed in Appendix “A” that are recommended to receive additional grant monies for 2002 be flat-lined at their 2001 grant level.

Deputy Mayor Ootes in the Chair.

Votes:

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

Yes - 5 Councillors:	Flint, Holyday, Lindsay Luby, Minnan-Wong, Nunziata
No - 30 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Silva, Tziretas, Walker

Lost by a majority of 25.

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

Yes - 14 Councillors:	Altobello, Balkissoon, Flint, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Sutherland, Tziretas
No - 23 Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Lost by a majority of 9.

Adoption of motion (g) by Councillor Chow:

Yes - 18 Councillors:	Ashton, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Johnston, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Shaw, Silva
No - 19 Councillors:	Altobello, Balkissoon, Bussin, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Rae, Sutherland, Tziretas, Walker

Lost by a majority of 1.

Adoption of motion (f) by Councillor Hall:

Yes - 14	
Councillors:	Balkissoon, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Sutherland, Tziretas
No - 23	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Lost by a majority of 9.

Adoption of motion (h) by Councillor Holyday:

Yes - 9	
Councillors:	Flint, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Sutherland
No - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker

Lost by a majority of 19.

Adoption of motion (b) by Councillor Rae:

Yes - 19	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Kelly, McConnell, Minnan-Wong, Moeser, Moscoe, Pantalone, Rae, Shaw, Walker
No - 18	
Councillors:	Balkissoon, Filion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Miller, Nunziata, Ootes, Silva, Sutherland, Tziretas

Carried by a majority of 1.

Adoption of motion (c) by Councillor Moeser:

Yes - 19	Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Disero, Duguid, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Sutherland, Tziretas
No - 18	Councillors: Augimeri, Bussin, Cho, Chow, Di Giorgio, Filion, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Carried by a majority of 1.

Adoption of motion (d) by Councillor Cho:

Yes - 9	Councillors: Cho, Flint, Holyday, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Sutherland
No - 28	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Kelly, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker

Lost by a majority of 19.

Adoption of motion (e) by Councillor Duguid:

Yes - 35	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Sutherland, Tziretas, Walker
No - 2	Councillors: Jones, Miller

Carried by a majority of 33.

Adoption of Clause, as amended:

Yes - 28
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Hall, Johnston, Jones, Kelly, Layton, McConnell, Mihevc, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Silva, Walker
No - 9
Councillors: Flint, Holyday, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Sutherland, Tziretas

Carried by a majority of 19.

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

“It is further recommended that:

- (1) the Medical Officer of Health be requested to:
 - (a) submit a report to the Board of Health on the funding provided to All Saints’ Church-Community Centre and Street Health Community Nursing Foundation and the appropriateness of funding drug kits; and
 - (b) submit a report to the Community Services Committee, in consultation with the Commissioner of Community and Neighbourhood Services, outlining harm reduction programs that target drug users that the City of Toronto funds or that are provided by outside agencies; and
- (2) the following motion be referred to the Minister of Health and Long-Term Care:

Moved by Councillor Sutherland:

‘It is further recommended that the City Solicitor be requested to submit a report to the Community Services Committee on City Council’s culpability when providing grants to community organizations that may be aiding or abetting illegal activities.’ ”

7.48 Clause No. 2 of Report No. 10 of The Planning and Transportation Committee, headed “Harmonized City-Wide Ravine By-law”.

Motion:

- (a) Councillor Pantalone moved that the Clause be amended:
 - (1) to provide that:
 - (a) the appeal period to City Council be extended to 30 days; and

- (b) the Ravine Protection By-law maps be revised with respect to private golf courses which would be consistent with the criteria used in mapping ravines in the rest of the City; and
- (2) by adding to Parts (C) and (D) of Sub-section 658-5 of the Ravine Protection By-law, entitled "Filing of applications; form and content", the words "for the area of land affected", so that such Parts shall now read as follows:
 - "(C) In the case of an application to injure or destroy a tree, an inventory of trees and other vegetation, tree protection plan, tree removal or replacement plan or woodland management plan or rehabilitation plan for the area of land affected.
 - (D) In the case of an application to dump fill or refuse or alter grade of land, a grading plan, drainage plan and geotechnical report for the area of land affected."
- (b) Councillor Flint, seconded by Councillor McConnell, moved that the Clause be in accordance with the following motion:

"NOW THEREFORE BE IT RESOLVED THAT the Clause be amended by adding to Recommendation No. (1) embodied in the joint report dated August 19, 2002, from the Commissioners of Urban Development Services, Economic Development, Culture and Tourism and Works and Emergency Services, as embodied in the Clause, the words 'excluding the lands known as the Hogg's Hollow Special Policy Area from the map attached to the draft by-law and subject to technical modifications to Map 3 for sections 51 L-22, 51 L-23, 51 M-21, 51 M-22, 51 N-11, 51 N-13 and 52 N-22', so that such recommendation shall now read as follows:

- '(1) the City Solicitor be authorized to introduce a Bill for the protection of Ravines and Associated Natural and Woodland Areas substantially in the form of the attached draft by-law, excluding the lands known as the Hogg's Hollow Special Policy Area from the map attached to the draft by-law and subject to technical modifications to Map 3 for sections 51 L-22, 51 L-23, 51 M-21, 51 M-22, 51 N-11, 51 N-13 and 52 N-22;';

AND BE IT FURTHER RESOLVED THAT the appropriate City staff be formally requested to attend the Hogg's Hollow neighbourhood community meeting scheduled for October 22, 2002, to discuss the impact of the Ravine

Protection By-law and to report to Council on any issues raised at the meeting.”

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

“It is further recommended that Council adopt the recommendations of the Policy and Finance Committee embodied in the communication dated September 19, 2002, from the City Clerk.”

- (d) Councillor Miller moved that:

(1) motion (b) by Councillor Flint, seconded by Councillor McConnell, be amended to include the exemption of “Warren Park Ravine”; and

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

“It is further recommended that:

- (a) Council adopt the following motion:

‘WHEREAS the protection of ravines in a natural state is important, to manage the natural flow of water in this City; and

WHEREAS most ravines have been mapped as part of the harmonized Ravine By-law prepared for this meeting of City Council; and

WHEREAS a few areas delineating areas of springs and groundwater discharge areas (such as springs) were mapped in this harmonized Ravine By-law mapping; and

WHEREAS not all such areas were mapped and, further, the data to substantiate the magnitude and significance of these springs is not available; and

WHEREAS the City has taken action to protect the Oak Ridges Moraine, which was undertaken to protect headwater areas of Toronto streams; and

WHEREAS headwater protection is important to Toronto so the City needs to demonstrate that we are equally prepared to protect headwaters, as a watercourse does not start with a

storm sewer emptying into it; and

WHEREAS further research, field work and analysis is required to determine the location of these additional ravines which contain groundwater discharge functions and intermittent watercourses; and

WHEREAS the new Municipal Act comes into being in 2003, with additional features that can be addressed;

NOW THEREFORE BE IT RESOLVED THAT the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services be requested to jointly report back to the Planning and Transportation Committee on the following matters in approximately six months:

- (i) additional field work and other work needed to delineate springs and groundwater discharge in the City not already mapped;
 - (ii) mapping and other efforts needed to extend the harmonized Ravine By-law to cover these areas; and
 - (iii) costs and funding implications of this work for all departments.'; and
- (c) the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services, in consultation with the Toronto and Region Conservation Authority, be requested to jointly report back to the Planning and Transportation Committee, in due course, on refining the location of the Ravine By-law in the fill-regulated areas of the City of Toronto, to ensure consistency with other ravine areas that are not fill regulated.”

Votes:

Adoption of the Clause, as amended by motion (a) by Councillor Pantalone, motion (b) by Councillor Flint, seconded by Councillor McConnell, motion (c) by Councillor Altobello and motion (d) by Councillor Miller:

Yes - 32
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Feldman, Fillion, Flint, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

In summary, Council amended this Clause:

- (1) to provide that:
 - (a) the appeal period to City Council be extended to 30 days; and
 - (b) the Ravine Protection By-law maps be revised with respect to private golf courses which would be consistent with the criteria used in mapping ravines in the rest of the City;
- (2) by adding to Parts (C) and (D) of Sub-section 658-5 of the Ravine Protection By-law, entitled "Filing of applications; form and content", the words "for the area of land affected", so that such Parts shall now read as follows:
 - “(C) In the case of an application to injure or destroy a tree, an inventory of trees and other vegetation, tree protection plan, tree removal or replacement plan or woodland management plan or rehabilitation plan for the area of land affected.
 - (D) In the case of an application to dump fill or refuse or alter grade of land, a grading plan, drainage plan and geotechnical report for the area of land affected.”;
- (3) in accordance with the following motion:

Moved by Councillor Flint, seconded by Councillor McConnell:

“NOW THEREFORE BE IT RESOLVED THAT the Clause be amended by adding to Recommendation No. (1) embodied in the joint report dated August 19, 2002, from the Commissioners of Urban Development Services, Economic Development, Culture and Tourism and Works and Emergency Services, as embodied in the Clause, the words ‘excluding the lands known as the Hogg’s Hollow Special Policy Area and Warren Park Ravine from the map attached to the draft by-law and subject to technical modifications to Map 3 for sections 51 L-22, 51 L-23, 51 M-21, 51 M-22, 51 N-11, 51 N-13 and 52 N-22’, so that such recommendation shall now read as follows:

- ‘(1) the City Solicitor be authorized to introduce a Bill for the protection of Ravines and Associated Natural and Woodland Areas substantially in the form of the attached draft by-law, excluding the lands known as the Hogg’s Hollow Special Policy Area from the map attached to the draft by-law and Warren Park Ravine and subject to technical modifications to Map 3 for sections 51 L-22, 51 L-23, 51 M-21, 51 M-22, 51 N-11, 51 N-13 and 52 N-22;’;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff be formally requested to attend the Hogg’s Hollow neighbourhood community meeting scheduled for October 22, 2002, to discuss the impact of the Ravine Protection By-law and to report to Council on any issues raised at the meeting.”; and

- (4) by adding thereto the following:

“It is further recommended that:

- (a) Council adopt the following recommendations of the Policy and Finance Committee embodied in the communication dated September 19, 2002, from the City Clerk:

‘The Policy and Finance Committee recommends the adoption of the report (September 5, 2002) from the Commissioner of Economic Development, Culture and Tourism respecting financial resources required for implementation of the Harmonized City-Wide Ravine By-law, wherein it is recommended that:

- (1) annual operating funds in the amount of \$151,220.00 to be considered starting in the 2003 Operating Budget for Parks and Recreation Division and an additional \$60,910.00 to be

considered in 2004 to implement and administer a harmonized Ravine By-law city-wide;

- (2) the report be forwarded to Budget Advisory Committee for its consideration with the 2003 Operating Budget; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.';

(b) Council adopt the following motion:

Moved by Councillor Miller:

‘WHEREAS the protection of ravines in a natural state is important, to manage the natural flow of water in this City; and

WHEREAS most ravines have been mapped as part of the harmonized Ravine By-law prepared for this meeting of City Council; and

WHEREAS a few areas delineating areas of springs and groundwater discharge areas (such as springs) were mapped in this harmonized Ravine By-law mapping; and

WHEREAS not all such areas were mapped and, further, the data to substantiate the magnitude and significance of these springs is not available; and

WHEREAS the City has taken action to protect the Oak Ridges Moraine, which was undertaken to protect headwater areas of Toronto streams; and

WHEREAS headwater protection is important to Toronto so the City needs to demonstrate that we are equally prepared to protect headwaters, as a watercourse does not start with a storm sewer emptying into it; and

WHEREAS further research, field work and analysis is required to determine the location of these additional ravines which contain groundwater discharge functions and intermittent watercourses; and

WHEREAS the new Municipal Act comes into being in 2003, with additional features that can be addressed;

NOW THEREFORE BE IT RESOLVED THAT the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services be requested to jointly report back to the Planning and Transportation Committee on the following matters in approximately six months:

- (i) additional field work and other work needed to delineate springs and groundwater discharge in the City not already mapped;
 - (ii) mapping and other efforts needed to extend the harmonized Ravine By-law to cover these areas; and
 - (iii) costs and funding implications of this work for all departments.’; and
- (c) the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services, in consultation with the Toronto and Region Conservation Authority, be requested to jointly report back to the Planning and Transportation Committee, in due course, on refining the location of the Ravine By-law in the fill-regulated areas of the City of Toronto, to ensure consistency with other ravine areas that are not fill regulated.”

7.49 **Clause No. 51 of Report No. 11 of The Humber York Community Council, headed “Final Report - 274 St. John’s Road, 637 Runnymede Road and 40 Fisker Avenue; Runnymede Chronic Care Hospital; Application to Amend the Official Plan and Zoning By-law No. 438-86 of the (Former) City of Toronto (Parkdale-High Park, Ward 13)”.**

Motion to Re-Open:

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

“It is further recommended that:

- (1) the Commissioners of Works and Emergency Services and Urban Development Services and the City Solicitor be requested to prepare the appropriate agreement to allow the Runnymede Chronic Care Hospital to secure the grassed boulevard portion of the public highway lying between the site and the sidewalk on Fiskens Avenue to the Runnymede Chronic Care Hospital for a nominal consideration as is set out in the report dated June 14, 2002, from the Director of Community Planning, South District; and
- (2) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto, upon receipt of the executed Section 37 Agreement.”

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

7.50 **Clause No. 20 of Report No. 11 of The Etobicoke Community Council, headed “Final Report - Application to Amend the Etobicoke Official Plan and Zoning Code; Queenscorp (Dalesford) Inc., 245 Dalesford Road; File No. TA CMB 2002 0001 (Ward 5 - Etobicoke-Lakeshore)”.**

Motion to Re-Open:

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

“**WHEREAS** Queenscorp (Dalesford) Inc. submitted applications to amend the Etobicoke Official Plan and Zoning Code to permit the development of a 6-storey, 134-unit, mid-rise residential building at 245 Dalesford Road; and

WHEREAS City Council in adopting Etobicoke Community Council Report No. 11, Clause No. 20, headed ‘Final Report- Application to Amend the Etobicoke Official

Plan and Zoning Code; Queenscorp (Dalesford) Inc. - 245 Dalesford Road; File No. TA CMB 2002 0001 (Ward 5 - Etobicoke-Lakeshore)', approved the proposed development; and

WHEREAS the staff report dated June 11, 2002, from the Director of Community Planning, West District, contained a site-specific Draft Zoning By-law appended to the staff report; and

WHEREAS the staff report dated June 11, 2002, from the Director of Community Planning, West District, contained a condition to be satisfied prior to the enactment of the amendment to the Etobicoke Zoning Code requiring the applicant to resolve the building setback as it relates to the stable top-of-bank; and

WHEREAS in preparing the site-specific Draft By-law, the description of the development contained a side yard building setback of 5 metres from the stable top-of-bank, and a maximum building coverage of 43 percent; and

WHEREAS in resolving the building setback with the applicant, the Director of Community Planning, West District, agrees with the opinion of the Toronto Region and Conservation Authority that the minimum side yard building setback from the stable top-of-bank should be 2.1 metres, and the maximum building coverage should be 45 percent;

NOW THEREFORE BE IT RESOLVED THAT Council hereby authorizes that the Draft By-law be revised with respect to the development site so that the minimum side yard building setback from the stable top-of-bank is set at 2.1 metres;

AND BE IT FURTHER RESOLVED THAT Council hereby authorizes that the Draft By-law be revised with respect to the development site so that the maximum building coverage is set at 45 percent;

AND BE IT FURTHER RESOLVED THAT Council hereby authorizes bringing forward for passage the amending By-law, substantially in accordance with the Draft By-law attached to the staff report dated June 11, 2002, from the Director of Community Planning, West District, as amended by the standards set out above, and determines that no further notice is to be given in respect of the proposed By-law, pursuant to Section 34(17) of the Planning Act, R.S.O. 1990."

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

7.51 Clause No. 7 of Report No. 8 of The Audit Committee, headed “Status Report – Toronto Computer Leasing Inquiry”.**October 1, 2002:***Motions:*

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

“It is recommended that the Terms of Reference for the Inquiry be amended to include the IT consulting contracts involving Remarkable and Beacon Software that were previously referred by Council to the Inquiry, as well as the records of the City Auditor on these contracts from a forensic audit perspective.”

- (b) Councillor Walker moved that:

(1) motion (a) by Councillor Miller be amended to provide that the amendment to the terms of reference include a request for a second stage hearing with respect to the contracts with Remarkable and Beacon Software; and

- (2) Council adopt the following recommendation:

“It is recommended that the City Solicitor be requested to make public to Members of Council the list of witnesses for the Inquiry.”

- (c) Councillor Moscoe moved that motion (a) by Councillor Miller be referred to the City Solicitor, with a request that appropriate terms of reference be drafted and a report thereon be submitted to Council on Thursday, October 3, 2002, and, further, that discussions be commenced with the Commission Counsel regarding how to accomplish this goal and the extent to which the Commission would be prepared to act on this request, or, if the Commission is prepared to entertain a second stage of the hearing at a later date, to explore this issue without delaying the present hearing.

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

“It is recommended that the Chief Administrative Officer be requested to submit a report directly to Council on October 3, 2002, on the estimated budget and cost implications of additional parties being added and the cost, to date, of the Inquiry.”

- (e) Councillor Minnan-Wong moved that Council adopt the following recommendation:

“It is recommended that the City Clerk be requested to provide, to this meeting of Council, the material respecting Beacon Software that was previously before Council and any other relevant material related to this matter.”

Votes:

Motion (c) by Councillor Moscoe carried.

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

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

Motion (d) by Councillor Shiner carried.

Motion (e) by Councillor Minnan-Wong carried.

In summary, City Council, on October 1, 2002, adopted the following recommendations:

“It is recommended that:

- (1) the following motion be referred to the City Solicitor, with a request that appropriate terms of reference be drafted and a report thereon be submitted to Council on Thursday, October 3, 2002, and, further, that discussions be commenced with the Commission Counsel regarding how to accomplish this goal and the extent to which the Commission would be prepared to act on this request, or, if the Commission is prepared to entertain a second stage of the hearing at a later date, to explore this issue without delaying the present hearing:

Moved by Councillor Miller:

‘It is recommended that the Terms of Reference for the Inquiry be amended to include the IT consulting contracts involving Remarkable and Beacon Software that were previously referred by Council to the Inquiry, such amendment to also include a request for a second stage hearing with respect to these contracts, as well as the records of the City Auditor on these contracts from a forensic audit perspective.’;

- (2) the City Solicitor be requested to make public to Members of Council the list of witnesses for the Inquiry;
- (3) the Chief Administrative Officer be requested to submit a report directly to Council on October 3, 2002, on the estimated budget and cost implications of additional parties being added and the cost, to date, of the Inquiry; and

- (4) the City Clerk be requested to provide, to this meeting of Council, the material respecting Beacon Software that was previously before Council and any other relevant material related to this matter.”

October 3, 2002:

Motions:

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

“It is further recommended that Council adopt Recommendation No. (2) embodied in the report dated October 3, 2002, from the City Solicitor, subject to:

- (1) deleting from the lead-in phrase, after the words ‘Reference for’, the words ‘a second inquiry’, and inserting in lieu thereof the words ‘an inquiry (subsequent or concurrent)’; and
- (2) deleting subparagraph (ii) and inserting in lieu thereof the following:

‘(ii) the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the City Solicitor be requested to submit a report to the Policy and Finance Committee with respect to the financial and budgetary implications with respect thereto;’.”

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

“It is further recommended that Council adopt Recommendation No. (1) embodied in the report dated October 3, 2002, from the City Solicitor.”

Votes:

Adoption of motion (a) by Councillor Miller:

Yes - 26
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Johnston, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 7
Councillors: Disero, Feldman, Holyday, Kelly, Li Preti, Moeser, Shiner

Carried by a majority of 21.

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

In summary, City Council, on October 3, 2002, subsequently amended this Clause by adding thereto the following:

“It is further recommended that Council adopt Recommendation No. (2) embodied in the report dated October 3, 2002, from the City Solicitor, subject to:

- (1) deleting from the lead-in phrase, after the words ‘Reference for’, the words ‘a second inquiry’, and inserting in lieu thereof the words ‘an inquiry (subsequent or concurrent)’; and
- (2) deleting subparagraph (ii) and inserting in lieu thereof the following:
 - ‘(ii) the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the City Solicitor be requested to submit a report to the Policy and Finance Committee with respect to the financial and budgetary implications with respect thereto;’,

so that Recommendation No. (2) shall now read as follows:

- ‘(2) Council elect to approve the Terms of Reference for an inquiry (subsequent or concurrent) concerning the Beacon and Remarkable contracts and the external contracts being Ball - HSU Associates Inc. and the contracts for the purchase of the computer hardware and software that subsequently formed the basis for the computer leasing RFQ that is the subject of the Toronto Computer Leasing Inquiry, and that Council direct that:
 - (i) the City Solicitor request Madame Justice Denise Bellamy to conduct the further inquiry;
 - (ii) the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the City Solicitor be requested to submit a report to the Policy and Finance Committee with respect to the financial and budgetary implications with respect thereto;
 - (iii) additional funds of \$100,000.00 be allocated to the current budget of the Legal Division for additional staff resources to assist with the inquiry; and

- (iv) City staff take all appropriate steps to implement these recommendations.’ ”

7.52 IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE

October 1, 2002:

Motion:

Deputy Mayor Ootes, at 6:15 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 16 of Report No. 12 of The Administration Committee, headed “Proposed Development at 2245 Lawrence Avenue West (Ward 2 - Etobicoke North)”, having regard that this Clause contains information related to the security of the property of the municipality; and
- (b) Clause No. 19 of Report No. 12 of The Administration Committee, headed “Sale of City-Owned Property, 205 Yonge Street (Ward 27 – Toronto Centre-Rosedale)”, having regard that this Clause contains information which is 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 6:25 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 7:25 p.m., and met in public session in the Council Chamber.

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

7.53 **Clause No. 16 of Report No. 12 of The Administration Committee, headed “Proposed Development at 2245 Lawrence Avenue West (Ward 2 - Etobicoke North)”.**

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:

Having regard that the Clause was submitted without recommendation, Councillor Jones moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the Clause, together with the confidential report dated September 23, 2002, from the Commissioner of Corporate Services, and the confidential report dated September 27, 2002, from the City Solicitor, be received;
- (2) the Commissioner of Economic Development, Culture and Tourism be instructed to accept a cash-in-lieu of parkland payment, with the funds being redirected for improvement to local park(s) in this community; and
- (3) the Ontario Municipal Board be advised of the action taken by City Council in this regard.”

Vote:

Adoption of motion by Councillor Jones:

Yes - 28	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Jones, Kelly, Li Preti, Lindsay Luby, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 26.

7.54 **Clause No. 19 of Report No. 12 of The Administration Committee, headed “Sale of City-Owned Property, 205 Yonge Street (Ward 27 – Toronto Centre-Rosedale)”.**

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 Sutherland:

“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 process used for the disposal of City property, such report to include recommendations for actions that could be taken to make this process a more transparent public process.’ ”

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

October 2, 2002:*Motion:*

Deputy Mayor Ootes, at 5:55 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 1 of Report No. 12 of The Administration Committee, headed “Benefit Coverage – Former Municipality of Metropolitan Toronto Over Age 65 Retirees”, in accordance with the provisions of the Municipal Act, having regard that this Clause contains information which is subject to potential litigation.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:00 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 7:20 p.m., and met in public session in the Council Chamber.

Deputy Mayor Ootes took the Chair and called the Members to order and advised the Council that the vote on this Clause would be taken at 10:00 a.m. on October 3, 2002.

October 3, 2002:

7.55 Clause No. 1 of Report No. 12 of The Administration Committee, headed “Benefit Coverage – Former Municipality of Metropolitan Toronto Over Age 65 Retirees”.

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:

Having regard that the Clause was submitted without recommendation:

Motions:

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

“It is recommended that:

- (1) City Council confirm the City’s administration of benefit plans for management retirees over 65, of the former Municipality of Metropolitan Toronto, in accordance with the established benefit plan design which excludes prescription drug coverage within Ontario; and
- (2) authority be granted for the introduction of the necessary Bills in Council and the appropriate City officials be authorized to take the necessary action to give effect thereto.”

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

“It is recommended that:

- (1) prescription drug coverage be provided to management retirees of the former Municipality of Metropolitan Toronto over the age of 65 who retired during the period from January 1, 1989, to December 31, 2000, inclusive; and
- (2) authority be granted to introduce the necessary bills and the appropriate City officials be authorized to take the necessary action to give effect thereto.”

Votes:

Adoption of motion (a) by Councillor Soknacki:

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

Carried by a majority of 5.

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

Motion:

Deputy Mayor Ootes, at 4:12 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 4 of Report No. 13 of The Policy and Finance Committee, headed "2001 Annual Audited Financial Statements of Enwave District Energy Limited", in accordance with the provisions of the Municipal Act, having regard that this Clause contains information related to the security of the property of the municipality.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:17 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 5:40 p.m., and met in public session in the Council Chamber.

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

7.56 Clause No. 4 of Report No. 13 of The Policy and Finance Committee, headed “2001 Annual Audited Financial Statements of Enwave District Energy Limited”.

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 McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the confidential joint report dated October 2, 2002, from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, embodying the following recommendations, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of the property of the municipality:

‘It is recommended that:

- (1) the City permit Enwave District Energy Limited (“Enwave”) to provide the City with a performance bond in a reduced amount from that required under section 2.18(b) of the Energy Transfer Agreement (“ETA”) between Enwave and the City, with a content satisfactory to the City’s Chief Financial Officer and Treasurer and Commissioner of Works and Emergency Services, in a form satisfactory to the City Solicitor, in an estimated amount of \$19.4 million, identified as the amount equivalent to the cost of the Deep Lake Water Cooling (“DLWC”) project works on City property and the new water intake line, less the amount of funding that OMERS committed to this project, subject to:
 - (a) the provision of an Enwave Board commitment to the City that it will use the funding provided by OMERS for meeting its contractual payment obligations with Necso Canada Inc.; and
 - (b) Enwave agreeing to the engagement of a third-party quality management assurance consultant by the City, to co-operate with this consultant, in order to permit the provision of quality management services and reporting to the City in respect of DLWC;

- (2) in the event that Enwave does not comply with the terms as set out in Recommendation No. (1), that it be required to provide a performance bond as set out in section 2.18(b) of the ETA;
 - (3) Municipal Code Chapter 227 (Reserves and Reserve Funds), Schedule C – Discretionary, be amended by:
 - (a) changing the name of the Toronto District Heating Corporation Capital Expenditures Reserve Fund to the ‘Enwave District Energy Reserve Fund’; and
 - (b) modifying the purpose of this reserve from “providing funding for future capital expenditures” to “providing funding for future capital expenditures, and providing collateral for performance bonding requirements on behalf of Enwave”;
 - (4) the City’s Chief Financial Officer and Treasurer be authorized to provide an irrevocable letter of credit on behalf of Enwave to its insurer, or any other acceptable financial instrument if required, to satisfy a portion of the financial guarantee requirements that may be necessary to permit Enwave to obtain performance bonding as mentioned above, such letter of credit to be in an amount not to exceed \$7.3 million, provided that:
 - (a) Enwave reimburses the City for all costs associated that may be incurred by the City in obtaining and maintaining this collateral; and
 - (b) the balance of the collateral requirements be appropriately arranged by Enwave; and
 - (5) the appropriate City officials be authorized and directed to take all actions necessary and execute all documents required to implement the foregoing recommendations.’ ”
- (b) Councillor Shiner moved that the Clause be amended by adding thereto the following:
- “It is further recommended that City Council advise that:
- (1) the business losses which may be incurred by Artscape/Gibraltar Point are the responsibility of Enwave;
 - (2) Council expects Enwave to respond to the substantiated claims by

Artscape/Gibraltar Point in a fair and reasonable manner; and

- (3) Artscape/Gibraltar Point should substantiate their losses in the same manner as is usual in the normal course of business.”
- (c) Councillor Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the staff of Enwave be requested to notify the Commissioner of Works and Emergency Services and the representatives of the City of Toronto on the Board of Directors of Enwave regarding construction schedules and of any claims for damages by Artscape; and
- (2) the Commissioner of Works and Emergency Services, in consultation with the representatives of the City of Toronto on the Board of Directors of Enwave, be requested to:
- (a) submit a report to City Council, through the appropriate Committee, outlining any and all concerns expressed by Artscape with respect to any damages it may suffer as a result of the construction of the Deep Lake Water Cooling project; and
- (b) work with Artscape to help mitigate any losses incurred as a result of this project.”

Votes:

Motion (a) by Councillor McConnell carried.

Adoption of motion (b) by Councillor Shiner:

<p>Yes - 33 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker</p>
<p>No - 0</p>

Carried, without dissent.

Adoption of motion (c) by Councillor Chow:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 0	

Carried, without dissent.

The Clause, as amended, carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

7.57 Proposed 'Super Hospital' – Keele Street and Sheppard Avenue

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

Moved by: Councillor Nunziata

Seconded by: Councillor Di Giorgio

“WHEREAS the Humber River Regional Hospital has put forward a proposal to build a new ‘Super Hospital’ at Keele Street and Sheppard Avenue, on the former DND lands in Downsview, to replace services currently provided at the Church Street and Finch Avenue sites and at the former Northwestern General Hospital; and

WHEREAS the Toronto District Health Council has, at the Ontario Provincial Government’s request, reviewed this proposal and rejected it as not being in the best interest of the Community; and

WHEREAS the closure of Northwestern General Hospital has resulted in above average time in the transfer of patients by the Toronto EMS paramedics to the Church Street and Finch Street sites; and

WHEREAS despite the rejection of this proposal by the Toronto District Health Council, the Ontario Provincial Government appears set to proceed with this proposal without having conducted appropriate public consultations on the impact of the

delivery of Health Care and of this development on the communities affected;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council formally request the Ontario Provincial Government to commit to a public consultation process on this proposal, prior to any formal decisions being made;

AND BE IT FURTHER RESOLVED THAT the Ontario Provincial Government be requested to commit to public disclosure of all information relevant to this proposal and of all correspondence between the Minister of Health and the Humber River Regional Hospital.”

Disposition:

Having regard that Council did not conclude its consideration of Motion F(1) prior to the end of this meeting, consideration of Motion F(1) was deferred to the next regular meeting of City Council scheduled to be held on October 29, 2002.

7.58 Support to Defend Against the Appeal With Respect to the Sale of Hydro One

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

Moved by: Councillor Layton

Seconded by: Councillor Miller

“WHEREAS City Council on April 16, 17 and 18, 2002, adopted a number of motions as part of Policy and Finance Committee Report No. 6, Clause No. 1, headed ‘Implications of the Sale of Hydro One for the City of Toronto’, calling on the Provincial Government to stop the sale of Hydro One because of the many negative impacts such a sale could have on Torontonians; and

WHEREAS City Council on April 16, 17 and 18, 2002, adopted a motion stating ‘that the Mayor and Members of the Toronto City Council ask the Provincial Government and the new Premier of Ontario, Ernie Eves, to cancel the decision to privatize Hydro One and deregulate the energy market’; and

WHEREAS the Province is appealing the Superior Court decision made on April 19, 2002, that stopped the sale of Hydro One; and

WHEREAS the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees are defending against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision

to stop the sale of Hydro One; and

WHEREAS given City Council's position on the sale of Hydro One, it is in the interest of the City to help the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees in their defence against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One; and

WHEREAS timely support by the City to the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees in their defence against the appeal launched by the Ontario Government will greatly improve their ability to launch a successful defence;

NOW THEREFORE BE IT RESOLVED THAT the City support the action of the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees as they defend against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One at the Ontario Court of Appeal and that this support be 25 percent (or up to a maximum of \$40,000.00) of the legal fees;

AND BE IT FURTHER RESOLVED THAT funds be drawn for this purpose from the Legal Department Account for outside legal advice;

AND BE IT FURTHER RESOLVED THAT the Association of Municipalities of Ontario and Ontario cities with population over 50,000 be requested to consider joining the City of Toronto in providing financial support."

City Council also had before it, during consideration of Motion F(2), a report (September 27, 2002) from the City Solicitor, entitled "Potential Sale of Hydro One - Status of Legal Proceedings" (See Attachment No. 1, Page 173).

Disposition:

Having regard that Council did not conclude its consideration of Motion F(2) prior to the end of this meeting, consideration of Motion F(2) was deferred to the next regular meeting of City Council scheduled to be held on October 29, 2002.

7.59 Proposed Use of Portion of 324 Cherry Street and 429 Lake Shore Boulevard East

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

Moved by: Councillor Layton

Seconded by: Councillor Chow

“WHEREAS City Council at its meeting on June 18, 19 and 20, 2002, adopted, as amended, Clause No. 10 of Report No. 10 of The Policy and Finance Committee and directed the Commissioner of Works and Emergency Services to provide a one time only collection of waste from the site at 324 Cherry Street and 429 Lake Shore Boulevard East, which is owned by Home Depot, and that Home Depot be charged for the waste collection service; and

WHEREAS City Council at its meeting on June 18, 19 and 20, 2002, also directed the Chief Administrative Officer, in consultation with the Commissioner of Works and Emergency Services, the Commissioner of Urban Development Services, the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer to report to the Policy and Finance Committee respecting issues pertaining to this site, including the long term implications; and

WHEREAS City Council at its meeting on November 6, 7 and 8, 2001, requested an update report on the development proposal of transitional housing using manufactured structures for its meeting on December 4, 5 and 6, 2001, and adopted the October 18, 2001 report from the Acting Commissioner of Community and Neighbourhood Services, entitled ‘Development Proposal for Transitional Housing Using Manufactured Structures’; and

WHEREAS City Council on December 4, 5 and 6, 2001, received the December 3, 2001 report from the Acting Commissioner of Community and Neighbourhood Services, entitled ‘Update on Development Proposal for Transitional Housing Using Manufactured Structures’; and

WHEREAS Home Depot and Homes First Society, in partnership, have made a verbal proposal to the City to address housing needs arising from the current situation, by providing temporary housing on a small portion of the site at 324 Cherry Street and 429 Lake Shore Boulevard East as a demonstration project and may be filing an application to permit the temporary use of the lands for residential purposes;

NOW THEREFORE BE IT RESOLVED THAT upon receipt of such an application for approval of a temporary by-law for two years to permit residential uses

on a portion of the site known as 324 Cherry Street and 429 Lake Shore Boulevard East, the Commissioner of Urban Development Services be authorized to hold a public meeting pertaining to this application and to prepare a Final Report on this application for consideration by Toronto East York Community Council;

AND BE IT FURTHER RESOLVED THAT the adoption of this Resolution does not commit Council to any position respecting the application and staff be instructed to give full consideration to any environmental, servicing and public safety issues pertaining to the application and, furthermore, these matters would also have to be addressed in any associated Site Plan Approval application which would be dealt with concurrently in the consideration of this application.”

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Motion I(1), declared such Motion redundant.

7.60 Notification of Members of Council Regarding Major City-Initiated Construction/Demolition Projects

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

Moved by: Councillor Sutherland

Seconded by: Councillor Duguid

“WHEREAS a Councillor is the elected municipal representative for his/her constituents; and

WHEREAS it is imperative that a Councillor be aware of the various City projects that are taking place in his/her Ward; and

WHEREAS some City departments have policies in place that ensure timely notification is provided to the Councillor concerning various Ward projects (i.e. road work, sewer rehabilitation); and

WHEREAS other City departments have no policies in place to ensure timely notification is provided to the Ward Councillor concerning such projects; and

WHEREAS all City departments should have specific policies and guidelines to ensure that Councillors are advised before major construction/demolition projects

commence, and are advised of significant changes to public areas before they happen; and

WHEREAS the local area Councillor should be advised of all major projects before they commence, in addition to the involvement of City staff/departments and Committee/Council approval; and

WHEREAS some examples of these types of issues include (but are not limited to):

- major road repairs;
- major sewer rehabilitation work;
- erection or demolition of fencing in public areas (i.e. parks);
- erection or demolition of barriers/walls in public areas;
- erection or demolition of architectural enhancements in public areas; and
- erection or demolition of art in public areas;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be requested to prepare a report on a standardized policy outlining the manner by which Councillors will be notified of major City-initiated construction/demolition projects in their Ward, prior to their commencement;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to forward this report to the Policy and Finance Committee for consideration.”

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(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 J(1) to the Policy and Finance Committee was taken as follows:

Yes - 25	Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Duguid, Feldman, Filion, Flint, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Minnan-Wong, Moeser, Moscoe, Ootes, Shaw, Silva, Soknacki, Tziretas, Walker
No - 14	Councillors: Ashton, Bussin, Di Giorgio, Disero, Johnston, Jones, McConnell, Mihevc, Miller, Nunziata, Pantalone, Pitfield, Shiner, Sutherland

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

Having regard to the foregoing decision of Council, Motion J(1) was referred to the Policy and Finance Committee.

7.61 **Traffic Control Signals on Lake Shore Boulevard East, West of Kew Beach Avenue**

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

Moved by: Councillor Bussin

Seconded by: Councillor Rae

“WHEREAS City Council at its meeting held on April 16, 17 and 18, 2002, by its adoption of Clause No. 69 of Report No. 4 of The Toronto East York Community Council, headed ‘Proposed Installation of Traffic Control Signals – Lake Shore Boulevard East, 30 metres west of Kew Beach Avenue (Beaches-East York, Ward 32)’, authorized the installation of traffic control signals on Lake Shore Boulevard East, at a point 30 metres west of Kew Beach Avenue, to enhance safety for pedestrians crossing the street; and

WHEREAS the detailed technical design phase for implementation has concluded that, based on emerging pedestrian patterns and physical constraints in the field, these traffic control signals would provide better service to the community and enhance safety for all road users if installed on Lake Shore Boulevard East at a point approximately 224 metres west of Kew Beach Avenue;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 69 of Toronto East York Community Council Report No. 4, headed ‘Proposed Installation of Traffic Control Signals – Lake Shore Boulevard East, 30 metres west of Kew Beach Avenue (Beaches-East York, Ward 32)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT traffic control signals be installed on Lake Shore Boulevard East at a point 224 metres west of Kew Beach Avenue, instead of the previously approved location on Lake Shore Boulevard East at a point 30 metres west of Kew Beach Avenue;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to give effect thereto, including the introduction in Council of any Bills that may be required.”

Votes:

The first Operative Paragraph embodied in Motion J(2) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(2) was adopted, without amendment.

7.62 **United Nations Framework Convention on Climate Change**

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

Moved by: Councillor Walker

Seconded by: Councillor Berardinetti

“**WHEREAS** ‘The United Nations Framework Convention on Climate Change’ was adopted at the United Nations in New York City on May 9, 1992 - over ten years ago; and

WHEREAS each Party [Nation] in ‘The United Nation Framework Convention on Climate Change’ agreed to reduce overall emissions of hydrofluorocarbons, perfluorocarbons and sulphur hexafluorides by at least five percent below 1990 levels in the first commitment period: 2008 to 2012, stating that each Party [Nation] agreed, by 2005, demonstrable progress in achieving these commitments will have been made; and

WHEREAS ‘Each Party [Nation]... in order to *promote sustainable development*, shall: (a) Implement and/or farther elaborate policies and measures in accordance with its national circumstances, such as:(vi) *Encouragement* of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases...’ (Kyoto Protocol To The United Nations Framework Convention on Climate Change, December 1-10, 1997, Article 2(a)(vi)); and

WHEREAS eighty-seven (87) nations have accepted the Kyoto Protocol; and

WHEREAS recently, Russia and China committed to ratify the Kyoto Protocol; and

WHEREAS Canada accounts for an estimated two percent of the world’s greenhouse gas emissions; and

WHEREAS Canada is flush with ‘carbon sinks’ that would lessen the burden of regulation on Canadian industry; and

WHEREAS the increased burning of fossil fuels and the resulting global warming are

contrary to the goals that the Kyoto Protocol is trying to reach; and

WHEREAS dozens of energy projects, big and small, would be affected if Canada tries to reduce its emissions; and

WHEREAS the federal government is heavily lobbied by associations, such as the CAA, and corporations, such as oil companies, to stall Canada's ratification of the Kyoto Protocol; and

WHEREAS the Canadian oil industry, before the oil is burned, contaminates tens of billions of litres of fresh water per year to extract oil – some companies are permitted to use a million litres per day for this purpose; and

WHEREAS reliance on fossil fuels has been proven to be unsustainable and detrimental, though the Ontario provincial government continues to operate five (5) coal-fired power plants, namely: Nanticoke on the north shore of Lake Erie, Lambton (near Sarnia), Lakeview in Mississauga, and Atikokan and Thunder Bay in northwestern Ontario; and

WHEREAS Nanticoke, a provincial power plant, is the single largest source of air pollution in the Province; and

WHEREAS the population of the Greater Toronto Area (G.T.A.), over five (5) million people, is suffering from the provincial government's lack of leadership on environmental issues; and

WHEREAS combined, these five (5) Ontario Power Generation (OPG) coal-fired power plants produce 7,770 megawatts of electricity (21 percent-24 percent of OPG's output), there are clean alternatives, as well as conservation, to replace this capacity; and

WHEREAS governments effectively subsidize corporations who produce harmful emissions by often cleaning up their toxic mess; and

WHEREAS implementation of the Kyoto Protocol can be designed to ensure that no industry or sector suffers disproportionately; and

WHEREAS there are several areas of real environmental concern within the boundaries of Toronto, such as Smog and Heat Alert days, the Portlands, Toronto's beaches, et cetera; and

WHEREAS the Canadian prairies have endured the second arid growing season and now farmers are routinely being driven out of business because of the change in climate; and

WHEREAS sections as large as 500 billion tons of ice have broken off arctic ice shelves, which has incrementally raised the levels of the world's oceans; and

WHEREAS in action, like the phrase ‘Think Globally, Act Locally’, the local municipal governments will be most effective and efficient in implementing the incremental programs and regulations needed for this mandated change; and

WHEREAS stated in the Wednesday, August 28, 2002, Globe and Mail, ‘Climate decay harms the vulnerable first. They live at the margins: the first to smell fumes, the last to escape the scorching heat..... To ratify Kyoto is to stand with farmers facing drought in Africa, and families cramped in stuffy apartments in Toronto.’; and

WHEREAS the ‘Montreal Protocol on Substances that Deplete the Ozone Layer’ was adopted on September 16, 1987 - fifteen years ago;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council, representing the largest City in Canada:

- (1) aggressively request the federal government to ratify and expeditiously implement the Kyoto Protocol;
- (2) aggressively request the provincial government to close the five (5) provincial coal-fired power plants in Ontario by 2007;
- (3) aid the federal and provincial governments to increase public awareness regarding environmental concerns relating to industrial regulation and the implementation of the Kyoto Protocol; and
- (4) in line with the initiatives of the Kyoto Protocol, offer possible suggestions for ratification to the federal government.”

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 Board of Health 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 Board of Health was taken as follows:

Yes - 29	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 13	
Councillors:	Ashton, Disero, Duguid, Feldman, Flint, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Minnan-Wong, Ootes, Shiner

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

Motion:

Councillor Ootes, with the permission of Council, moved that Motion J(3) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the Economic Development and Parks Committee, and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report for consideration therewith, on the potential economic impacts of the Kyoto Protocol.”

Vote:

Adoption of Motion J(3), as amended:

Yes - 30	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Silva, Tziretas, Walker
No - 0	

Carried, without dissent.

7.63 Proposed Change to Conditions of Draft Plan Approval – Toryork Drive and Milvan Drive

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mammoliti**

Seconded by: **Councillor Ootes**

“WHEREAS consideration of this matter by City Council is required on an urgent basis to facilitate the closing dates of new home purchases, which are scheduled to begin in November 2002; and

WHEREAS City Council at its meeting held on June 26, 27 and 28, 2001, in adopting North York Community Council Report No. 5, Clause No. 16, approved a draft plan of subdivision, being application No. SUB2001 0001-125084 Ontario Limited

– Block R Plan 8830 – Toryork Drive and Milvan Drive, subject to certain conditions; and

WHEREAS the conditions of approval required that the Open Space block have an area of 1,551.5 square metres, as shown on the plan presented at the statutory public meeting; and

WHEREAS the applicant has requested a change to the configuration of the Open Space block to delete a portion of it that is claimed by an adjacent residential landowner and to add to it a portion of available land; and

WHEREAS the Director of Parks and Recreation, North District, indicates that the revised Open Space block is acceptable and that the change to the function of the park is minor;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the revised draft plan of subdivision, prepared by surveyors Holding Jones Vanderveen Inc., in relation to subdivision application No. SUB2001 0001, dated September 10, 2002, and marked as received by City staff on September 16, 2002, subject to conditions previously established by City Council, save and except that the area of the Open Space block shall be 1,572 square metres and the configuration shall be as shown on the above plan;

AND BE IT FURTHER RESOLVED THAT pursuant to subsection 51(47) of the Planning Act, this revision to the conditions of draft plan approval shall be considered minor and written notice of this revision is not required to be provided pursuant to subsection 51(45) of the Planning Act;

AND BE IT FURTHER RESOLVED THAT pursuant to subsection 51(58) of the Planning Act, the Chief Planner be authorized to approve the plan of subdivision so that it may be tendered for registration upon being satisfied that the plan is in accordance with the draft plan approved by City Council and that the conditions established by City Council have been or will be fulfilled;

AND BE IT FURTHER RESOLVED THAT for nominal consideration, Council will accept as park land, in base park condition, all additional land adjacent to the plan of subdivision that may be owned by the applicant after resolution of the land claim with the adjacent residential land owner.”

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 North York Community

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

Procedural Vote:

The vote to waive referral of Motion J(4) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(4) was adopted, without amendment.

7.64 Amendment to the Queen-Broadview Community Improvement Plan

Councillor Layton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Bussin

“WHEREAS City Council at its meeting held on May 21, 22 and 23, 2002, adopted, without amendment, Toronto East York Community Council Report No. 7, Clause No. 13, headed ‘Amendment to the Queen-Broadview Community Improvement Plan’, which erroneously recommended the repeal of By-law No. 263-80 of the former City of Toronto; and

WHEREAS By-law No. 425-2002, enacted by City Council on May 23, 2002, in connection with the aforementioned Clause, included the repeal of By-law No. 263-80 of the former City of Toronto, which designates certain lands as the Queen-Broadview Business Improvement Area; and

WHEREAS pursuant to s.220(32) of the Municipal Act, R.S.O. 1990, c.M45, the repeal of By-law No. 262-80 does not take effect until December 31, 2002; and

WHEREAS By-law No. 263-80 of the former City of Toronto must remain in force to give effect to the Queen-Broadview Business Improvement Area;

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. 13, headed ‘Amendment to the Queen-Broadview

Community Improvement Plan', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the report dated April 18, 2002, from the Director, Community Planning, South District, contained in the aforementioned Clause, be amended by deleting the references to By-law No. 263-80 of the former City of Toronto;

AND BE IT FURTHER RESOLVED THAT By-law No. 425-2002 be amended by deleting references to By-law No. 263-80 of the former City of Toronto;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to submit the necessary Bill in Council for the amendment.”

Votes:

The first Operative Paragraph embodied in Motion J(5) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(5) was adopted, without amendment.

7.65 Authorization for Removal of Stable and Rear Wing – 519 Jarvis Street and 4 Wellesley Place

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** on July 6, 2000, City Council enacted by-laws designating, under Part IV of the Ontario Heritage Act, the properties at 519 Jarvis Street (Chester D. Massey House; By-law No. 412-2000) and 4 Wellesley Place (Mary Perram House; By-law No. 409-2000); and

WHEREAS after purchasing these properties and the heritage properties at 515 Jarvis Street and 2 and 2R Wellesley Place, a consent application was made by the owner to the Committee of Adjustment, in June 2001, to permit severing into lots, these lands and the lands at 6 Wellesley Place, defining a development site on the interior of the block; and

WHEREAS the Committee of Adjustment gave approval to the consent application on November 26, 2001 (B126/01TO), requiring, as a condition of approval, that the owner enter into heritage easement agreements with the City for each of the heritage

properties; and

WHEREAS the proposed development of forty-eight (48) townhouse units on the interior lot requires the removal of the stable at the rear of 519 Jarvis Street and the rear wing of 4 Wellesley Place both of which are described in the by-laws currently designating the properties under the Ontario Heritage Act; and

WHEREAS neither the stable nor the rear wing referred to above are among the core elements defining the heritage character of these buildings, the core elements having been secured in heritage easement agreements; and

WHEREAS the Toronto Preservation Board at its meeting on September 19, 2002, endorsed the recommendations of Culture Division staff requesting approval for the removal of the stable and the rear wing;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the removal of the stable at the rear of the property at 519 Jarvis Street, and the removal of the rear wing (single storey tail with a gable roof attached to the west end of the building) for the property at 4 Wellesley Place.”

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

Vote:

Motion J(6) was adopted, without amendment.

7.66 **All Way Stop Control - Fenn Avenue and Beechwood Avenue**

Councillor Flint moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Flint

Seconded by: Councillor Mihevc

“**WHEREAS** City Council at its meeting held on May 21, 22 and 23, 2002, had before it Midtown Community Council Report No. 4, Clause No. 28, headed ‘All Way

Stop Control - Fenn Avenue and Beechwood Avenue (Don Valley West - Ward 25)'; and

WHEREAS the Midtown Community Council had recommended the installation of east and westbound stop signs at the intersection of Fenn Avenue and Beechwood Avenue, on condition that written approval was received by each of the four-corner residents at this intersection; and

WHEREAS on a motion by the Ward Councillor, Council deferred consideration of this Clause sine die; and

WHEREAS discussions between the Ward Councillor and the property owners have been ongoing, with a view to obtaining consent for the installation of east and westbound stop signs at the intersection of Fenn Avenue and Beechwood Avenue, in order to make this intersection an all-way stop; and

WHEREAS three of the four owners have now consented to the installation; and

WHEREAS the property on the fourth corner is currently under redevelopment by an absentee owner's agent; and

WHEREAS having regard that the majority of abutting property owners have consented, the Ward Councillor wishes to bring this matter back before Council for consideration;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-46 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 4, Clause No. 28, headed 'All Way Stop Control - Fenn Avenue and Beechwood Avenue (Don Valley West - Ward 25)', be considered by Council."

Council also had before it, during consideration of Motion J(7), a copy of Clause No. 28 of Report No. 4 of The Midtown Community Council, headed "All Way Stop Control - Fenn Avenue and Beechwood Avenue (Don Valley West - Ward 25)".

Procedural Vote:

The first Operating Paragraph embodied in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

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

“AND BE IT FURTHER RESOLVED THAT an all-way stop control be installed at the intersection of Fenn Avenue and Beechwood Avenue, and the appropriate City officials be authorized to take the necessary action to give effect thereto.”.

Votes:

The motion by Councillor Flint carried.

Motion J(7), as amended, carried.

7.67 Ultra-Low Flush Toilet Replacement Program

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

Moved by: Councillor Mihevc

Seconded by: Councillor Walker

“WHEREAS City Council at its meeting held on April 16, 17 and 18, 2002, adopted, as amended, Works Committee Report No. 5, Clause No. 2, headed ‘Update on the Ultra-Low Flush Toilet Replacement Program’; and

WHEREAS in so doing, City Council re-affirmed the decision made at its meeting held on April 11, 12 and 13, 2000, by its adoption of Clause No. 8 of Report No. 6 of The Works Committee, as amended, to impose as a condition on the grants for the Ultra Low Flush Toilet Replacement Program, that the applicant cannot apply the capital/installation costs in any above-guideline rent-increase application; and

WHEREAS many landlords who submitted applications under Phase A of the Program have, because of such condition, withdrawn their applications and others may have been dissuaded from submitting applications under Phase B; and

WHEREAS it is desirable that the said condition be limited to the amount of the incentive received from the City;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report No. 5, Clause No. 2, headed ‘Update on the Ultra-Low Flush Toilet Replacement Program’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the condition on the grants for the

Ultra Low Flush Toilet Replacement Program prohibiting inclusion of any capital/installation costs relating to toilet replacement in any above-guideline rent increase application be replaced with a condition prohibiting inclusion of any City-provided incentive in such costs.”

Votes:

The first Operative Paragraph embodied in Motion J(8) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(8) was adopted, without amendment.

7.68 Request of Federal Government to Petition the Government of Nigeria Regarding Amina Lawal

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

Moved by: Councillor McConnell

Seconded by: Councillor Shaw

“WHEREAS at its meeting held on September 26, 2002, the City of Toronto’s Advisory Committee on the Status of Women adopted a resolution requesting Toronto City Council to add its voice to the people of Toronto and Canada regarding the case of Amina Lawal; and

WHEREAS the people of Toronto have been in the forefront of efforts to create a compassionate society and have demonstrated a long commitment to women’s equality and human rights; and

WHEREAS in March 1883, Toronto City Council supported the founding of the Toronto Women’s Suffrage Association at a meeting held in Council Chambers; and

WHEREAS in 1909, a member of Toronto City Council presented a petition of more than 100,000 signatures to the Premier of Ontario in support of women getting the vote; and

WHEREAS in 1973, the City of Toronto established the Non-Discrimination Policy to protect the civil rights of the people of Toronto; and

WHEREAS in 1973, the City of Toronto established a Mayor’s Task Force on the Status of Women, which brought about major changes in the delivery of municipal services, particularly health care for women and children, day care, employment equity

and equal pay; and

WHEREAS in 1979, Toronto City Council established the Constance E. Hamilton Award to recognize the 50th anniversary of the Person's Case which gave women the right to participate in public life; and

WHEREAS, since amalgamation in 1998, Toronto City Council has adopted many policies and programs regarding the achievement of human rights and the elimination of discrimination, harassment, hate activity, racism, sexism, violence, homophobia, homelessness, hunger, illiteracy and barriers to access and participation; and

WHEREAS Amina Lawal, a 30 year-old Muslim woman was sentenced to death by stoning by a Sharia court at Bakori in northern Nigeria, for having a child outside of marriage; and

WHEREAS the sentence on Amina Lawal has provoked a world-wide wave of shock and revulsion; and

WHEREAS the sentence imposed on Amina Lawal constitutes torture and is cruel, inhumane and degrading and runs counter to international human rights standards; and

WHEREAS Toronto City Council takes a leadership role in the fight of all forms of discrimination and is committed to human dignity, social equity, social justice and solidarity; and

WHEREAS Canada is a world leader in addressing human rights injustices, and has been a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified in December, 1981;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council convey to the Prime Minister of Canada and the Minister of Foreign Affairs, the concerns of Canadians, and in particular, the people of Toronto regarding these horrific sentences and urge them to use their influence, as world leaders, to petition the government of Nigeria to ensure that the sentence against Amina Lawal is not carried out;

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

Advice by 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.

Vote:

Motion J(9) was adopted, without amendment.

7.69 **Request for Amendment to Cap on Third Party Advertising Signs in the Former City of Scarborough**

Councillor Berardinetti, with the permission of Council, withdrew the following Notice of Motion J(10):

Moved by: Councillor Berardinetti

Seconded by: Councillor Altobello

“WHEREAS the City of Toronto Council at its meeting held on May 30, 31 and June 1, 2001, enacted By-law No. 400-2001 which had the effect of increasing the permitted number of third party advertising signs in the former City of Scarborough to 396; and

WHEREAS the number of third party advertising signs has been increasing rapidly as a result of the new cap and now stands at approximately 333; and

WHEREAS some Members of Council, some members of the local community and the Kennedy Road Business Improvement Area have become concerned about the appearance and volume of the new billboards in many parts of the former City of Scarborough;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to submit a report to the Scarborough Community Council on a by-law to amend the cap from the existing 396 to 333 in the former City of Scarborough.”

7.70 **Ontario Municipal Board Hearing – 136 Silver Birch Avenue**

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor Johnston

“WHEREAS in a decision dated August 1, 2002, the Committee of Adjustment refused the consent to sever the property municipally known as 136 Silver Birch Avenue (the ‘Site’) into two lots, whereby the existing bungalow would be demolished and replaced with two three-storey detached houses on each of the two lots; and

WHEREAS the applicant has now appealed the Committee of Adjustment’s decision to the Ontario Municipal Board; and

WHEREAS the Committee of Adjustment refused the severance on the grounds that it did not satisfy the requirements contained in Section 51(24) of the Planning Act; and

WHEREAS there is concern in the community that the severance of the property and the construction of two new detached houses on the ‘Site’ cannot be achieved without serious harm to trees located on or near the ‘Site’, and such concern is supported by the City Forester; and

WHEREAS City Planning staff have indicated that they cannot support the Committee of Adjustment’s decision; and

WHEREAS a hearing could be scheduled by the Ontario Municipal Board prior to the following scheduled Council meeting of October 29, 30 and 31, 2002, thus making this matter time sensitive and urgent;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor and other City staff to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment’s decision and to retain an outside planning consultant and such other consultants, which the City Solicitor deems necessary, to support the City’s position.”

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

Vote:

Motion J(11) was adopted, without amendment.

7.71 **McAsphalt Industries Limited - Authorization to Bring an Application to Court to Cancel Portions or all of the Registered Plan, as Applicable, to Facilitate a Residential Subdivision**

Councillor Cho moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Cho

Seconded by: Councillor Berardinetti

“**WHEREAS** McAsphalt Industries Limited registered, in 1996, a Plan of Subdivision in the former City of Scarborough, known as Plan 66M-2297, for the purposes of an industrial subdivision; and

WHEREAS the proposed industrial subdivision never proceeded and following an Ontario Municipal Board hearing, the same lands were redesignated and rezoned from industrial/commercial uses to residential uses; and

WHEREAS Mattamy Homes has purchased the property and proposes to bring forward a residential plan of subdivision on the same lands formerly owned by McAsphalt Industries Limited; and

WHEREAS to bring forward a residential plan of subdivision and facilitate the construction of new homes in 2003, it is necessary and urgent to cancel portions or all of the existing registered industrial plan 66M-2297 from title as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor is hereby authorized to bring an Application under the Land Titles Act and Registry Act to the Superior Court of Justice seeking an order that will cancel or suspend, in whole or in part, portions of the registered plan and to close highways and impose such terms as are necessary to clear title of documents associated with the former industrial plan of subdivision 66M-2297.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the 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(12) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(12) was adopted, without amendment.

7.72 **2 Strachan Avenue - the Coliseum - Alterations to a Designated Property (Trinity Spadina - Ward 19)**

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

Moved by: Councillor Silva

Seconded by: Councillor Pantalone

“WHEREAS City Council, at its meeting of June 18, 19 and 20, 2002, re-opened Clause No. 4 of Report No. 9 of The Policy and Finance Committee, entitled ‘Coliseum Project – Modifications to the Offer to Lease’, for further consideration of the proposed terms for the leasing of the Coliseum building for the purposes of renovation and use as an entertainment and sports facility, and adopted the confidential report (June 18, 2002) of the General Manager and CEO, Exhibition Place, thereby reaffirming Council’s desire to see this project succeed; and

WHEREAS the Coliseum building has been designated under the Ontario Heritage Act; and

WHEREAS the proposed renovations to the Coliseum building will impact upon the Reasons for Designation of the Coliseum building as a heritage property under the Ontario Heritage Act; and

WHEREAS the Toronto Preservation Board, at its meeting of September 19, 2002, endorsed the recommendations in the report (August 30, 2002) of the Manager, Heritage Preservation Services, that an application to permit the proposed alterations to the Coliseum building under section 33 of the Ontario Heritage Act be approved, subject to certain conditions as set out in the report; and

WHEREAS it is necessary that City Council consider the report dated August 30, 2002, from the Manager, Heritage Preservation Services, at its meeting of October 1, 2002, in order to permit the proponent to apply for and obtain a building permit by November 2002, in time to commence construction by December 1, 2002; and

WHEREAS failure to consider the issue at this meeting of Council could result in delaying the commencement of construction of the project for another year;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated August 30, 2002, from the Manager, Heritage Preservation Services, 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(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.

Council also had before it, during consideration of Motion J(13), a report dated August 30, 2002, from the Manager, Heritage Preservation Services (See Attachment No. 2, Page 175).

Vote:

Motion J(13) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated August 30, 2002, from the Manager, Heritage Preservation Services, embodying the following recommendations:

“It is recommended that:

- (1) alterations to the property designated under Part IV of the Ontario Heritage Act at 2 Strachan Avenue, known as the Coliseum, substantially as shown in the plans prepared by Brisbin Brook Beynon Architects dated August 26, 2002, and described in the Statement of Heritage Intent dated August 28, 2002, prepared by ERA Architects Inc., be approved subject to the following:
 - (a) that, prior to the issuance of a building permit, the Applicant commits to providing a commemoration and interpretation plan to the satisfaction of the Manager of Heritage Preservation Services; and
 - (b) that the Applicant repair any damaged brick to the Heritage Building in the vicinity of the proposed for garbage compaction and storage; and
- (2) City staff be authorized to take whatever action is necessary to give effect thereto.”

7.73 Request for Exemption to Noise By-law No. 31317 – Earth Tech Canada Inc. - Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Bayview Avenue Ward 9 - York Centre, Ward 10 - York Centre, Ward 23 – Willowdale, Ward 24 - Willowdale, Ward 33 - Don Valley East

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

Moved by: Councillor Feldman

Seconded by: Councillor Augimeri

“**WHEREAS** City Council at its meeting held on July 30, 31 and August 1, 2002, adopted, as amended, Clause No. 1 of Report No. 9 of The North York Community Council, headed ‘Request for Exemption to Noise By-law No. 31317 – Earth Tech Canada Inc. - Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Bayview Avenue, Ward 9 - York Centre, Ward 10 - York Centre, Ward 23 – Willowdale, Ward 24 - Willowdale, Ward 33 - Don Valley East’, to provide that the boundaries for this exemption to the Noise By-law be extended to include the area from Bathurst Street to east of Bayview Avenue; and

WHEREAS the original staff report recommended an extension until October 30, 2002, and the applicant was actually seeking an extension until January 31, 2003;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report No. 9, Clause No. 1, headed ‘Request for Exemption to Noise By-law No. 31317 – Earth Tech Canada Inc. - Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Bayview Avenue, Ward 9 - York Centre, Ward 10 - York Centre, Ward 23 – Willowdale, Ward 24 - Willowdale, Ward 33 - Don Valley East’, be re-opened for further consideration, only insofar as it pertains to the date of the exemption from the Noise By-law;

AND BE IT FURTHER RESOLVED THAT Earth Tech Canada Inc. be granted an exemption from the Noise By-law until January 31, 2003.”

Vote:

The first Operative Paragraph embodied in Motion J(14) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Moscoe moved that the balance of Motion J(14) be adopted, subject to adding to the second Operative Paragraph, the words “for the area as approved by Council on July 30, 31 and August 1, 2002”, so that such Operative Paragraph now reads as follows:

“**AND BE IT FURTHER RESOLVED THAT** Earth Tech Canada Inc. be granted an exemption from the Noise By-law until January 31, 2003, for the area as approved by Council on July 30, 31 and August 1, 2002.”

Vote:

The motion by Councillor Moscoe carried.

7.74 Contribution Pertaining to Official Plan Amendment and Rezoning – 507 College Street

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

Moved by: Councillor Pantalone

Seconded by: Councillor Chow

“**WHEREAS** at its meeting held on June 18, 19 and 20, 2002, the Council of the City of Toronto adopted, as amended, Clause No. 11 contained in Report No. 8 of The Toronto East York Community Council, headed ‘Draft By-laws - Official Plan Amendment and Rezoning – 507 College Street (Trinity-Spadina, Ward 19)’ with respect to the Official Plan and Zoning By-law Amendments proposed to permit the development of an 8-storey residential building, with at-grade commercial uses, at 507 College Street (Trinity-Spadina, Ward 19); and

WHEREAS the resolutions enacted by Council require the owner to (among other matters), immediately, upon the final execution of the Site Plan Agreement or Undertaking related to the proposed development [which requires the contribution to be made before the Bills are introduced], contribute \$100,000.00 to the City of Toronto, to be redistributed to Sistering, a non-profit charitable organization providing services to women 16 years of age and over who are homeless, socially isolated or have low incomes; and

WHEREAS it is reasonable, in Council’s view, for the owner to be required to pay these funds at the time the Official Plan and Zoning Amendment By-laws to implement this project may come into force, with the purpose, method and timing of such contribution to be secured through requirements of the Site Plan Agreement or

Undertaking;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, The Toronto East York Community Council Report No. 8, Clause No. 11, headed ‘Draft By-laws - Official Plan Amendment and Rezoning – 507 College Street (Trinity-Spadina, Ward 19)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the aforementioned Clause be amended by:

(1) deleting Recommendation No. (5)(f) (ii) and substituting therefor:

‘(5)(f)(ii) pay these funds immediately upon expiration of the appeal period for the Notice of Adoption of the Official Plan and Zoning By-law Amendments to implement this project, or in the event of an appeal to the Ontario Municipal Board, pay these funds upon issuance of the Ontario Municipal Board order for the Official Plan and Zoning By-law Amendments related to this project’; and

(2) deleting Recommendations Nos. (5)(f) (i), (ii) and (iii), and renumbering and re-inserting these requirements as Recommendation No. (5)(e) (xvi), (xvii) and (xviii).”

Votes:

The first Operative Paragraph embodied in Motion J(15) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(15) was adopted, without amendment.

7.75 Endorsement of Earth Charter

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

Moved by: Councillor Silva

Seconded by: Councillor Augimeri

“**WHEREAS** the Earth Charter is a declaration of the fundamental principles for a

sustainable future and an urgent call to build a global partnership for sustainable development; and

WHEREAS the World Secretariat of the International Council for Local Environmental Initiatives (ICLEI) is hosted by the City of Toronto; and

WHEREAS Councillor Mario Silva serves on ICLEI's Executive Committee; and

WHEREAS ICLEI, at its international Council meeting of over 300 cities in June of 2000, endorsed the principles of the Earth Charter; and

WHEREAS at the World Summit on Sustainable Development in Johannesburg, South Africa, in August 2002, ICLEI convened the parallel Local Government Session, with over 700 local government representatives and stakeholders; and

WHEREAS the Local Government Session committed its participants, under the 'Johannesburg Call' to the Earth Charter; and

WHEREAS for over a decade, hundreds of groups and thousands of individuals throughout the world have been involved in the process of drafting an Earth Charter; and

WHEREAS the principles of the Earth Charter present a conception of sustainable development and set forth fundamental guidelines for achieving it; and

WHEREAS the Earth Charter is guided by a commitment to the principle of meeting our needs today, while at the same time enhancing future generations' ability to meet their needs; and

WHEREAS the Earth Charter sets forth an integrated approach to community development which addresses respect and care for the community of life, ecological integrity, social justice, and democracy, non-violence and peace; and

WHEREAS the Earth Charter offers principles which will be helpful to cities in addressing pressing issues and challenges;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council hereby endorses the Earth Charter and commits the City of Toronto to formally review and debate the Earth Charter in its work toward making the City of Toronto a Sustainable City.”

Advice by Deputy Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(16) 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(16), a copy of the Earth Charter (See Attachment No. 3, Page 179.)

Motion:

Councillor Layton moved that Motion J(16) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the Sustainability Roundtable, and the Sustainability Roundtable be invited to submit comments thereon, to the Policy and Finance Committee, as part of its work on a Sustainability Charter for the City of Toronto.”

Votes:

The motion by Councillor Layton carried.

Motion J(16), as amended, carried.

7.76 Crossing Agreement between Canadian Pacific Railway Company and the City of Toronto for the At Grade Crossing of the Fibreglas Spur on McNicoll Avenue

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

Moved by: Councillor Balkissoon

Seconded by: Councillor Duguid

“WHEREAS as part of the 2002 Transportation Capital Works Program, the reconstruction of McNicoll Avenue between Middlefield Road and Markham Road includes a widening of the pavement width; and

WHEREAS there is a Canadian Pacific Railway rail line at grade and McNicoll

Avenue crosses the track of the railway; and

WHEREAS Canadian Pacific Railway requires an agreement with the City pertaining to the reconstruction at the track;

NOW THEREFORE BE IT RESOLVED THAT the Council give consideration to the report dated September 26, 2002, from the Commissioner of Works and Emergency Services recommending execution of an agreement, 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(17) 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(17) 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(17), a report dated September 26, 2002, from the Commissioner of Works and Emergency Services (See Attachment No. 4, Page 188).

Vote:

Motion J(17) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated September 26, 2002, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

“It is recommended that:

- (1) authority be granted to the Commissioner of Works and Emergency Services and the City Solicitor to proceed with the execution of an agreement between Canadian Pacific Railway Company and the City of Toronto for the McNicoll Avenue at grade crossing of the track at Mileage 0.83, Fibreglas Spur, Mileage 179.50, Havelock Subdivision; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

7.77 Submission to Ombudsman Ontario by Advocacy Centre for Tenants Ontario

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“WHEREAS the Tenant Defence Sub-Committee, at its meeting on September 26, 2002, endorsed a report (September 16, 2002) from the Commissioner of Community and Neighbourhood Services, entitled ‘Submission of the Advocacy Centre for Tenants Ontario to the Ombudsman Ontario’, recommending that City Council endorse the recommendations presented in the submission and write to the Ontario Ombudsman supporting the Advocacy Centre’s request that the Ombudsman take steps to introduce greater fairness into the Tenant Protection Act and the rules and procedures governing the dispute resolution process of the Ontario Rental Housing Tribunal; and

WHEREAS the Tenant Defence Sub-Committee requested the Chair of the Tenant Defence Sub-Committee to submit a Notice of Motion to City Council for its meeting on October 1, 2002; and

WHEREAS the Ontario Ombudsman has responded to ACTO’s submission indicating that he will launch his own investigation of the Ontario Rental Housing Tribunal’s application of the Tenant Protection Act in relation to rent increases based on extraordinary utility cost increases; and

WHEREAS the Ombudsman is still considering whether to examine how the Ontario Rental Housing Tribunal handles eviction issues raised in the submission; and

WHEREAS in its decision regarding Above Guideline Rent Increases for utility rate spikes at 1305 Wilson Avenue and other buildings, the Superior Court urged the Provincial Government to review the Tenant Protection Act; and

WHEREAS City Council, on behalf of the 52 percent of the population in the City of Toronto who are tenants, has been outspoken in its criticism of the Tenant Protection Act and its impacts on seniors, families and socially isolated persons and has thereby advocated for a legislated Rent Roll-back; and

WHEREAS the number of applications for eviction of tenants across the Province has increased by 28 percent from the time the Tenant Protection Act came into effect; and

WHEREAS 58 percent of eviction applications in the Province resulted in tenants being evicted by a default order without a hearing in 2001;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the recommendations outlined in the report dated September 16, 2002, from the Commissioner of Community and Neighbourhood Services, and that Council write to the Ombudsman requesting that he immediately initiate an investigation of the eviction process of the Ontario Rental Housing Tribunal in addition to the investigation of the Tenant Protection Act provisions regarding rent increases based on utility cost increases;

AND BE IT FURTHER RESOLVED THAT Council also send a copy of this letter to the Minister of Municipal Affairs and Housing for information and appropriate action.”

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 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(18) to the Community Services 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), the following:

- (i) report dated September 16, 2002, addressed to the Tenant Defence Sub-Committee, from the Commissioner of Community and Neighbourhood Services (See Attachment No. 5, Page 190);
- (ii) communication dated July 12, 2002, addressed to the Tenant Defence Sub-Committee, from Councillor Michael Walker, Chair (a copy of which is on file in the office of the City Clerk);
- (iii) information package issued by the Advocacy Centre for Tenants Ontario and Tenant Duty Counsel Program, containing the following (a copy of which is on file in the office of the City Clerk):
 - (undated) media advisory, headed “Ombudsman Asked to Investigate Ontario Rental Housing Tribunal”;

- background for the media conference June 20, 2002, headed “Quick Facts”;
- (June 20, 2002) submission to the Ombudsman Ontario, headed “Concerning the Failure of the Tenant Protection Act and the Rules and Procedures of the Ontario Rental Housing Tribunal to meet Ombudsman Fairness Standards”; and
- (September 25, 2002) media advisory, headed “Ombudsman Acts on Request to Investigate Ontario Rental Housing Tribunal”.

Vote:

Motion J(18) was adopted, without amendment, and in so doing, Council adopted, without amendment, the following recommendations embodied in the report dated September 16, 2002, from the Commissioner of Community and Neighbourhood Services, addressed to the Tenant Defence Sub-Committee:

“It is recommended that:

- (1) City Council endorse the recommendations presented by the Advocacy Centre for Tenants Ontario (ACTO) in its submission to the Ontario Ombudsman; and
- (2) City Council write to the Ontario Ombudsman supporting ACTO’s request that the Ontario Ombudsman take steps to introduce greater fairness into the Tenant Protection Act rules for rent regulation and the rules, practices and procedures governing the dispute resolution process of the Tribunal.”

7.78 Management of the St. Lawrence Centre

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

Moved by: Councillor Disero

Seconded by: Councillor Rae

“**WHEREAS** the Canadian Stage Corporation 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 is the primary performing organization at each of these venues; and

WHEREAS Canadian Stage has successfully managed the City-owned theatre at 26 Berkeley Street since 1972; and

WHEREAS the current net operating budget of the St. Lawrence Centre is \$1.1 million; and

WHEREAS the City is always interested in exploring the most efficient and effective way to manage City-owned theatres; and

WHEREAS Canadian Stage has expressed an interest in extending its theatre management role to include the St. Lawrence Centre, in addition to 26 Berkeley Street;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be requested to solicit a proposal from the Canadian Stage Corporation on the management of the St. Lawrence Centre; provide the relevant information to make the preparation of this proposal possible; and report back to Council, through the ABC Ad Hoc Committee;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism be requested to report, at the same time, on the lease and grant agreements that would be required between the City and Canadian Stage to implement such a proposal.”

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.

Motion:

Councillor Moscoe moved that Motion J(19) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to conduct discussions with the Boards of the Hummingbird Centre for the Performing Arts, the St. Lawrence Centre and the Canadian Stage Corporation, regarding the feasibility of a joint development proposal.”

Votes:

The motion by Councillor Moscoe carried.

Motion J(19), as amended, carried.

7.79 Emergency Homelessness Pilot Project - Process for Focus Group and Eligibility Criteria

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(20):

Moved by: Councillor Sutherland

Seconded by: Councillor Feldman

“WHEREAS the individuals occupying the private property at 429 Lakeshore Boulevard East and 324 Cherry Street (‘Tent City’) were removed on September 24, 2002; and

WHEREAS on September 26, 2002, the Chief Administrative Officer announced that the Emergency Homelessness Pilot Project would be targeted towards these people; and

WHEREAS there are approximately 60,000 citizens (45,000 households) waiting for social housing in Toronto; and

WHEREAS the individuals from Tent City that qualify for this pilot project will be jumping the queue ahead of all other individuals on the waiting list; and

WHEREAS this project is funded by Ontario taxpayers at \$400,000.00; and

WHEREAS it was not Council’s decision to use this Pilot Project to target the individuals removed from ‘Tent City’; and

WHEREAS the Commissioner of Community and Neighbourhood Services has not provided Council with the eligibility criteria for these individuals in the Pilot Program;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Chief Administrative Officer to submit a report back to Council on the process used to determine the focus group for the Emergency Homelessness Pilot Project;

AND BE IT FURTHER RESOLVED THAT Toronto City Council direct the Commissioner of Community and Neighbourhood Services to submit a report back to Council outlining the eligibility criteria for the Emergency Homelessness Pilot Project.”,

the vote upon which was taken as follows:

Yes - 30	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 9	
Councillors:	Bussin, Chow, Holyday, Jones, Layton, Mihevc, Moscoe, Pantalone, 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(20) 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(20) to the Community Services Committee was taken as follows:

Yes - 24	
Councillors:	Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas
No - 17	

Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Hall, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker

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

Disposition:

Having regard to the foregoing decision of Council, Motion J(20) was referred to the Community Services Committee.

7.80 **Ontario Municipal Board Appeal of Minor Variance A302/02TEY – 852-860 and 876 Yonge Street and 11 and 21 Scollard Street**

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS an Official Plan Amendment and Site-Specific By-law was approved by the Ontario Municipal Board on July 26, 2001 and December 18, 2001, respectively, for 852-860 Yonge Street and 874 Yonge Street and 11 and 21 Scollard Street for a mixed use development; and

WHEREAS an application by Great Gulf (Yorkville) Ltd. was made in 2002 to the Committee of Adjustment, Toronto East York Panel, for minor variances from the Zoning By-law approved by the Ontario Municipal Board by its Decision Order 2058, issued December 18, 2001; and

WHEREAS staff recommended that the Committee of Adjustment grant the requested variances by its report from the Director of Community Planning to the Chair and Members of the Committee of Adjustment, Toronto East York Panel, dated June 26, 2002; and

WHEREAS a Committee of Adjustment hearing was held on June 26, 2002 and the variances were approved as stated in the Notice of Decision dated June 27, 2002; and

WHEREAS the decision of the Committee of Adjustment was appealed to the Ontario Municipal Board on July 16, 2002; and

WHEREAS an Ontario Municipal Board hearing is scheduled for October 10 and 11, 2002;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to appear before the Ontario Municipal Board in support of the application for the minor variances.”

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.

7.81 Request to Revoke Liquor Licence – 484-488 Yonge Street

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

Moved by: Councillor Rae

Seconded by: Councillor Disero

“WHEREAS 488 Yonge Street is the site of Fire Station No. 3, built in 1871; and

WHEREAS the building has been home to several clubs since the 1960s; and

WHEREAS in December 1999, Space Night Club opened at 488 Yonge Street, generating noise complaints and Police calls; and

WHEREAS charges for violating the Noise By-law were laid for many events from July 22, 2000 to September 11, 2000, and November 15 to December 19, 2000; and

WHEREAS on September 9, 2000, a co-ordinated inspection with Municipal Licensing and Standards, Buildings, Noise, Fire and 52 Division resulted in eight Fire charges and Municipal Licensing and Standards issuing an order with 30 infractions; and

WHEREAS on December 17, 2000, 50 patrons, including the bouncer and manager were arrested, \$10,000.00 in drugs and \$5,000.00 in cash were confiscated by police; and

WHEREAS on December 19, 2000, a Closure Order was issued by the Health Department; and

WHEREAS on January 5, 2001, Municipal Licensing and Standards issued a summons for operating without a license; and

WHEREAS on January 19, 2001, a murdered man was dumped in Rosedale wearing a security jacket from the club; and

WHEREAS on March 26, 2001, a bouncer was shot at the club; and

WHEREAS on September 5, 2001, the Toronto Licensing Tribunal refused to renew the Business Licence of the club; and

WHEREAS in December 2001, a two-year Closure Order was issued; and

WHEREAS in January 2002, a new liquor license was applied for, and although posting for a licence is mandatory, no posting was done; and

WHEREAS the Alcohol and Gaming Commission approved the liquor licence after receiving no objections; and

WHEREAS the operator does not have a Business license to operate at the address; and

WHEREAS the local Councillor wrote a letter of objection on August 6, 2002, when Municipal Clearances were sought; and

WHEREAS the local neighbourhood wishes to proceed to a hearing at the Alcohol and Gaming Commission of Ontario;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council strongly request that the Alcohol and Gaming Commission revoke the approval for the liquor licence for 484/488 Yonge Street as not being in the public interest and convene a

hearing to hear the concerns of the Councillor's office and the neighbourhood.”

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

Vote:

Motion J(22) was adopted, without amendment.

7.82 Expedited Public Meeting to Rezone an Industrial Site for Viva Magnetics

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

Moved by: Councillor Balkissoon

Seconded by: Councillor Kelly

“WHEREAS Viva Magnetics is a successful manufacturer of materials for the audio and video industry; and

WHEREAS Viva Magnetics urgently requires expanded manufacturing capacity on a site served by rail transportation; and

WHEREAS Viva Magnetics has made arrangements to buy a site on Finch Avenue, east of Middlefield Road, adjacent to the CP Rail Marshalling Yards in Scarborough, from CP Rail; and

WHEREAS the land in question is zoned for agricultural uses and needs to be rezoned before building permits can be issued; and

WHEREAS Viva Magnetics has filed Rezoning Application TF ZBL 2002 0014 seeking approval to establish a manufacturing plant of up to 500,000 square feet on this 19 acre site; and

WHEREAS this project will be the largest industrial expansion in Scarborough in the last 10 years and is expected to create at least 200 new jobs; and

WHEREAS following the standard development review process will not allow Viva Magnetics to have its first phase 200,000 square foot manufacturing facility in operation in time to meets its production obligations;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Commissioner of Urban Development Services to schedule the required Public Meeting under the Planning Act for November 12, 2002, at the Scarborough Community Council, without the necessity of submitting a Preliminary Report with respect to this application.”

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 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(23) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

7.83 Attendance at Ontario Municipal Board Hearing – 335 Cranbrooke Avenue

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

Moved by: Councillor Johnston

Seconded by: Councillor Bussin

“**WHEREAS** on June 27, 2002, the Midtown Toronto Committee of Adjustment

unanimously refused requested variances to the Zoning By-law for 335 Cranbrooke Avenue; and

WHEREAS the applicant appealed the June 27, 2002 Committee of Adjustment refusal to the Ontario Municipal Board; and

WHEREAS residents in opposition to the variances presented a 21-signature petition to the June 27, 2002 Committee of Adjustment meeting citing the increased gross floor area, the raised deck, the proposed height of the construction, and any windows on the west side of the house as threats to privacy and loss of sunlight; and

WHEREAS the time sensitive nature of this request (the OMB Hearing is October 21, 2002) requires the endorsement of City Council;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to attend the Ontario Municipal Board on October 21, 2002 in support of the Committee of Adjustment's June 27, 2002 refusal regarding 335 Cranbrooke Avenue."

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

Procedural Vote:

The vote to waive referral of Motion J(24) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

7.84 **Ontario Senior Achievement Awards**

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

Moved by: Councillor Johnston

Seconded by: Councillor McConnell

“WHEREAS on September 30, 2002, the eve of the International Day of Older Persons, the Honorable James K. Bartleman, Lieutenant Governor of Ontario, presented 22 Ontario seniors with Senior Achievement Awards; and

WHEREAS 12 of the seniors receiving the Senior Achievement Award are Toronto residents; and

WHEREAS the City's Seniors Advocate recognizes the value of the Toronto volunteer network as an essential part of enhancing life for seniors; and

WHEREAS two of the recipients are members of Toronto Seniors Assembly; and

WHEREAS the remaining 10 recipients represent many communities and diverse groups;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto record its appreciation of all seniors who have made contributions to the needs of others showing, by example, that age does not matter if the spirit exists.”

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 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(25) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor McConnell moved that Motion J(25) be adopted, subject to adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the City Clerk be directed to congratulate, on behalf of City Council, the Toronto seniors who received this Award.”

Votes:

The motion by Councillor McConnell carried.

Motion J(25), as amended, carried.

7.85 Renewal of Part Lot Control Exemption – 1407782 Ontario Limited, 278 Estelle Avenue and 265-269 Finch Avenue East

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Filion

Seconded by: Councillor Mammoliti

“WHEREAS City Council at its meeting held on April 23, 24, 25, 26, 27, 30 and May 1 and 2, 2001 adopted, without amendment, North York Community Council Report No. 3, Clause No. 15, headed ‘Application for Removal of Part Lot Control Exemption - 1407782 Ontario Limited - 278 Estelle Avenue, 265, 267 and 269 Finch Avenue East’, and in so doing, approved an application by 1407782 Ontario Limited to remove part lot control for Part of Lot 6 on Plan 3691 to allow the conveyance of four (4) townhouse units into separate ownership; and

WHEREAS City Council enacted By-law No. 251-2001, to remove part lot control on the lands for a period of one year; and

WHEREAS By-law No. 251-2001 expired on April 23, 2002 and certain sales transactions have not yet been completed; and

WHEREAS imminent closings of real estate transactions require the renewal of removal of part lot control for a period of one year; and

WHEREAS the Commissioner of Urban Development Services supports the applicant’s request;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) part lot control exemption be renewed for Part of Lot 6 on Plan 3691 for the period of one year; and
- (2) the City Solicitor be authorized to submit the necessary Bills to 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(26) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

7.86 Initiation of Rezoning - East York Town Centre

Councillor Pitfield, with the permission of Council, withdrew the following Notice of Motion J(27):

Moved by: Councillor Pitfield

Seconded by: Councillor Ootes

“**WHEREAS** the East York Town Centre is currently zoned ‘Commercial – General C.1 zone’ which permits, together with a wide range of retail and commercial uses, ‘dwelling units over a permitted commercial use’; and

WHEREAS this residential use permission in the C.1 Zone is intended for commercial strip or ‘main street areas’; and

WHEREAS Revenue Properties Company Limited, the owners of the East York Town Centre, agrees that residential is not a desired use on this property, as currently developed;

NOW THEREFORE BE IT RESOLVED that staff be directed to initiate a rezoning for the East York Town Centre to delete the residential permissions being ‘dwelling units over a permitted commercial use’.”

7.87 Municipal Access Agreements - Telecommunications Companies and Utilities

Councillor Silva moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Silva

Seconded by: Councillor Holyday

“**WHEREAS** increased competition in the telecommunications sector has created an increased demand for access to municipal rights-of-way; and

WHEREAS the Federation of Canadian Municipalities has developed a model Municipal Access Agreement that provides municipalities with a uniform approach to dealing with telecommunications companies and utilities; and

WHEREAS the City requires utilities and telecommunications companies to have a Municipal Access Agreement with the City in order to have access to the City's rights-of-way; and

WHEREAS some telecommunications companies and utilities have access to municipal rights-of-way, but refuse to enter into Municipal Access Agreements with the City; and

WHEREAS this not only creates an unfair advantage to those companies who refuse to sign Municipal Access Agreements, but also creates a financial burden on City taxpayers;

NOW THEREFORE BE IT RESOLVED THAT Council reaffirm its policy requiring telecommunications companies and utilities to enter into a current Municipal Access Agreement with the City in order to have access to the City's rights-of-way, and that the Commissioner of Works and Emergency Services ensure that said policy is enforced;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to examine how other major Canadian municipalities are enforcing the requirement for a Municipal Access Agreement, and submit a report thereon to the Policy and Finance Committee."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

7.88 **Proposed Cutbacks to Special Education Classes**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mihevc

Seconded by: Councillor Hall

“**WHEREAS** the cutbacks to the budget of the Toronto District School Board proposed by the provincially-appointed Auditor include cuts to Special Education Classes; and

WHEREAS many learning disabled and physically disabled cannot ‘compete’ or have access to regular classrooms; and

WHEREAS Special Education Classes are often the only means for many persons with disabilities to gain access to the necessary education and training to become self-sufficient; and

WHEREAS the proposed cuts to the Toronto District School Board by the provincially-appointed Auditor will have a disproportionate negative impact on persons with disabilities and other marginalized communities and thereby further prohibit their ability to becoming self-supporting and fully participating members of our society; and

WHEREAS the Government of Ontario, in proclaiming the Ontarians with Disabilities Act, pledged that there will be no new barriers against persons with disabilities; and

WHEREAS the fundamental right to equality of access, opportunity and outcomes for all members of Toronto’s population has been a long-held pillar of governance policies in the City of Toronto; and

WHEREAS the City of Toronto believes in an accessible and equitable society where every resident is given an equal chance to learn and live free from barriers and discrimination; and

WHEREAS the City of Toronto Community Advisory Committee on Disability Issues, at its meeting of September 24, 2002 requested the support of Toronto City Council in addressing these concerns;

NOW THEREFORE BE IT RESOLVED THAT City Council convey to the Premier of Ontario and to the Ministers of Education and Training, its concerns regarding proposed cutbacks to Special Education Classes, and that in addition, to ensure that no marginalized community is further and disproportionately hurt by proposed education program cutbacks, the Province be requested to direct its Auditors to impose an equity outcome criteria to their education budget proposals.”

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(29) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(29) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

7.89 Entering into Service Agreement with Bionvest Investments Limited

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

Moved by: Councillor Duguid

Seconded by: Councillor Altobello

“WHEREAS Toronto City Council on June 20, 2002, enacted By-law No. 553-2002 to rezone Part of Block K, Registered Plan M-1410 in the Scarborough Centre to permit a variety of City Centre residential and commercial uses; and

WHEREAS the new zoning includes a Holding Provision (H) deferring the new land use permissions until Council is satisfied as to the availability of all transportation improvements, parking, infrastructure and servicing necessary to accommodate the new development, and as to the availability of vehicular and pedestrian access to a public street; and

WHEREAS the proponent, Bionvest Investments Limited, the Toronto District School Board and City staff have been in negotiation with respect to provision by the proponent of a new public street into the development from Borough Drive, over the Board’s lands, and associated servicing, which matters are fundamental to lifting the Holding Provision (H); and

WHEREAS it is desirable to secure such matters by way of a servicing agreement with the proponent;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council authorize the Commissioner of Works and Emergency Services to enter into a servicing agreement with Bionvest Investments Limited, or its successors, to secure all appropriate road and servicing improvements necessary for Council to lift the Holding Provision (H) and enable this significant Scarborough Centre development to proceed.”

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 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(30) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(30) was adopted, without amendment.

7.90 **Proposed Sale of Art by the Supervisor – Toronto District School Board**

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

Moved by: Councillor McConnell

Seconded by: Councillors Bussin, Pitfield and Hall

“WHEREAS the Toronto District School Board Art and Artefact Collection is a unique collection including works by Doris McCarthy, Tom Thompson, Charles Pachter, Emily Carr, Rick Beaver, Simon Ng, Arthur Lismer, Alfred Casson and Aiko Suzuki; and

WHEREAS the Toronto District School Board Art and Artefact Collection has a much greater value than its monetary value. It is part of the history and heritage of our City, and as such should not be allowed to move into private collections; and

WHEREAS the Toronto District School Board Art Collection has a long and rich history. The collection was first begun in 1857 by the Province’s first Chief Superintendent of Education, The Reverend Dr. Egerton Ryerson; and

WHEREAS art and access to art should be an important part of the education of our children, and the sale of this collection will limit the School Board’s ability to afford this opportunity to our children; and

WHEREAS contributions to the collection have been made by artists, students, parents and members of the public, with the understanding that this collection would be kept in perpetuity;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto communicate to Paul Christie, Supervisor of the Toronto District School Board, that the Art and Artefact Collection is the legacy of all of the people of Toronto

and should not be sold.”

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

Motion:

Councillor Walker moved that Motion J(31) be adopted, subject to adding the name “George A. Reid” to the first Recital, so that such Recital now reads as follows:

“**WHEREAS** the Toronto District School Board Art and Artefact Collection is a unique collection including works by Doris McCarthy, Tom Thompson, Charles Pachter, Emily Carr, Rick Beaver, Simon Ng, Arthur Lismer, Alfred Casson, George A. Reid and Aiko Suzuki; and”.

Votes:

The motion by Councillor Walker carried.

Motion J(31), as amended, carried.

7.91 **Composition of the Waterfront Reference Group**

Having regard to Council’s adoption, without amendment, of Clause No. 1 of Report No. 7 of The Striking Committee, headed “Appointment of Members of Council to the Waterfront Reference Group”, the following Motion J(32) was deemed to be redundant:

Moved by: Councillor Bussin

Seconded by: Councillor Rae

“**WHEREAS** Council, at its meeting held on October 1, 2002, by its adoption of Clause No. 9 of Report No. 13 of The Policy and Finance Committee, headed ‘Role of the Waterfront Reference Group, Toronto Waterfront Revitalization Project’ re-established the Waterfront Reference Group, with the existing composition (outlined in Appendix A of the joint report dated June 10, 2002 from the Chief Administrative Officer and the Commissioner of Urban Development Services, appended to the above Clause) of 11 Members of Council, to include representation from the Policy and Finance, Planning and Transportation, Economic Development and Parks, and Works Committees; a Councillor sitting on the Sustainability Roundtable, to be determined by the Roundtable; a Member of Council who is a

member of the Toronto Transit Commission; a Councillor representative of the Toronto and Region Conservation Authority; the Mayor and the Chair of the Planning and Transportation Committee as ex-officio voting members; and two Members at large; and

WHEREAS as it is important for the City of Toronto to demonstrate the breadth of its support for the Waterfront Regeneration initiative at such a critical time, it is desirable to have participation from additional Members of Council who expressed their interest in being considered for appointment to this Group, while maintaining a size of committee that may function effectively; and

WHEREAS Councillor Sandra Bussin, Beaches-East York, represents a significant portion of the City's waterfront; and

WHEREAS, in accordance with provisions of §27-106 of the Municipal Code, Members of Council have already been advised of the vacancies and have been permitted to submit names for consideration for appointment to said Group; and

WHEREAS there are no financial impacts associated with this Motion; and

WHEREAS there is urgency to this matter, as the next meeting of the Waterfront Reference Group is scheduled to be held on October 8, 2002;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 9 of Report No. 13 of The Policy and Finance Committee, headed 'Role of the Waterfront Reference Group, Toronto Waterfront Revitalization Project' be re-opened for further consideration, only insofar as it pertains to the composition of the Waterfront Reference Group;

AND BE IT FURTHER RESOLVED THAT the composition of the Waterfront Reference Group be increased by 1 Member at large to a total of 12 Members;

AND BE IT FURTHER RESOLVED THAT in accordance with the amended composition, Clause No. 1 of Report No. 7 of The Striking Committee be amended by adding Sandra Bussin as the additional Member at large, so that the membership shall now read as follows:

B. Ashton	(TTC)
S. Bussin	(Member at large)
M. Feldman	(Economic Development and Parks Committee)
G. Lindsay Luby	(Works Committee)
I. Jones	(Member at large)
P. McConnell	(Planning and Transportation Committee)

R. Moeser (TRCA)
J. Pantalone (Member at large)
D. Shiner (Policy and Finance Committee)

in addition to the following who is appointed ex-officio as Chair of the Planning and Transportation Committee:

G. Altobello;

and the following who is appointed as the Mayor's designate:

B. Disero

and the following who advised that he was named by the Sustainability Roundtable as the Roundtable representative:

J. Layton.”

7.92 **Congratulations to Jeff Adams**

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

Moved by: Councillor Johnston

Seconded by: Councillor Jones

“WHEREAS on September 27, 2002, Mr. Jeff Adams climbed the C.N. Tower's 1,776 steps in a wheelchair with wheels that roll only backward enabling him to propel backwards to the top of the Tower in five hours; and

WHEREAS Mr. Adams is a four-time Paralympian, six-time World champion and once held the world record for the 1,500 metre men's wheelchair race; and

WHEREAS Mr. Adams has served Toronto in several capacities, including chairing the 2008 Olympic Bid Disability Committee; and

WHEREAS Mr. Adams is donating monies raised by his climb to school outreach programs educating children to recognize the need for a barrier-free society;

NOW THEREFORE BE IT RESOLVED THAT City Council record its admiration of the spirit, inspiration and courage Mr. Adams has shared, not only with the City of Toronto, but with countless others.”

Vote:

Motion J(33) was adopted, without amendment.

- 7.93 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 October 29, 2002:

REPORT NO. 10 OF THE PLANNING AND TRANSPORTATION COMMITTEE

- Clause No. 3 - "Leslie Sheppard Gateway Project".
- Clause No. 5 - "Further Report Development Approval Process - File: UDOZ-DRA - All Wards".

REPORT NO. 10 OF THE WORKS COMMITTEE

- Clause No. 8 - "Eligibility Under Voluntary Home Isolation Program for 1300/1320 Islington Avenue, Barclay Terrace Condominium Complex (Ward 5 – Etobicoke-Lakeshore)".

REPORT NO. 11 OF THE HUMBER YORK COMMUNITY COUNCIL

- Clause No. 59 - "Refusal and Directions Report – 1245 and 1301 Dupont Street, and 213 and 215 Emerson Avenue; Application to Amend the Official Plan and Zoning By-law to Permit a Phased Mixed-Use Development at the Galleria Mall; Harzuz Holdings Ltd. and Ontario Potato Distributing Ltd. (Davenport, Ward 18)".

NOTICES OF MOTION

- F(1) Moved by Councillor Nunziata, seconded by Councillor Di Giorgio, regarding the proposed 'Super Hospital' at Keele Street and Sheppard Avenue West.
- F(2) Moved by Councillor Layton, seconded by Councillor Miller, regarding support to defend against the Appeal with respect to the sale of Hydro One.

Council concurred in the proposal by Deputy Mayor Ootes.

BILLS AND BY-LAWS

- 7.94 On October 1, 2002, at 4:59 p.m., Councillor Mihevc, seconded by Councillor Filion, 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. 832	By-law No. 645-2002	To confirm the proceedings of the Council at its meeting held on the 1st day of October, 2002,
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the vote upon which was taken as follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Rae, Shaw, Sutherland, Walker
No - 2	
Councillors:	Bussin, Kelly

Carried by a majority of 26.

- 7.95 On October 1, 2002, at 6:13 p.m., Councillor Moscoe, seconded by Councillor Holyday, 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. 833	By-law No. 646-2002	To confirm the proceedings of the Council at its meeting held on the 1st day of October, 2002,
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the vote upon which was taken as follows:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, Holyday, Jones, Li Preti, Lindsay Luby, McConnell, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Bussin

Carried by a majority of 25.

- 7.96 On October 1, 2002, at 7:25 p.m., Councillor Silva, seconded by Councillor Soknacki, 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. 834	By-law No. 647-2002	To confirm the proceedings of the Council at its meeting held on the 1st day of October, 2002,
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the vote upon which was taken as follows:

Yes - 28 Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Miller, Moeser, Moscoe, Ootes, Pantalone, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1 Councillor:	Ford

Carried by a majority of 27.

- 7.97 On October 2, 2002, at 7:20 p.m., Councillor Lindsay Luby, 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. 835	By-law No. 648-2002	To confirm the proceedings of the Council at its meeting held on the 1st and 2nd days of October, 2002,
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the vote upon which was taken as follows:

Yes - 27 Councillors:	Altobello, Ashton, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Walker
No - 0	

Carried, without dissent.

- 7.98 On October 3, 2002, at 4:10 p.m., Councillor Duguid, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 836	By-law No. 649-2002	To confirm the proceedings of the Council at its meeting held on the 1st, 2nd and 3rd days of October, 2002,
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the vote upon which was taken as follows:

Yes - 26	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Holyday, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Pitfield, Shiner, Silva, Sutherland, Walker
No - 1	
Councillor:	Augimeri

Carried by a majority of 25.

- 7.99 On October 3, 2002, at 6:38 p.m., Councillor Augimeri, seconded by Councillor Silva, 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, which carried:

Bill No. 636	By-law No. 650-2002	To amend City of Toronto Municipal Code Chapter 19, "Business Improvement Areas", to change the size of the Corso Italia Business Improvement Area Board of Management.
Bill No. 637	By-law No. 651-2002	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 8 Fairway Drive from the maximum height requirements.
Bill No. 638	By-law No. 652-2002	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 31 Delbert Drive from the minimum height and distance

		requirements for pool fences.
Bill No. 639	By-law No. 653-2002	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 17 Deanvar Avenue from the minimum height and distance requirements for pool fences.
Bill No. 640	By-law No. 654-2002	To amend former City of York By-law No. 1-83 with respect to the lands municipally known as 2326 Dufferin Street and 2 Hunter Avenue.
Bill No. 641	By-law No. 655-2002	To stop up and close a portion of Hillhurst Boulevard, abutting 359 Hillhurst Boulevard, and to authorize the sale of a portion thereof.
Bill No. 642	By-law No. 656-2002	To amend By-law No. 3387-79 of the former City of York, a by-law with respect to fire routes in the geographic area of the former City of York.
Bill No. 644	By-law No. 657-2002	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 646	By-law No. 658-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 647	By-law No. 659-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 648	By-law No. 660-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 649	By-law No. 661-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 650	By-law No. 662-2002	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 651	By-law No. 663-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 652	By-law No. 664-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 653	By-law No. 665-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 654	By-law No. 666-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 655	By-law No. 667-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 656	By-law No. 668-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 657	By-law No. 669-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 658	By-law No. 670-2002	To amend By-law No. 13897, a by-law providing for the designation of fire routes in the geographic area of the former City of Scarborough, a by-law of the former City of Scarborough.
Bill No. 661	By-law No. 671-2002	To stop up and close for vehicular traffic a portion of the public highway Leona Drive immediately north of Lyndale Drive and to authorize the erection of barricades to enforce the due observance thereof.
Bill No. 662	By-law No. 672-2002	To stop up and close a portion of Willowlea Drive, east of Scarboro Avenue.
Bill No. 663	By-law No. 673-2002	To stop up and close portions of Scrivener Square, extending easterly from Yonge Street, north of Price Street, to a depth of not more than 0.5 metres below finished grade, and to authorize the sale

thereof.

Bill No. 664	By-law No. 674-2002	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 former City Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 665	By-law No. 675-2002	To exempt certain lands on Danforth Road from Part Lot Control.
Bill No. 666	By-law No. 676-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Waldock Street.
Bill No. 667	By-law No. 677-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Omerod Street.
Bill No. 668	By-law No. 678-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway McCowan Road.
Bill No. 669	By-law No. 679-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 670	By-law No. 680-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 671	By-law No. 681-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 672	By-law No. 682-2002	To authorize the alteration of Willow Avenue from Balsam Avenue to Pine Avenue by the installation of speed humps.
Bill No. 673	By-law No. 683-2002	To authorize the alteration of Adelaide Street West between Tecumseth Street and Portugal Square by the narrowing of the roadway and realignment of curbs.
Bill No. 674	By-law No. 684-2002	To authorize the alteration of Balsam Avenue from Beech Avenue to Pine Avenue by the installation of speed

Bill No. 675	By-law No. 685-2002	humps. To authorize the alteration of the south portion of Gerrard Street East between Boston Avenue and Gerrard Street East by realigning the intersection and installing certain landscape modifications.
Bill No. 676	By-law No. 686-2002	To stop up and close for vehicular traffic a portion of the southerly portion of Gerrard Street East between Boston Avenue and Gerrard Street East and to authorize the erection of barricades to enforce the due observance thereof.
Bill No. 677	By-law No. 687-2002	To authorize the alteration of Kenilworth Avenue from Queen Street East to Kewbeach Avenue by the installation of speed humps.
Bill No. 678	By-law No. 688-2002	To authorize the alteration of Kippendavie Avenue from Queen Street East to Kewbeach Avenue by the installation of speed humps.
Bill No. 679	By-law No. 689-2002	To authorize the alteration of Liberty Street from Atlantic Avenue to Hanna Avenue by narrowing the pavement on the south side and constructing a sidewalk.
Bill No. 680	By-law No. 690-2002	To rename Lower Portland Street between Front Street West and Queens Quay West as “Dan Leckie Way”.
Bill No. 681	By-law No. 691-2002	To authorize the alteration of Ossington Avenue at Dupont Street by narrowing the northwest corner and realigning the curb.
Bill No. 682	By-law No. 692-2002	To authorize the alteration of Milvan Drive at Toryork Drive by realignment of the intersection to promote free flow

		of traffic.
Bill No. 683	By-law No. 693-2002	To rename Breeders Circle as “Green Meadows Circle”.
Bill No. 684	By-law No. 694-2002	To rename a portion of “Brookwell Drive” extending easterly from Sentinel Road as “Streamdale Court”.
Bill No. 685	By-law No. 695-2002	To authorize the alteration of Leona Drive, north of Lyndale Drive, by the construction of a new cul-de-sac and the retention of an existing temporary barrier approximately 20 metres south of Sheppard Avenue East until the earlier of the new cul-de-sac construction or the end of the year 2003.
Bill No. 686	By-law No. 696-2002	To rename a portion of Crouse Road between Underwriters Road and Crockford Boulevard as “Underwriters Road”.
Bill No. 687	By-law No. 697-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 688	By-law No. 698-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 689	By-law No. 699-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 690	By-law No. 700-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 691	By-law No. 701-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 692	By-law No. 702-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 693	By-law No. 703-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 694	By-law No. 704-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 695	By-law No. 705-2002	To amend former City of Toronto Municipal Code Chapter 11, Arts Centres, to increase the composition of the Board of Directors of the St. Lawrence Centre for the Arts by one citizen member and to appoint Bluma Appel to the Board of Directors.
Bill No. 696	By-law No. 706-2002	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York".
Bill No. 697	By-law No. 707-2002	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. 698	By-law No. 708-2002	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. 699	By-law No. 709-2002	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York highways".
Bill No. 700	By-law No. 710-2002	To authorize the alteration of South

		Kingsway at Morningside Avenue by the modification of the curb at this intersection.
Bill No. 701	By-law No. 711-2002	To authorize the alteration of Lindsey Avenue, between Brock Avenue and Dufferin Street by the installation of speed humps.
Bill No. 702	By-law No. 712-2002	To authorize the alteration of Salem Avenue, between Bloor Street West and Dupont Street, by the installation of speed humps.
Bill No. 703	By-law No. 713-2002	To authorize the alteration of Westmoreland Avenue, between Bloor Street West and Dupont Street, by the installation of speed humps.
Bill No. 704	By-law No. 714-2002	To amend former City of York Municipal Code Ch. 997, "School Bus Loading Zone, respecting Windermere Avenue".
Bill No. 705	By-law No. 715-2002	To amend the Official Plan of the former City of Toronto in respect of the lands known as 1363 King Street West.
Bill No. 706	By-law No. 716-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 1363 King Street West.
Bill No. 707	By-law No. 717-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 63-63A Spencer Avenue.
Bill No. 708	By-law No. 718-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 93 Cowan Avenue.
Bill No. 709	By-law No. 719-2002	To amend Chapter 910, Parking Machines,

Bill No. 710	By-law No. 720-2002	of the Municipal Code of the City of Toronto, to replace parking meters with parking machines on Victoria Street, between Adelaide Street East and Richmond Street East. To adopt Amendment No. 103-2002 to the Official Plan of the Etobicoke Planning Area in order to implement modification to Site-Specific Policy No. 80, affecting the lands located at the southeast quadrant of Dwight Avenue and Albani Street.
Bill No. 711	By-law No. 721-2002	To amend Chapters 340 and 342 of the Etobicoke Zoning Code with respect to certain lands located in the southeast quadrant of Dwight Avenue and Albani Street, known municipally as 9 Dwight Avenue.
Bill No. 712	By-law No. 722-2002	To adopt a new City of Toronto Municipal Code Chapter 598, Numbering of Properties, to provide for the numbering of properties within the City of Toronto.
Bill No. 713	By-law No. 723-2002	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 714	By-law No. 724-2002	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. 715	By-law No. 725-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 716	By-law No. 726-2002	To amend the General Zoning By-law No. 438-86 of the former City of

		Toronto with respect to the lands known as 2027 to 2035 Davenport Road.
Bill No. 717	By-law No. 727-2002	To exempt land know municipally as 33-201 Dallimore Circle from Part Lot Control.
Bill No. 718	By-law No. 728-2002	To exempt the property municipally known as 964 The Queensway from Part Lot Control.
Bill No. 719	By-law No. 729-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 720	By-law No. 730-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 721	By-law No. 731-2002	To exempt certain lands at the intersection of Wallace Avenue and Rankin Crescent from Part Lot Control.
Bill No. 722	By-law No. 732-2002	To amend further By-law No. 271, a By-law “To prohibit parking on certain sides of certain highways”, being a By-law of the former Borough of East York.
Bill No. 723	By-law No. 733-2002	To amend further By-law No. 34-93, a By-law “To provide for disabled person parking permit holders”, being a by-law of the former Borough of East York.
Bill No. 724	By-law No. 734-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Queen Street East.
Bill No. 725	By-law No. 735-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Balmy Avenue.
Bill No. 726	By-law No. 736-2002	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Avenue Road.
Bill No. 727	By-law No. 737-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bedford Park Avenue and Harwood Road.
Bill No. 728	By-law No. 738-2002	To amend further By-law No. 196, a By-law entitled "To restrict the speed of motor vehicles", being a by-law of the former Borough of East York.
Bill No. 729	By-law No. 739-2002	To amend City of Toronto Municipal Code Chapter 545, Licensing.
Bill No. 730	By-law No. 740-2002	To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services, respecting water rates.
Bill No. 731	By-law No. 741-2002	To adopt an amendment to the Part I Official Plan for the City of Toronto with respect to lands known municipally as 73, 75 and 95 Queen's Park Crescent (East Branch), 89 Charles Street West and 153 Bloor Street West.
Bill No. 732	By-law No. 742-2002	To amend the General Zoning By-law No. 438-86, the Zoning By-law of the former City of Toronto respecting lands known in the year 2002 as 111 Queen's Park.
Bill No. 733	By-law No. 743-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 1015 and 1019 Sheppard Avenue East.
Bill No. 734	By-law No. 744-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 40, 42 44, 48, 56, 60 and 62 Byng Avenue; 426, 430 and 434 Kenneth Avenue, and 28 and

35 Holmes Avenue.

Bill No. 735

By-law No. 745-2002

To amend former City of North York Zoning By-law No. 7625, in respect to the lands municipally known as 111 Finch Avenue West.

Bill No. 736	By-law No. 746-2002	To amend the Etobicoke Zoning Code with respect to the Princess Anne Manor Area.
Bill No. 737	By-law No. 747-2002	To amend By-law No. 815-1998 and Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south-east corner of The West Mall and Holiday Drive.
Bill No. 738	By-law No. 748-2002	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. 739	By-law No. 749-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bay Street and Dundas Square.
Bill No. 740	By-law No. 750-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Banff Road, Gange Avenue, Hillhurst Boulevard, Nina Street, Old Park Road and Oriole Road.
Bill No. 741	By-law No. 751-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting First lane east of Logan Avenue, First lane north of Colgate Avenue, First lane west of Carlaw Avenue, First lane east of Yonge Street, Natalie Place and Scrivener Square.
Bill No. 742	By-law No. 752-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ford Street and Mackay Avenue.

Bill No. 743	By-law No. 753-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ryding Avenue, Gourlay Crescent, Eastern Branch of Ellis Park Road, Lane first south of Alma Avenue, Lane first east of Dufferin Street, Lane first west of Gladstone Avenue, Lane first north of Wallace Avenue and Windermere Avenue.
Bill No. 744	By-law No. 754-2002	To amend former City of York By-law No. 1-83 in respect of lands located on the west side of Keele Street approximately 16 metres (52.4 feet) south of Rogers Road (605 Rogers Road).
Bill No. 745	By-law No. 755-2002	To exempt lands municipally known as 1558 Kipling Avenue from Part Lot Control.
Bill No. 746	By-law No. 756-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Harvie Avenue and Coolmine Road.
Bill No. 747	By-law No. 757-2002	To designate a Site Plan Control Area in the Cliffside Community.
Bill No. 748	By-law No. 758-2002	To adopt Amendment No. 1090 of the Official Plan for the former City of Scarborough.
Bill No. 749	By-law No. 759-2002	To amend Scarborough Zoning By-law No. 9508, as amended, with respect to the Dorset Park Community.
Bill No. 750	By-law No. 760-2002	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law; and to amend By-law No. 1128-2001(OMB), being a by-law to amend Employment Districts Zoning By-law No. 24982, Marshalling Yard

Employment District.

Bill No. 751	By-law No. 761-2002	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the Progress and Dorset Park Employment Districts.
Bill No. 752	By-law No. 762-2002	To adopt Amendment No. 1088 of the Official Plan for the former City of Scarborough.
Bill No. 753	By-law No. 763-2002	To amend Scarborough Zoning By-law No. 15907, as amended, with respect to the Rouge Community Zoning By-law.
Bill No. 754	By-law No. 764-2002	To adopt Amendment No. 1093 of the Official Plan for the former City of Scarborough.
Bill No. 755	By-law No. 765-2002	To amend Scarborough Zoning By-law No. 12466, as amended, with respect to the L'Amoreaux Community.
Bill No. 756	By-law No. 766-2002	To amend Scarborough Zoning By-law No. 12466, as amended, with respect to the L'Amoreaux Community.
Bill No. 757	By-law No. 767-2002	To adopt Amendment No. 1092 of the Official Plan for the former City of Scarborough.
Bill No. 758	By-law No. 768-2002	To amend Scarborough Zoning By-law No. 10327, as amended, with respect to the West Hill Community.
Bill No. 759	By-law No. 769-2002	To amend Scarborough Zoning By-law No. 10327, as amended, with respect to the West Hill Community.
Bill No. 760	By-law No. 770-2002	To amend Scarborough Zoning By-law No. 12077, as amended, with respect to the Centennial Community.

Bill No. 761	By-law No. 771-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting lands known as 637 Lake Shore Boulevard West.
Bill No. 762	By-law No. 772-2002	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. 763	By-law No. 773-2002	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. 764	By-law No. 774-2002	To change the name and purposes of the Toronto District Heating Corporation Capital Expenditures Reserve Fund, and to amend Municipal Code Chapter 227, Reserves and Reserve Funds accordingly.
Bill No. 765	By-law No. 775-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 766	By-law No. 776-2002	To amend the Etobicoke Zoning Code with respect to Drive-Through Facilities.
Bill No. 767	By-law No. 777-2002	To amend former City of York Zoning By-law No. 1-83, as amended, with respect to Drive-Through Facilities.
Bill No. 768	By-law No. 778-2002	To amend City of North York Zoning By-law No. 7625, with respect to the Drive-Through Facilities.
Bill No. 769	By-law No. 779-2002	To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to Drive-Through Facilities.
Bill No. 770	By-law No. 780-2002	To amend By-law Nos. 1916 and 6752 for the former Borough of East York with

respect to Drive-Through Facilities.

Bill No. 771	By-law No. 781-2002	To amend City of Scarborough Zoning By-law No. 24982, as amended, with respect to the Drive-Through Facilities.
Bill No. 772	By-law No. 782-2002	To amend City of Scarborough Zoning By-law No. 9510, as amended, with respect to the Drive-Through Facilities.
Bill No. 773	By-law No. 783-2002	To amend City of Scarborough Zoning By-law No. 10327, as amended, with respect to the Drive-Through Facilities.
Bill No. 774	By-law No. 784-2002	To amend City of Scarborough Zoning By-law No. 10076, as amended, with respect to the Drive-Through Facilities.
Bill No. 775	By-law No. 785-2002	To amend City of Scarborough Zoning By-law No. 12797, as amended, with respect to the Drive-Through Facilities.
Bill No. 776	By-law No. 786-2002	To amend City of Scarborough Zoning By-law No. 12466, as amended, with respect to the Drive-Through Facilities.
Bill No. 777	By-law No. 787-2002	To amend City of Scarborough Zoning By-law No. 8786, as amended, with respect to the Drive-Through Facilities.
Bill No. 778	By-law No. 788-2002	To amend City of Scarborough Zoning By-law No. 9174, as amended, with respect to the Drive-Through Facilities.
Bill No. 779	By-law No. 789-2002	To amend City of Scarborough Zoning By-law No. 9350, as amended, with respect to the Drive-Through Facilities.
Bill No. 780	By-law No. 790-2002	To amend City of Scarborough Zoning By-law No. 12077, as amended, with respect to the Drive-Through Facilities.
Bill No. 781	By-law No. 791-2002	To amend City of Scarborough Zoning

		By-law No. 8978, as amended, with respect to the Drive-Through Facilities.
Bill No. 782	By-law No. 792-2002	To amend City of Scarborough Zoning By-law No. 9364, as amended, with respect to the Drive-Through Facilities.
Bill No. 783	By-law No. 793-2002	To amend City of Scarborough Zoning By-law No. 9508, as amended, with respect to the Drive-Through Facilities.
Bill No. 784	By-law No. 794-2002	To amend City of Scarborough Zoning By-law No. 9676, as amended, with respect to the Drive-Through Facilities.
Bill No. 785	By-law No. 795-2002	To amend City of Scarborough Zoning By-law No. 9396, as amended, with respect to the Drive-Through Facilities.
Bill No. 786	By-law No. 796-2002	To amend City of Scarborough Zoning By-law No. 9366, as amended, with respect to the Drive-Through Facilities.
Bill No. 787	By-law No. 797-2002	To amend City of Scarborough Zoning By-law No. 17677, as amended, with respect to the Drive-Through Facilities.
Bill No. 788	By-law No. 798-2002	To amend City of Scarborough Zoning By-law No. 11883, as amended, with respect to the Drive-Through Facilities.
Bill No. 789	By-law No. 799-2002	To amend City of Scarborough Zoning By-law No. 9812, as amended, with respect to the Drive-Through Facilities.
Bill No. 790	By-law No. 800-2002	To amend City of Scarborough Zoning By-law No. 15907, as amended, with respect to the Drive-Through Facilities.
Bill No. 791	By-law No. 801-2002	To amend City of Scarborough Zoning By-law No. 10010, as amended, with respect to the Drive-Through Facilities.

Bill No. 792	By-law No. 802-2002	To amend City of Scarborough Zoning By-law No. 16762, as amended, with respect to the Drive-Through Facilities.
Bill No. 793	By-law No. 803-2002	To amend City of Scarborough Zoning By-law No. 10717, as amended, with respect to the Drive-Through Facilities.
Bill No. 794	By-law No. 804-2002	To amend City of Scarborough Zoning By-law No. 12360, as amended, with respect to the Drive-Through Facilities.
Bill No. 795	By-law No. 805-2002	To amend City of Scarborough Zoning By-law No. 9511, as amended, with respect to the Drive-Through Facilities.
Bill No. 796	By-law No. 806-2002	To amend City of Scarborough Zoning By-law No. 10827, as amended, with respect to the Drive-Through Facilities.
Bill No. 797	By-law No. 807-2002	To amend City of Scarborough Zoning By-law No. 9276, as amended, with respect to the Drive-Through Facilities.
Bill No. 798	By-law No. 808-2002	To amend City of Scarborough Zoning By-law No. 9089, as amended, with respect to the Drive-Through Facilities.
Bill No. 799	By-law No. 809-2002	To amend City of Scarborough Zoning By-law No. 10048, as amended, with respect to the Drive-Through Facilities.
Bill No. 800	By-law No. 810-2002	To amend City of Scarborough Zoning By-law No. 14402, as amended, with respect to the Drive-Through Facilities.
Bill No. 801	By-law No. 811-2002	To amend City of Scarborough Zoning By-law No. 12181, as amended, with respect to the Drive-Through Facilities.
Bill No. 802	By-law No. 812-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting McRoberts Avenue.

Bill No. 803	By-law No. 813-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 804	By-law No. 814-2002	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 805	By-law No. 815-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mercer Street.
Bill No. 806	By-law No. 816-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 8 and 10 Northtown Way.
Bill No. 807	By-law No. 817-2002	To adopt Amendment No. 518 of the Official Plan for the former City of North York in respect of lands municipally known as 170 Sheppard Avenue East.
Bill No. 808	By-law No. 818-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 170 Sheppard Avenue East.
Bill No. 809	By-law No. 819-2002	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. 810	By-law No. 820-2002	To adopt Amendment No. 238 to the Official Plan for the former City of Toronto in respect of lands known municipally as 507 College Street.
Bill No. 811	By-law No. 821-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2002 as

507 College Street.

Bill No. 812	By-law No. 822-2002	To exempt lands municipally known as 278 Estelle Avenue and 265-269 Finch Avenue East from Part Lot Control.
Bill No. 813	By-law No. 823-2002	To further amend City of Toronto By-law No. 425-2002, being a By-law “To repeal by-laws of the former City of Toronto and amend the Queen/Broadview Village Community Improvement Plan”.
Bill No. 814	By-law No. 824-2002	To amend By-law No. 1129-87 of the former City of York, being a By-law “To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York”.
Bill No. 815	By-law No. 825-2002	To amend By-law No. 3491-80 of the former Borough of York, being a By-law “To provide for night-time parking of motor vehicles on Borough of York highways”.
Bill No. 816	By-law No. 826-2002	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. 817	By-law No. 827-2002	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. 818	By-law No. 828-2002	To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known as 1315 Davenport Road.
Bill No. 819	By-law No. 829-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 1315 Davenport Road.

Bill No. 820	By-law No. 830-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting the lands known as 262 and 264 St. Clair Avenue West and 288 Russell Hill Road.
Bill No. 821	By-law No. 831-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto as amended, respecting lands known municipally in the year 2001 as 262 and 264 St. Clair Avenue West, and 288 Russell Hill Road.
Bill No. 822	By-law No. 832-2002	To adopt an amendment to the former City of Toronto Part I Official Plan in respect of the lands municipally known in the year 2002 as 88 Redpath Avenue.
Bill No. 823	By-law No. 833-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 88 Redpath Avenue.
Bill No. 824	By-law No. 834-2002	To adopt an amendment to the former City of Toronto Part I Official Plan in respect of the lands municipally known in the year 2002 as 274 St. John's Road, 637 Runnymede Road and 40 Fiskens Avenue.
Bill No. 825	By-law No. 835-2002	To confirm the level of prescription drug coverage for retirees of the former Municipality of Metropolitan Toronto over the age of 65 who retired on or after January 1, 1989.
Bill No. 826	By-law No. 836-2002	To exempt the Black Creek Neighbourhood Branch Library from taxation for municipal and school purposes.
Bill No. 827	By-law No. 837-2002	To amend the former City of Toronto

Municipal Code Ch. 400, Traffic and
Parking, respecting Silver Birch
Avenue.

Bill No. 828	By-law No. 838-2002	To adopt a new City of Toronto Municipal Code Chapter 658, Ravine Protection, and to repeal by-laws of the former municipalities respecting ravines, filling and grading and destruction of trees. <i>(amended)</i>
Bill No. 829	By-law No. 839-2002	To adopt Amendment No. 102-2002 to the Official Plan of the Etobicoke Planning Area in order to implement modification to Site-Specific Policy No. 36, affecting the lands located on the south side of Dalesford Road, east of Grand Avenue, abutting the Mimico Creek Valley.
Bill No. 830	By-law No. 840-2002	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on south side of Dalesford Road, east of Grand Avenue, known municipally as 245 Dalesford Road.
Bill No. 831	By-law No. 841-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 274 St. John's Road, 637 Runnymede Road and 40 Fiske Avenue.
7.100 On October 3, 2002, at 6:40 p.m., Councillor Augimeri, seconded by Councillor Silva, 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. 659	By-law No. 842-2002	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
Bill No. 660	By-law No. 843-2002	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto,

the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Holyday, Johnston, Kelly, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 0

Carried, without dissent.

- 7.101 On October 3, 2002, at 6:41 p.m., Councillor Altobello, seconded by Councillor Balkissoon, 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, without dissent:

Bill No. 837	By-law No. 844-2002	To confirm the proceedings of the Council at its meeting held on the 1st, 2nd and 3rd days of October, 2002.
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The following Bills were withdrawn:

Bill No. 643	To amend further the Pedestrian Crossover By-law No. 23506 of the former City of Scarborough on Toronto Roads.
Bill No. 645	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

OFFICIAL RECOGNITIONS:

7.102 **Condolence Motions**

October 1, 2002:

Councillor Miller, seconded by Councillor Korwin-Kuczynski, moved that:

“**WHEREAS** Mr. James (Jamie) Bell passed away suddenly and unexpectedly on Saturday, September 7, 2002, in his 58th year; and

WHEREAS Mr. Bell was a respected member of the Swansea community in

Parkdale High-Park (Ward 13); and

WHEREAS Mr. Bell became the first and only Executive Director of the Swansea Town Hall in 1993; and

WHEREAS Mr. Bell was instrumental in the creation of the High Park Adventure Playground; and

WHEREAS Mr. Bell believed strongly in citizen participation in local democracy, and actively participated himself; and

WHEREAS Mr. Bell was working extensively on the expansion of the Swansea Town Hall and had been active in the successful community process resulting in the redevelopment of the former Stelco lands; and

WHEREAS Mr. Bell was involved in not only all events at the Swansea Town Hall but also participated in the Swansea Area Ratepayer's Association, High Park Citizens' Advisory Committee, the Swansea Library, the Swansea Recreational Advisory Committee, the Ontario March of Dimes for 2003, and many other activities too numerous to list; and

WHEREAS he will be sorely missed by the Swansea community, friends and family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the family of Mr. James (Jamie) Bell."

Councillor McConnell, seconded by Councillor Pitfield, moved that:

“WHEREAS Ms. Rose Marie Cunha, a City of Toronto Constance E. Hamilton Award recipient for 2000, passed away on September 9, 2002; and

WHEREAS Ms. Cunha was a long-standing leader in the Aboriginal community of Toronto through her volunteer work with Anduhyaun Native Women's Organization; and

WHEREAS Ms. Cunha was a board member since 1994, during which time she lent her considerable experience, skills and diplomacy to aid Anduhyaun gaining and maintaining programs and services vital to Aboriginal women and their children; and

WHEREAS Ms. Cunha was also a board member of Soroptimist International of Toronto from 1992, where she organized volunteers to work with many organizations such as the Daily Bread Food Bank, the Red Cross, the Lauback Literacy of Canada and the Canadian Cancer Society;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to her husband, Henry, and her children Todd, Lisa and Emily.”

Councillor Pantalone, seconded by Councillor Altobello, moved that:

“**WHEREAS** Members of City Council are deeply saddened to learn of the passing of Mr. Walter ‘Wally’ Majesky on August 10, 2002; and

WHEREAS Mr. Majesky was a community activist and proudly served as a Scarborough Alderman from 1978 to 1980; and

WHEREAS Mr. Majesky, as the President of the Metro Toronto Labour Council (MTLC) from 1980 to 1984, was the driving force behind the founding of the Labour Community Services (United Way Agency), the Labour Council Development Foundation (Cooperative Housing agency which included co-ops at the St. Lawrence Market, David B. Archer and Crombie Park), the Centre for Labour Studies (Centre for job retraining, skills upgrading and labour education) and three Unemployment Help Centres; and

WHEREAS Mr. Majesky, throughout his life, demonstrated remarkable dedication to the Labour Movement, contributing significantly, in the first instance, as an electrician and member of the 6,000 member International Brotherhood of Electrical Workers Local 353, and was also a member of the Board of Directors of the Canada Mortgage and Housing Corporation and innovative Co-Chair of the 1997 Ontario Royal Commission on WCB Vocational Rehabilitation; and

WHEREAS Mr. Majesky strove for the betterment of the people of Toronto, generously sharing his experience with those who sought him out, being rightly proud of his role in the ground breaking, formalized co-operation between representatives of Labour, and municipal, provincial and federal governments; and

WHEREAS Wally Majesky, throughout difficult times, never wavered in his belief in people and in compassion, had a special way of dealing with people from all ethnic backgrounds, and maintained a life long passion for the rights of working people within our City; and

WHEREAS he will be sadly missed by the citizens of Toronto, family, friends and neighbours;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to

convey, on behalf of Members of City Council, our sincere sympathy to his partner, Mrs. Neddie Majesky, his sons Gary Majesky and Lawrence Majesky and to the extended Majesky family.”

Councillor Rae, seconded by Councillor Layton, moved that:

“**WHEREAS** the City of Toronto lost an active and valued citizen, with the death of Charles Roy on August 24, 2002; and

WHEREAS Charles Roy was a scholar and leader, graduating from the University of Ottawa in 1984, and from McGill University with a Masters of Social Work in 1987 and a PhD dissertation in 1995 with the University of New York; and

WHEREAS Charles Roy was involved in international campaigns geared at AIDS prevention, including the United Nations Global Fund to Fight AIDS, Tuberculosis and Malaria – a campaign to combat the world-wide HIV pandemic; and

WHEREAS Charles Roy was the Executive Director of the AIDS Committee of Toronto, leading a groundbreaking organization of 42 staff members and over 1,200 volunteers; and

WHEREAS the AIDS Committee of Toronto is an important and effective organization that has successfully lobbied governments, corporations and the United Way for funding for AIDS education, support and prevention; and

WHEREAS the AIDS Committee of Toronto provided a co-ordinating umbrella for several dozen community-based AIDS service organizations in the City of Toronto; and

WHEREAS Charles Roy was a leader in our City’s lesbian and gay community;

NOW THEREFORE BE IT RESOLVED THAT City Council recognize the enormous contribution of Charles Roy to the fight against AIDS;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his life partner Jay Hood, Charles Roy’s family and the staff and volunteers of the AIDS Committee of Toronto.”

Leave to introduce the foregoing Motions was granted and the Motions were adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Ms. Cunha and

Messrs. Bell, Majesky and Roy.

October 2, 2002:

Councillor Li Preti, seconded by Councillor Mihevc, moved that:

“WHEREAS the Members of City Council are deeply saddened by the tragic death of Mr. Gary Jantzi, the young son of Mr. Dalton Jantzi, on Friday September 27, 2002, who died in a tragic traffic accident; and

WHEREAS Mr. Gary Jantzi was a proud father of a little girl, Madeline, and was committed in his work as a Recreation Specialist at the Hospital for Sick Children, where he worked for many years, prior to moving to Canadian Blood Services; and

WHEREAS Gary Jantzi made an impact and contribution to our City by diligently serving as a volunteer with many children and families in need; and

WHEREAS Gary Jantzi generously gave his personal time and energy for the betterment of our community, will not be forgotten and will be remembered as someone who touched the lives of many residents and friends;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to Mr. and Mrs. Dalton and Carol Jantzi and their family.”

Leave to introduce the foregoing Motion was granted and the Motion was adopted unanimously.

Council rose and observed a Moment of Silence in memory of the late Mr. Jantzi.

7.103 Presentations/Introductions/Announcements:**October 1, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced students from Alexmuir Public School, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced students from Peter Secor Public School, present at the meeting.

October 2, 2002:

Deputy Mayor Ootes, during the morning session of the meeting, invited Ms. Frances Lankin, President of the United Way of the Greater Toronto Area, and Councillor Jane Pitfield, City Council's United Way Representative, to address Council with respect to this year's Campaign. Ms. Lankin highlighted the work of the United Way in the City of Toronto, and encouraged Members to participate in the Campaign.

Acting Chair Disero, during the morning session of the meeting, introduced students from St. Robert's Catholic School, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, invited Councillor Jones to the podium to address Council with respect to the Secord Estate Property on the Oak Ridges Moraine. Councillor Jones presented a plaque, on behalf of the Toronto and Region Conservation Authority and the Oak Ridges Moraine Land Trust, to the Members of Council, in appreciation for the City's contribution towards the purchase of the Estate Property. She advised that this environmentally significant property is an important link required for the Oak Ridges Trail. In addition, she expressed her thanks to the other Members of Council on the Oak Ridges Moraine Committee, Councillors Miller, Cho and Moeser, for their efforts in this matter.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced students from Humber College, present at the meeting.

October 3, 2002:

Councillor Mammoliti, with the permission of Council, during the morning session of the meeting, introduced Mr. Joe Avati, an Italian-Australian comedian currently performing in Canada, and his family, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, proposed that the Chief Administrative Officer be invited to address Council with respect to an information package which was distributed to all Members of Council, and included the following (copies of which are on file in the office of the City Clerk):

- (October 3, 2002) communication from the Chief Administrative Officer, headed "A Message from the CAO to the Mayor and Councillors";
- (October 3, 2002) briefing note, headed "October 3, 2002 Toronto Sun Article 'By-law Ignored - City Skirted Own Rules in Union Bid' ";
- (September 27, 2002) briefing noted, headed "Emergency Homelessness Pilot Project"; and
- (October 2, 2002) briefing noted, headed "Toronto City Centre Airport (TCCA)".

The Chief Administrative Officer advised that should Council desire, time could be allocated at each Council meeting during which Members would be able to question Commissioners or the CAO on any matter of concern.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced journalism students from Humber College, present at the meeting.

Councillor Johnston, with the permission of Council, during the afternoon session of the meeting, advised Council that Mr. Jeffrey Abrams, Director of Secretariat, Printing and Distribution, had recently accepted a one year secondment to the Ontario Ministry of Public Safety and Security. Councillor Johnston, on behalf of all Members of Council, expressed appreciation for Mr. Abrams' dedication and support to Council, extended her best wishes for success in his new position, and requested that her remarks be recorded in the Minutes of this meeting.

7.104 MOTIONS TO VARY PROCEDURE

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

October 1, 2002:

Councillor Mihevc, at 12:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude consideration of Clause No. 4a of Report No. 10 of The Administration Committee, headed "Use of Corporate Logo, Donations and Sponsorships and Personal Funds by Members of Council", which was carried, more than two-thirds of Members present having voted in the affirmative.

October 3, 2002:

Councillor Miller, at 5:52 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. 7 of Report No. 8 of The Audit Committee, headed "Status Report – Toronto Computer Leasing Inquiry", as well as the Bills prepared for this meeting of Council, which was carried, more than two-thirds of Members present having voted in the affirmative.

7.105 ATTENDANCE

October 1, 2002	9:40 a.m. to 12:43 p.m.*	2:14 p.m. to 6:15 p.m.*	Ctte. of the Whole In-Camera 6:25 p.m.	7:25 p.m. to 7:30 p.m.*
Lastman	x	x	-	-
Altobello	x	x	-	-
Ashton	x	x	x	x
Augimeri	x	x	-	-

Minutes of the Council of the City of Toronto
October 1, 2 and 3, 2002

October 1, 2002	9:40 a.m. to 12:43 p.m.*	2:14 p.m. to 6:15 p.m.*	Ctte. of the Whole In-Camera 6:25 p.m.	7:25 p.m. to 7:30 p.m.*
Balkissoon	x	x	x	x
Berardinetti	x	x	-	-
Bussin	x	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	x	x
Feldman	x	x	x	x
Filion	x	x	-	-
Flint	x	x	x	x
Ford	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Johnston	x	x	-	-
Jones	x	x	x	x
Kelly	x	x	x	x
Korwin-Kuczynski	x	x	x	-
Layton	x	x	-	-
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	x	x	-	-
Mihevc	x	x	-	-
Milczyn	x	x	-	-
Miller	x	x	x	x
Minnan-Wong	x	x	x	-
Moeser	x	x	x	x
Moscoe	x	x	x	x

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October 1, 2002	9:40 a.m. to 12:43 p.m.*	2:14 p.m. to 6:15 p.m.*	Ctte. of the Whole In-Camera 6:25 p.m.	7:25 p.m. to 7:30 p.m.*
Nunziata	x	x	-	-
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	-
Shaw	x	x	x	x
Shiner	x	x	x	x
Silva	x	x	-	x
Soknacki	x	x	x	x
Sutherland	x	x	x	x
Tziretas	x	x	x	x
Walker	x	x	x	x
Total	43	45	32	30

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

October 2, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 3:27 p.m.
Lastman	-	x	-	x	-
Altobello	x	x	x	x	-
Ashton	-	x	-	x	-
Augimeri	-	x	x	x	x
Balkissoon	-	x	x	x	-
Berardinetti	-	x	x	x	x
Bussin	x	x	x	x	x
Cho	x	x	x	x	x
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	-
Duguid	x	x	x	x	x

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October 2, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 3:27 p.m.
Feldman	x	x	x	x	x
Filion	-	x	-	x	-
Flint	x	x	x	x	x
Ford	-	x	-	-	-
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Johnston	-	-	x	x	-
Jones	-	x	x	x	x
Kelly	-	x	-	x	-
Korwin-Kuczynski	x	x	x	x	x
Layton	-	x	-	x	-
Li Preti	x	x	-	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	-	x	x	x	x
McConnell	-	x	x	x	-
Mihevc	x	x	x	x	-
Milczyn	-	-	-	x	-
Miller	x	x	x	x	-
Minnan-Wong	x	x	x	x	-
Moeser	-	x	x	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	-	x	x
Rae	-	x	-	x	-
Shaw	-	x	x	x	x
Shiner	x	x	x	x	-
Silva	x	x	-	x	x

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October 2, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:30 p.m.*	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 3:27 p.m.
Soknacki	-	x	x	x	x
Sutherland	x	x	x	x	-
Tziretas	x	x	x	x	-
Walker	-	x	-	x	x
Total	26	43	33	44	26

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

October 2, 2002	Roll Call. 3:40 p.m.	Roll Call 5:10 p.m.	Ctte. of the Whole In-Camera 6:05 p.m.	7:25 p.m. to 7:30 p.m.*
Lastman	-	x	-	-
Altobello	x	x	x	x
Ashton	x	-	x	x
Augimeri	x	x	x	-
Balkissoon	x	-	-	-
Berardinetti	x	-	-	-
Bussin	x	x	x	x
Cho	x	x	-	x
Chow	x	x	x	-
Di Giorgio	x	x	x	x
Disero	-	-	x	x
Duguid	x	x	x	x
Feldman	x	x	x	x
Filion	-	-	x	x
Flint	x	x	x	x
Ford	-	-	-	-
Hall	x	x	x	x
Holyday	x	x	x	x
Johnston	-	x	-	-
Jones	x	x	x	x

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October 2, 2002	Roll Call. 3:40 p.m.	Roll Call 5:10 p.m.	Ctte. of the Whole In-Camera 6:05 p.m.	7:25 p.m. to 7:30 p.m.*
Kelly	x	-	x	-
Korwin-Kuczynski	x	-	-	-
Layton	x	x	x	-
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	-	-	-
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	-	-	x	x
Miller	x	x	x	x
Minnan-Wong	-	x	x	x
Moeser	-	-	-	-
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	-	x	x
Rae	x	-	x	-
Shaw	x	x	x	-
Shiner	-	x	x	x
Silva	x	x	x	-
Soknacki	-	-	x	-
Sutherland	-	x	x	-
Tziretas	x	-	-	-
Walker	x	x	x	x
Total	34	30	35	27

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

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October 3, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:30 p.m.*	Roll Call 12:20 p.m.	Roll Call 2:15 p.m.	2:15 p.m. to 4:17 p.m.*.
Lastman	-	x	x	-	-
Altobello	x	x	x	x	x
Ashton	-	x	x	x	x
Augimeri	x	x	x	x	x
Balkissoon	-	x	-	x	x
Berardinetti	-	-	-	x	x
Bussin	x	x	x	-	x
Cho	-	x	x	x	x
Chow	-	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	-	x	x	-	x
Duguid	x	x	-	x	x
Feldman	x	x	x	x	x
Filion	-	-	x	x	x
Flint	x	x	-	-	x
Ford	x	x	x	-	-
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Johnston	-	x	-	-	x
Jones	x	x	-	-	x
Kelly	-	x	x	-	x
Korwin-Kuczynski	x	x	x	x	x
Layton	-	x	-	x	x
Li Preti	x	x	x	-	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	-	-
McConnell	x	x	x	-	x
Mihevc	x	x	x	x	x

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October 3, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:30 p.m.*	Roll Call 12:20 p.m.	Roll Call 2:15 p.m.	2:15 p.m. to 4:17 p.m.*
Milczyn	-	-	-	-	x
Miller	x	x	-	x	x
Minnan-Wong	-	x	-	-	x
Moeser	x	x	x	-	x
Moscoe	-	x	x	x	x
Nunziata	-	x	x	x	x
Ootes	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	-	x	x	x	x
Rae	-	x	x	-	x
Shaw	-	x	x	-	x
Shiner	x	x	-	-	x
Silva	x	x	-	x	x
Soknacki	-	x	-	-	-
Sutherland	-	x	x	x	x
Tziretas	x	x	x	x	x
Walker	x	x	x	x	x
Total	25	42	32	27	41

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

October 3, 2002	Ctte. of the Whole In-Camera 4:17 p.m.	5:41 p.m. to 6:45 p.m.*	Roll Call 6:15 p.m.
Lastman	-	-	-
Altobello	x	x	x
Ashton	x	x	x
Augimeri	x	x	x
Balkissoon	x	x	x
Berardinetti	x	x	x
Bussin	x	x	x

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October 3, 2002	Ctte. of the Whole In-Camera 4:17 p.m.	5:41 p.m. to 6:45 p.m.*	Roll Call 6:15 p.m.
Cho	x	x	x
Chow	x	x	x
Di Giorgio	x	x	x
Disero	x	x	x
Duguid	x	x	x
Feldman	x	x	x
Filion	x	-	-
Flint	x	x	x
Ford	-	-	-
Hall	x	x	-
Holyday	x	x	x
Johnston	x	x	x
Jones	x	x	x
Kelly	x	x	x
Korwin-Kuczynski	x	-	x
Layton	x	x	x
Li Preti	-	-	x
Lindsay Luby		x	x
Mammoliti	x	x	-
McConnell	x	x	x
Mihevc	x	x	x
Milczyn	x	x	x
Miller	x	x	x
Minnan-Wong	x	x	-
Moeser	x	-	x
Moscoe	x	x	x
Nunziata	x	-	-
Ootes	x	x	x
Pantalone	x	x	x

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October 1, 2 and 3, 2002

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October 3, 2002	Ctte. of the Whole In-Camera 4:17 p.m.	5:41 p.m. to 6:45 p.m.*	Roll Call 6:15 p.m.
Pitfield	x	x	x
Rae	x	x	x
Shaw	x	x	x
Shiner	x	x	-
Silva	x	x	x
Soknacki	-	-	-
Sutherland	x	x	-
Tziretas	x	x	x
Walker	x	x	x
Total	41	37	35

* 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 F(2)]

Report dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Minute No. 7.58, Page 81):

Purpose:

This report responds to City Council’s request for a report on the status of the court appeal against the successful union challenge of Ontario’s ability to sell shares in Hydro One to the public.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council, at its meeting held on July 30, 31 and August 1, 2002, had before it, Motion J(3) moved by Councillor Layton, that the City support the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees (the “Unions”) in their defence against an appeal to the Ontario Court of Appeal to stop the sale of Hydro One. Council deferred consideration of the motion to the next regular meeting of City Council and requested that the Chief Administrative Officer submit a report directly to City Council, for its consideration, on the status of the legal proceedings. This report responds to that request.

Comments:

The Unions successfully claimed, before the Superior Court of Justice of Ontario, that the Province did not have the legislative authority to offer Hydro One shares for sale to the public under the Electricity Act, 1998. The decision, dated April 19, 2002, was appealed by the Province of Ontario.

The appeal was heard by the Court of Appeal on June 19, 2002. The Province of Ontario had sought and been granted an expedited hearing. The Unions argued that the appeal was or would be moot because of events subsequent to the lower court decision, including the Province of Ontario’s introduction of Bill 58, the Reliable Energy and Consumer Protection Act, 2002 which would substantially amend the Electricity Act (the subject of the original court decision) to allow the Province of

Ontario to sell shares in Hydro One to the public. An appeal is considered moot if a decision will not resolve an issue affecting the rights of the parties. The Province of Ontario argued that the appeal was not moot as of the date of oral argument, but acknowledged that it would be moot if the recently-introduced legislation became law.

The court heard full argument on both the mootness issue and the merits of the appeal and reserved its decision on both issues. It released its decision on July 4, 2002, noting that the Reliable Energy and Consumer Protection Act, 2002 was enacted in the intervening period, on June 27, 2002, and concluded that the appeal was moot. It further determined that the Province of Ontario had not satisfied the Court that the circumstances of the case warranted a departure from the general rule that the court should not hear moot appeals. It dismissed the appeal.

The Unions were awarded their costs on a partial indemnity basis and only in relation to the mootness argument.

Conclusion:

It is recommended that this report be received for information.

Contact:

Grace Patterson
Solicitor
Legal Services Division
Tel: (416) 392-8368
Fax (416) 392-0005
Email: gpatter@city.toronto.on.ca

ATTACHMENT NO. 2 [Notice of Motion J(13)]

Report dated August 30, 2002, from the Manager, Heritage Preservation Services, entitled "2 Strachan Avenue – Coliseum - Alterations to a Designated Property (tpb2002-037) Trinity Spadina - Ward 19" (See Minute No. 7.72, Page 102):

Purpose:

To authorize alterations to a property at 2 Strachan Avenue designated under Part IV of the Ontario Heritage Act containing the building known as the Coliseum.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that the Toronto Preservation Board endorse the following staff recommendations:

- (1) alterations to the property designated under Part IV of the Ontario Heritage Act at 2 Strachan Avenue, known as the Coliseum, substantially as shown in the plans prepared by Brisbin Brook Beynon Architects dated August 26, 2002, and described in the Statement of Heritage Intent dated August 28, 2002, prepared by ERA Architects Inc., be approved subject to the following:
 - (a) that, prior to the issuance of a building permit, the Applicant commits to providing a commemoration and interpretation plan to the satisfaction of the Manager of Heritage Preservation Services; and
 - (b) that the Applicant repair any damaged brick to the Heritage Building in the vicinity of the proposed for garbage compaction and storage; and
- (2) City staff be authorized to take whatever action is necessary to give effect thereto.

Background:

The property at 2 Strachan Avenue, Exhibition Place, includes the building known as the Coliseum as shown on Attachment No.1. This property was listed in the City's Inventory of Heritage Properties by City Council on June 20, 1973, and designated by

By-law No. 254-96 under Part IV of the Ontario Heritage Act by City Council at its meeting held on May 21, 1996.

The building, as shown in Attachment No. 2, was constructed to the designs of G. F. W. Price, City Architect, in 1922. It was identified for architectural and historical reasons combining “the Classical forms, monumental scale, spatial planning and strict symmetry associated with Beaux Arts stylistic principles”. The building is organized into three distinct sections, a centre block and flanking annexes. Only the north elevation of the centre block is included in the reasons for designation, while the East and West Annexes are described in the Reasons for Designation in terms of the north and south facades and end walls. The interior arena of the Coliseum is excluded from the Reasons for Designation.

The building has been altered on a number of occasions since 1948, most recently through its integration into the National Trade Centre and reconstruction of some of the south façade that had been lost in a 1962 alteration.

In July 1999, City Council adopted a report from the Policy and Finance Committee, which recommended that the City lease the Coliseum Complex to an International Hockey League (IHL) team through the Coliseum Renovation Corporation. This proposal involved renovation of the interior for use as an arena while preserving the seasonal use by groups such as the Royal Winter Fair. A report describing a preliminary proposal was presented to the Toronto Preservation Board at its meeting held on October 17, 2000. It was noted in the report that the primary heritage concern was the perception of the new roof from the exterior of the building. Further, the report stated that, although the proposal does not affect the property’s reasons for designation, because of the scale and prominence of the intervention on this City-owned heritage property, the architectural proposal, once fully developed, would be presented to the Toronto Preservation Board for information.

Since that time, the Coliseum Renovation Corporation has secured alternative arrangements with another hockey league and revised its proposed alterations to the building.

Comments:

(a) The Applicant’s Proposal

The proposal, as shown in the drawings contained in Attachment No. 3 and described in the Statement of Heritage Intent in Attachment No. 4, involves the following alterations to accommodate an arena for an American Hockey League team and other uses such as the Royal Winter Fair and the CNE:

- replacement of the centre block steel truss roof with a raised arched steel truss roof resting on raised extensions on the east and west walls of the arena;
- installation of a pantry to serve the box seats on the roof of the west annex;
- alteration of two windows on the south elevation to accommodate additional exit doors and alterations to the roof to accommodate sufficient head room for the stairs to this exit;
- installation of enclosures adjacent to the north elevation to accommodate a garbage compactor and recycling facilities;
- installation of two 30 by 40 foot signs at least 40 feet south of the towers on the north elevation; the signs are for the hockey tenant and advertising of events at Exhibition Place; and
- on the interior, installation of new seating, including box seating, removal of columns and lowering of the elevation of the rink.

(b) Heritage Issues

The only alteration that directly affects the Reasons for Designation is the change in the two windows on the south elevation.

Other alterations will have an impact on the heritage character of the building although they do not affect the Reasons for Designation. The most prominent change will be the raised roof, which will be visible from the Gardiner Expressway and, at its peak is six feet higher than the peak of the arch of the centre block. The east and west walls, immediately below the edge of the roof will be raised. New signage will affect the character of the roof as will the addition of the pantry and the raised roof for the new exit stairs. New container areas for garbage and recycling will have a limited impact on the view of the building. The interior alterations of the centre block of the Coliseum will give the appearance of a new arena.

(c) Response to Heritage Issues

Culture Division staff is satisfied that the one alteration that affects the Reasons for Designation is acceptable. It is required to provide sufficient exiting capacity during an emergency. As shown in Attachment No. 3, it has been designed in a manner that is sympathetic to the heritage character of the building.

Other proposal alterations are considered acceptable by Culture Division staff and important to accommodate the proposed new use. The most prominent change, the raised roof, will be set back from the tower elements 36 feet at its peak and 25 feet when it rises above the peak of the arch in the centre block. The heritage façade will continue to stand proud of the raised roof. At the same time, the new roof maintains the tripartite design of the Coliseum complex, with the raised portion being limited to the centre block. Other intrusions into the roof of the west annex are not considered

to be significant. The additions to the east and west elevations of the centre block, where the walls meet the roof, are designed in a manner sympathetic to the original elevations. The new garbage and recycling receptacles, which are essential to the functioning of the building and make use of an existing garbage shoot, are not attached to the building and can be easily removed, if necessary, in the future. In order to accommodate these new enclosures, some of the existing raised planter beds will be removed. Some of the brick near these beds appears to have been damaged. The Applicant will be required to repair this damage in an appropriate manner.

The sign, which is limited to the advertising of events in Exhibition Place and the Ricoh sponsorship, will affect the skyline view of the building. The sponsor, which is making a major financial contribution to this development, seeks a prominent display of its name. While lower signs that relate to the horizontal roof lines would not intrude into the skyview of Exhibition Place as much, this proposed sign locations and size are acceptable. The proposed signs are set back a minimum of 40 feet from the towers of the heritage façade and to those that are able to view the signs from the Gardiner Expressway, there will be a limited impact on the overall view of Exhibition Place. The proposed signs will have a very limited impact on the pedestrian view of this building.

As a condition of approval, the Culture Division is requiring a commitment from the Applicant to produce and implement a commemoration and interpretation plan about this building, its uses and the proposed alterations. The plan is to be to the satisfaction of the Manager of Heritage Preservation Services.

Conclusions:

The applicant, the Coliseum Renovation Corporation, has given suitable consideration to the impact of its proposed development on the heritage values of this property. The overall intent of this development supports City Council's desire to make better use of Exhibition Place facilities. It is appropriate at this time that the Toronto Preservation Board endorses the recommendations in this report and that City Council approve the alterations that affect the Reasons for Designation of this property.

Contact:

Denise Gendron
Manager, Preservation Services

List of Attachments:

Attachment No. 1	Location Map
Attachment No. 2	Photographs

Attachment No. 3 Applicant's Proposal
Attachment No. 4 Statement of Heritage Intent

(A copy of Attachments Nos. 1 to 4, which were appended to the foregoing report, are on file in the office of the City Clerk.)

ATTACHMENT NO. 3 [Notice of Motion J(16)]

Earth Charter (The International Council for Local Environmental Initiatives (ICLEI), at its international Council meeting of over 300 cities in June of 2000, endorsed the principles of the Earth Charter) (See Minute No. 7.75, Page 106):

The Earth Charter

Preamble:

We stand at a critical moment in Earth's history, a time when humanity must choose its future. As the world becomes increasingly interdependent and fragile, the future at once holds great peril and great promise. To move forward we must recognize that in the midst of a magnificent diversity of cultures and life forms we are one human family and one Earth community with a common destiny. We must join together to bring forth a sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace. Towards this end, it is imperative that we, the peoples of Earth, declare our responsibility to one another, to the greater community of life, and to future generations.

Earth, Our Home

Humanity is part of a vast evolving universe. Earth, our home, is alive with a unique community of life. The forces of nature make existence a demanding and uncertain adventure, but Earth has provided the conditions essential to life's evolution. The resilience of the community of life and the well-being of humanity depend upon preserving a healthy biosphere with all its ecological systems, a rich variety of plants and animals, fertile soils, pure waters, and clean air. The global environment with its finite resources is a common concern of all peoples. The protection of Earth's vitality, diversity, and beauty is a sacred trust.

The Global Situation

The dominant patterns of production and consumption are causing environmental devastation, the depletion of resources, and a massive extinction of species. Communities are being undermined. The benefits of development are not shared equitably and the gap between rich and poor is widening. Injustice, poverty, ignorance, and violent conflict are widespread and the cause of great suffering. An unprecedented rise in human population has overburdened ecological and social systems. The foundations of global security are threatened. These trends are perilous - but not inevitable.

The Challenges Ahead

The choice is ours: form a global partnership to care for Earth and one another or risk the destruction of ourselves and the diversity of life. Fundamental changes are needed in our values, institutions, and ways of living. We must realize that when basic needs have been met, human development is primarily about being more, not having more. We have the knowledge and technology to provide for all and to reduce our impacts on the environment. The emergence of a global civil society is creating new opportunities to build a democratic and humane world. Our environmental, economic, political, social, and spiritual challenges are interconnected, and together we can forge inclusive solutions.

Universal Responsibility

To realize these aspirations, we must decide to live with a sense of universal responsibility, identifying ourselves with the whole Earth community as well as our local communities. We are at once citizens of different nations and of one world in which the local and global are linked. Everyone shares responsibility for the present and future well-being of the human family and the larger living world. The spirit of human solidarity and kinship with all life is strengthened when we live with reverence for the mystery of being, gratitude for the gift of life, and humility regarding the human place in nature.

We urgently need a shared vision of basic values to provide an ethical foundation for the emerging world community. Therefore, together in hope we affirm the following interdependent principles for a sustainable way of life as a common standard by which the conduct of all individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.

Principles:

I. Respect and Care for the Community of Life

- (1) Respect Earth and life in all its diversity.
 - (a) Recognize that all beings are interdependent and every form of life has value regardless of its worth to human beings.
 - (b) Affirm faith in the inherent dignity of all human beings and in the intellectual, artistic, ethical, and spiritual potential of humanity.

- (2) Care for the community of life with understanding, compassion, and love.
 - (a) Accept that with the right to own, manage, and use natural resources comes the duty to prevent environmental harm and to protect the rights of people.
 - (b) Affirm that with increased freedom, knowledge, and power comes increased responsibility to promote the common good.
- (3) Build democratic societies that are just, participatory, sustainable, and peaceful.
 - (a) Ensure that communities at all levels guarantee human rights and fundamental freedoms and provide everyone an opportunity to realize his or her full potential.
 - (b) Promote social and economic justice, enabling all to achieve a secure and meaningful livelihood that is ecologically responsible.
- (4) Secure Earth's bounty and beauty for present and future generations.
 - (a) Recognize that the freedom of action of each generation is qualified by the needs of future generations.
 - (b) Transmit to future generations values, traditions, and institutions that support the long-term flourishing of Earth's human and ecological communities.

In order to fulfill these four broad commitments, it is necessary to:

II. Ecological Integrity

- (5) Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life.
 - (a) Adopt at all levels sustainable development plans and regulations that make environmental conservation and rehabilitation integral to all development initiatives.

- (b) Establish and safeguard viable nature and biosphere reserves, including wild lands and marine areas, to protect Earth's life support systems, maintain biodiversity, and preserve our natural heritage.
 - (c) Promote the recovery of endangered species and ecosystems.
 - (d) Control and eradicate non-native or genetically modified organisms harmful to native species and the environment, and prevent introduction of such harmful organisms.
 - (e) Manage the use of renewable resources such as water, soil, forest products, and marine life in ways that do not exceed rates of regeneration and that protect the health of ecosystems.
 - (f) Manage the extraction and use of non-renewable resources such as minerals and fossil fuels in ways that minimize depletion and cause no serious environmental damage.
- (6) Prevent harm as the best method of environmental protection and, when knowledge is limited, apply a precautionary approach.
- (a) Take action to avoid the possibility of serious or irreversible environmental harm even when scientific knowledge is incomplete or inconclusive.
 - (b) Place the burden of proof on those who argue that a proposed activity will not cause significant harm, and make the responsible parties liable for environmental harm.
 - (c) Ensure that decision making addresses the cumulative, long-term, indirect, long distance, and global consequences of human activities.
 - (d) Prevent pollution of any part of the environment and allow no build-up of radioactive, toxic, or other hazardous substances.
 - (e) Avoid military activities damaging to the environment.
- (7) Adopt patterns of production, consumption, and reproduction that safeguard Earth's regenerative capacities, human rights, and community well-being.
- (a) Reduce, reuse, and recycle the materials used in production and consumption systems, and ensure that residual waste can be assimilated by ecological systems.

- (b) Act with restraint and efficiency when using energy, and rely increasingly on renewable energy sources such as solar and wind.
 - (c) Promote the development, adoption, and equitable transfer of environmentally sound technologies.
 - (d) Internalize the full environmental and social costs of goods and services in the selling price, and enable consumers to identify products that meet the highest social and environmental standards.
 - (e) Ensure universal access to health care that fosters reproductive health and responsible reproduction.
 - (f) Adopt lifestyles that emphasize the quality of life and material sufficiency in a finite world.
- (8) Advance the study of ecological sustainability and promote the open exchange and wide application of the knowledge acquired.
- (a) Support international scientific and technical cooperation on sustainability, with special attention to the needs of developing nations.
 - (b) Recognize and preserve the traditional knowledge and spiritual wisdom in all cultures that contribute to environmental protection and human well-being.
 - (c) Ensure that information of vital importance to human health and environmental protection, including genetic information, remains available in the public domain.

III. Social and Economic Justice

- (9) Eradicate poverty as an ethical, social, and environmental imperative.
- (a) Guarantee the right to potable water, clean air, food security, uncontaminated soil, shelter, and safe sanitation, allocating the national and international resources required.
 - (b) Empower every human being with the education and resources to secure a sustainable livelihood, and provide social security and safety nets for those who are unable to support themselves.

- (c) Recognize the ignored, protect the vulnerable, serve those who suffer, and enable them to develop their capacities and to pursue their aspirations.

- (10) Ensure that economic activities and institutions at all levels promote human development in an equitable and sustainable manner.
 - (a) Promote the equitable distribution of wealth within nations and among nations.
 - (b) Enhance the intellectual, financial, technical, and social resources of developing nations, and relieve them of onerous international debt.
 - (c) Ensure that all trade supports sustainable resource use, environmental protection, and progressive labor standards.
 - (d) Require multinational corporations and international financial organizations to act transparently in the public good, and hold them accountable for the consequences of their activities.

- (11) Affirm gender equality and equity as prerequisites to sustainable development and ensure universal access to education, health care, and economic opportunity.
 - (a) Secure the human rights of women and girls and end all violence against them.
 - (b) Promote the active participation of women in all aspects of economic, political, civil, social, and cultural life as full and equal partners, decision makers, leaders, and beneficiaries.
 - (c) Strengthen families and ensure the safety and loving nurture of all family members.

- (12) Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities.
 - (a) Eliminate discrimination in all its forms, such as that based on race, color, sex, sexual orientation, religion, language, and national, ethnic or social origin.
 - (b) Affirm the right of indigenous peoples to their spirituality, knowledge, lands and resources and to their related practice of sustainable livelihoods.

- (c) Honor and support the young people of our communities, enabling them to fulfill their essential role in creating sustainable societies.
- (d) Protect and restore outstanding places of cultural and spiritual significance.

IV. Democracy, Non-violence, and Peace

- (13) Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice.
 - (a) Uphold the right of everyone to receive clear and timely information on environmental matters and all development plans and activities which are likely to affect them or in which they have an interest.
 - (b) Support local, regional and global civil society, and promote the meaningful participation of all interested individuals and organizations in decision making.
 - (c) Protect the rights to freedom of opinion, expression, peaceful assembly, association, and dissent.
 - (d) Institute effective and efficient access to administrative and independent judicial procedures, including remedies and redress for environmental harm and the threat of such harm.
 - (e) Eliminate corruption in all public and private institutions.
 - (f) Strengthen local communities, enabling them to care for their environments, and assign environmental responsibilities to the levels of government where they can be carried out most effectively.
- (14) Integrate into formal education and life-long learning the knowledge, values, and skills needed for a sustainable way of life.
 - (a) Provide all, especially children and youth, with educational opportunities that empower them to contribute actively to sustainable development.
 - (b) Promote the contribution of the arts and humanities as well as the sciences in sustainability education.

- (c) Enhance the role of the mass media in raising awareness of ecological and social challenges.
 - (d) Recognize the importance of moral and spiritual education for sustainable living.
- (15) Treat all living beings with respect and consideration.
- (a) Prevent cruelty to animals kept in human societies and protect them from suffering.
 - (b) Protect wild animals from methods of hunting, trapping, and fishing that cause extreme, prolonged, or avoidable suffering.
 - (c) Avoid or eliminate to the full extent possible the taking or destruction of non-targeted species.
- (16) Promote a culture of tolerance, non-violence, and peace.
- (a) Encourage and support mutual understanding, solidarity, and cooperation among all peoples and within and among nations.
 - (b) Implement comprehensive strategies to prevent violent conflict and use collaborative problem solving to manage and resolve environmental conflicts and other disputes.
 - (c) Demilitarize national security systems to the level of a non-provocative defense posture, and convert military resources to peaceful purposes, including ecological restoration.
 - (d) Eliminate nuclear, biological, and toxic weapons and other weapons of mass destruction.
 - (e) Ensure that the use of orbital and outer space supports environmental protection and peace.
 - (f) Recognize that peace is the wholeness created by right relationships with oneself, other persons, other cultures, other life, Earth, and the larger whole of which all are a part.

The Way Forward

As never before in history, common destiny beckons us to seek a new beginning. Such renewal is the promise of these Earth Charter principles. To fulfill this promise, we must commit ourselves to adopt and promote the values and objectives of the Charter.

This requires a change of mind and heart. It requires a new sense of global interdependence and universal responsibility. We must imaginatively develop and apply the vision of a sustainable way of life locally, nationally, regionally, and globally. Our cultural diversity is a precious heritage and different cultures will find their own distinctive ways to realize the vision. We must deepen and expand the global dialogue that generated the Earth Charter, for we have much to learn from the ongoing collaborative search for truth and wisdom.

Life often involves tensions between important values. This can mean difficult choices. However, we must find ways to harmonize diversity with unity, the exercise of freedom with the common good, short-term objectives with long-term goals. Every individual, family, organization, and community has a vital role to play. The arts, sciences, religions, educational institutions, media, businesses, nongovernmental organizations, and governments are all called to offer creative leadership. The partnership of government, civil society, and business is essential for effective governance.

In order to build a sustainable global community, the nations of the world must renew their commitment to the United Nations, fulfill their obligations under existing international agreements, and support the implementation of Earth Charter principles with an international legally binding instrument on environment and development.

Let ours be a time remembered for the awakening of a new reverence for life, the firm resolve to achieve sustainability, the quickening of the struggle for justice and peace, and the joyful celebration of life.

ATTACHMENT NO. 4 [Notice of Motion J(17)]

Report dated September 26, 2002, from the Commissioner of Works and Emergency Services, entitled "Crossing Agreement between Canadian Pacific Railway Company and the City of Toronto for the at grade crossing of the Fibreglas Spur on McNicoll Avenue, west of Markham Road due to the proposed McNicoll Avenue Reconstruction Project, Ward 41 - Scarborough - Rouge River" (See Minute No. 7.76, Page 108):

Purpose:

The purpose of this report is to obtain approval to execute an agreement between Canadian Pacific Railway Company and the City of Toronto for the at grade crossing of the Fibreglas Spur on McNicoll Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) authority be granted to the Commissioner of Works and Emergency Services and the City Solicitor to proceed with the execution of an agreement between Canadian Pacific Railway Company and the City of Toronto for the McNicoll Avenue at grade crossing of the track at Mileage 0.83, Fibreglas Spur, Mileage 179.50, Havelock Subdivision; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The reconstruction of McNicoll Avenue between Middlefield Road and Markham Road, contract No. 02D4-013, Tender Call 233-2002 is part of the 2002 Transportation Capital Works Program. This program was approved by City Council at the meetings of March 4-8, 2002 as contained in the Policy and Finance Committee Report No. 3, Clause No. 1.

There is a Canadian Pacific Railway at grade, spur line on McNicoll Avenue within the limits of the reconstruction, located west of Markham Road. McNicoll Avenue crosses the track of the railway at mileage 0.83, Fibreglas Spur, at mileage 179.50 on the Havelock Subdivision. There is an existing agreement between Canadian Pacific

Railway and the former City of Scarborough dated July 13, 1983, which is currently governing this crossing.

The proposed reconstruction of McNicoll Avenue includes a widening of the pavement width from 12.8 metres to 15 metres. As a result of this work, Canadian Pacific Railway has requested that the City of Toronto enter into a revised agreement to cover the reconstruction work.

Comments:

This contract, No. 02D4-016RD, has been tendered and awarded with construction scheduled to start the week of September 30, 2002.

The proposed agreement between Canadian Pacific Railway and the City of Toronto covering the reconstruction project was circulated to the City's Legal Department for their review and comments. Their revisions have been incorporated into the attached proposed agreement.

Conclusions:

Staff are recommending that the proposed agreement between Canadian Pacific Railway and the City of Toronto, dated September 25, 2002 be executed to allow the McNicoll Avenue reconstruction project proceed within the limits of the railway property.

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List of Attachments:

Draft agreement between Canadian Pacific Railway and City of Toronto, dated September 25, 2002.

(A copy of the attachment to the foregoing report is on file in the office of the City Clerk.)

ATTACHMENT NO. 5 [Notice of Motion J(18)]

Report dated September 16, 2002, from the Commissioner of Community and Neighbourhood Services, addressed to the Tenant Defence Sub-Committee, entitled “Submission by the Advocacy Centre for Tenants Ontario to the Ontario Ombudsman” (See Minute No. 7.77, Page 110):

Purpose:

To provide an overview of the Advocacy Centre for Tenants Ontario’s submission to the Ontario Ombudsman regarding their concerns about the failure of the Tenant Protection Act and the Ontario Rental Housing Tribunal to meet Ombudsman Fairness Standards.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that:

- (1) City Council endorse the recommendations presented by the Advocacy Centre for Tenants Ontario (ACTO) in its submission to the Ontario Ombudsman; and
- (2) City Council write to the Ontario Ombudsman supporting ACTO’s request that the Ontario Ombudsman take steps to introduce greater fairness into the Tenant Protection Act rules for rent regulation and the rules, practices and procedures governing the dispute resolution process of the Tribunal.

Background:

On June 20, 2002, the Advocacy Centre for Tenants Ontario (ACTO) presented a submission to the Ontario Ombudsman requesting that the Ombudsman undertake an investigation of the fairness of the practices and procedures of the Ontario Rental Housing Tribunal pursuant to the Tenant Protection Act (TPA). ACTO indicates that government agencies are mandated to perform within a standard of fairness and the Ombudsman is empowered to investigate the practices of government agencies and to make recommendations where an act or omission appears to have been unreasonable, unjust, oppressive or improperly discriminatory. In ACTO’s view, certain provisions in the TPA and the procedures of the Housing Tribunal do not meet the Fairness Standards of the Ombudsman. The Ombudsman was asked to

recommend amendments of the TPA and regulations to the Ontario Government to address the issues related to eviction proceedings and rent increase rules for temporary increases in utility cost.

This report provides a brief overview of ACTO's submission and recommendations that the Ombudsman was requested to make to the Government.

Comments:

A. Overview of the key issues

The following section provides an overview of the key TPA issues raised in the ACTO submission that were believed to be inconsistent with the Ombudsman Fairness Standards.

(1) Eviction process concerning application, hearing and disposition

ACTO submits that certain aspects of the current eviction process places tenants in an unfair and disadvantaged position. Specifically, the submission maintains that:

- (a) Tenants are not afforded a fair opportunity to have a hearing before eviction. The TPA requires that a tenant must file a written dispute to an eviction application delivered by the landlord within five calendar days in order to have a hearing, otherwise the tenant will be evicted by a default order issued by the Tribunal. However, many tenants do not understand the process, do not have the language or literacy skills, or cannot meet the deadline to file a dispute. As a result of the short dispute deadline, since the Tribunal was established, 58 percent of tenants (118,000 tenants) facing an eviction application in the province were evicted without a hearing.
- (b) This five-day default deadline is unique in Ontario legislation and creates a barrier to the Tribunal's administrative justice process and is inconsistent with the accessible, barrier-free adjudicative process recognized by the Ombudsman Fairness Standards. Further, the default process does not afford an opportunity for review of all relevant facts, to hear the tenant's side of the dispute and to respond to the facts based on the landlord's application.
- (c) There is no opportunity for mediation to resolve eviction applications if the tenant fails to file a written dispute within the five-day period. In 50 percent of the evictions, the amount of rent owing is less

than \$727. The relatively low debt level should provide an opportunity to seek solutions other than eviction. However, unless a tenant is able to get a written dispute to the Tribunal within five days, the Tribunal will not provide assistance in negotiating a settlement that would allow the tenant to retain their homes.

- (d) Even for those applications which the tenants have disputed, the rate of settlement through mediation assistance was less than 9 percent. Several reasons may account for the low rate: many tenants facing eviction are not aware that mediation is available as the Notice of Hearing does not include the information; mediation is only offered on the same day as the hearing and tenants only learn about it when they are approached by a mediator before the scheduled hearing time. This does not allow enough time for both parties to explore a range of settlement options; and tenants are often confused with the role of mediator from the adjudicator and are not represented by a legal counsel.
- (e) The Tribunal Notice of Hearing fails to provide clear and understandable notice to tenants facing eviction. The previous Notice of Hearing form put the date and place of hearing more prominently than the requirement to file a written dispute within 5 days to trigger the hearing. Some tenants were misled into assuming that the hearing would take place on the date indicated and did not understand the requirement for a written dispute. While the new Notice form is considerably improved, the title "Notice of Hearing" remains confusing, because no hearing will actually take place if the tenant is unable to respond in writing within five days. The Notice form would be better renamed as Notice of Eviction Application and advise tenants of the requirement for a written dispute.
- (f) The Tribunal is not required to deliver the Notice of Hearing to tenant respondents. Under the TPA, the landlord is responsible for delivering notice to the tenant whom the landlord is evicting. This is contrary to the rules of most other tribunals in Ontario. While there is no research data establishing that landlords do not properly serve tenant notice, the high default rate suggests that a percentage of tenants do not receive the notice at all or only at the end of the five-day dispute period.
- (g) The Tribunal application fees create barriers to justice for low income tenants. Under the TPA, an eviction order for rent arrears can be discontinued if the tenant pays the rent owing and the landlord's application fee prior to an order becoming enforceable. Tenants have

to reimburse landlords for these fees to avoid eviction. The recent increase of the application fee from \$60 to \$150 makes it even harder for tenants to find necessary funds to retain their housing.

- (2) Process for restoring a wrongfully evicted tenant to possession of the rental unit

When a tenant has been wrongfully locked out of his/her housing, the Tribunal can order a landlord to allow the tenant to recover possession, but only if it is satisfied that the unit has remained vacant. Therefore it is vital that a tenant be in a position to bring an emergency lock-out application. A delay may give the landlord an opportunity to re-rent the unit. The ACTO submission maintains that despite the urgency of these situations, the Tribunal has failed to establish a straightforward, understandable process that tenants can follow to be able to get back into their housing. There is a lack of plain language information materials that guide this application process, nor is there a specific application form for this purpose.

- (3) Rent increases based on one-time utility cost increases

The TPA allows landlords to raise rents above the guideline increase when there has been an extraordinary increase in utility costs for a residential complex. An “extraordinary” increase is defined to be any increase greater than the percentage increase set out in the related regulation each year. The legislation contains no provision for a tenant to apply for a rent reduction on the basis of decreased utility costs experienced by the landlord. ACTO submits that this rent increase provision of the TPA is unreasonable and unjust within the meaning of the Ombudsman Act, because the rules allow landlords to collect excessive rents, far above and beyond what is necessary to cover actual expenses, particularly when prices subsequently fall and the landlord is no longer experiencing the cost increase.

B. Recommendations of the Submission

The ACTO submission asked the Ombudsman to consider recommending statutory and procedural reforms to the Ontario Government based on the submission recommendations to address the issues that were documented. The recommendations are divided into two groups: those changes the Government and the Tribunal could make without legislative amendments and those changes which would require legislative amendments.

- (1) Changes without requiring legislative amendments

The following is a summary of the major changes recommended in the submission which would not require legislative amendments to the TPA and related regulations:

- (a) The Tribunal should design a new Notice of Eviction Application.
- (b) The Tribunal should be responsible to mail the new Notice of Eviction Application to tenant respondents.
- (c) The Tribunal should develop information materials to assist tenants by making its procedures clear and understandable, including information on the process for defending an eviction application and how to make an emergency application to regain lawful possession of housing.
- (d) The Tribunal should establish a transparent and accessible process for tenants who have been wrongfully locked out of housing.
- (e) The Tribunal should offer mediation in advance of the hearing date in disputed eviction applications.
- (f) The Tribunal should reduce the fee for eviction application, or amend the legislation so that the tenant is not required to pay the landlord's application fees.

(2) Changes that require legislative amendments

The following are the recommended changes that would require legislative amendments:

- (a) Removal of the default eviction process.
- (b) Removal of the requirement to file a written dispute to have a hearing for an eviction application.
- (c) Repeal of the provision under the TPA allowing above-guideline rent increases for increase in utility cost, or introduction of a mechanism to roll back rents when costs are no longer borne.

C. Next steps for the City

The ACTO submission has raised a number of important issues that tenants are facing in the City. Given that tenants represent 52 percent of Toronto's population, the City has developed a range of programs to assist tenants. These include initiatives such as the Tenant Defence Fund which supports tenants disputing above-guideline rent increase applications. Through working with and funding community-based organizations, the City has also developed programs, such as the Rent Bank Program, Shelter Fund, and the Early Intervention Program to provide assistance in eviction prevention. The ACTO recommendations are therefore consistent with City objectives. It is recommended that the City endorse the recommendations presented in the ACTO submission and support ACTO's request that the Ontario Ombudsman

take steps to introduce greater fairness into the TPA rules for rent regulation and the rules, practices and procedures governing the dispute resolution process of the Tribunal.

Conclusion:

The ACTO submission has requested the Ontario Ombudsman to investigate issues of unfair practices and processes in the TPA and the dispute resolution process at the Tribunal that involve three key areas: eviction process, process for restoring possession for wrongfully evicted tenants, and above-guideline rent increases based on temporary utility cost increases. The submission also provides a number of recommendations for the Ombudsman to consider introducing greater fairness into the TPA rules for rent regulation and the rules, practices and procedures governing the dispute resolution process of the Tribunal. It is recommended that the City support ACTO's recommendations as they are consistent with City objectives to assist tenants in preventing eviction and disputing above-guideline rent increases.

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