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These Minutes were confirmed by City Council on February 4, 2003.

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

**TUESDAY, NOVEMBER 26, 2002,  
WEDNESDAY, NOVEMBER 27, 2002,  
THURSDAY, NOVEMBER 28, 2002, AND  
A SPECIAL MEETING HELD ON  
THURSDAY, NOVEMBER 28, 2002, AND  
FRIDAY, NOVEMBER 29, 2002**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

9.2 **CONFIRMATION OF MINUTES**

Councillor Shiner, seconded by Councillor Augimeri, moved that the Minutes of the Council meeting held on the 29, 30 and 31st days of October, 2002, be confirmed in the form supplied to the Members, which carried.

9.3 **ENQUIRY AND ANSWER**

Council had before it the following regarding the investigation by the Ontario Provincial Police into the alleged contravention of the Ontario Municipal Elections Act:

- (1) Enquiry dated October 21, 2002, from Councillor Walker (See Attachment No. 1, Page 226); and
- (2) Answer to the foregoing Enquiry dated October 24, 2002, from Mayor Lastman (See Attachment No. 2, Page 227).

*Disposition:*

The foregoing Enquiry, together with the Answer thereto, was received.

## **PRESENTATION OF REPORTS**

### **November 26, 2002:**

9.4 Councillor Jones presented the following Reports for consideration by Council:

#### Deferred Clauses:

Report No. 14 of The Policy and Finance Committee, Clauses Nos. 4a, 8a, 12a and 16a,  
Report No. 13 of The Administration Committee, Clause No. 23a,  
Report No. 9 of The Community Services Committee, Clauses Nos. 9a and 10a,  
Report No. 9 of The Economic Development and Parks Committee, Clauses Nos. 2a and 11a, and  
Report No. 11 of The Toronto East York Community Council, Clause No. 23a.

#### New Reports:

Report No. 15 of The Policy and Finance Committee,  
Joint Report No. 3 of The Policy and Finance Committee and The Works Committee,  
Report No. 12 of The Works Committee,  
Report No. 13 of The Works Committee,  
Report No. 14 of The Administration Committee,  
Report No. 10 of The Community Services Committee,  
Report No. 10 of The Economic Development and Parks Committee,  
Report No. 13 of The Planning and Transportation Committee,  
Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee,  
Report No. 12 of The Toronto East York Community Council,  
Report No. 13 of The Etobicoke Community Council,  
Report No. 13 of The Humber York Community Council,  
Report No. 9 of The Midtown Community Council,  
Report No. 12 of The North York Community Council,  
Report No. 10 of The Scarborough Community Council, and  
Report No. 6 of The Board of Health,

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

9.5 Councillor Jones, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 9 of The Audit Committee,

and moved, seconded by Councillor Flint, 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.

**November 28, 2002:**

- 9.6 Councillor Jones, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 8 of The Striking Committee,

and moved, seconded by Councillor Augimeri, 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.

9.7 **DECLARATIONS OF INTEREST**

Councillor Altobello declared his interest in Motion J(35), moved by Councillor Moeser, seconded by Councillor Hall, respecting the OMB Hearing regarding 76 Brumwell Street, in that his family owns property in the area.

Councillor Ashton declared his interest in Clause No. 23a of Report No. 13 of The Administration Committee, headed "Toronto Fire Department Superannuation and Benefit Fund Actuarial Valuation Results as of December 31, 2001", in that his father-in-law is a member of the Fund.

Councillor Balkissoon declared his interest in Item (f), entitled "Toronto Public Library – Review of Year-End Spending, Fleet Maintenance, Use of Consultants and Budgets for Maintenance and Repairs – Implementation Plan For Recommendations Contained in The City Auditor's Report (April 9, 2002)", as embodied in Clause No. 7 of Report No. 9 of The Audit Committee, headed "Other Items Considered by the Committee", in that his wife is an employee of the Toronto Public Library.

Councillor Disero declared her interest in Clause No. 33 of Report No. 15 of The Policy and Finance Committee, headed "Toronto Port Authority 2001 and 2002 Recommended Capital Budgets", and in Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and Economic Development and Parks Committee, headed "Toronto City Centre Airport", in that she is one of the parties named in a litigation matter related to the Toronto Port Authority.

Councillor Feldman declared his interest in Motion J(7), moved by Councillor Flint, seconded by Councillor Miller, regarding the inclusion of Hogg's Hollow and Warren Park Ravine in the Ravine By-law, in that he lives within the subject area.

Councillor Korwin-Kuczynski declared his interest in Clause No. 17 of Report No. 13 of The Humber York Community Council, headed "Howard Park Avenue at Indian Grove - Installation of Eastbound and Westbound 'Stop' Signs (Parkdale-High Park, Ward 14)", in that he lives within the subject area.

Mayor Lastman declared his interest in Clause No. 15 of Report No. 10 of The Economic Development and Parks Committee, headed "2003 Business Improvement Area Operating Budgets: Report No. 1 (All Wards)", in that his son is a member of the Kennedy Road Business Improvement Area; and in Clause No. 22 of Report No. 12 of The North York Community Council, headed "Final Report – Applications to Amend the Official Plan and Zoning By-law and Draft Plan of Subdivision – UDOZ-00-02 and UDSB 1247 - Canadian Tire Corporation Ltd. - 1015 to 1181 Sheppard Avenue East - Ward 24 - Willowdale", in that his son is employed by the same law firm as one of the lawyers representing an interested party on this issue.

Councillor Mammoliti declared his interest in Clause No. 17 of Report No. 10 of The Economic Development and Parks Committee, headed "Donation of Community Waterplay Area at Fennimore Park (Ward 7 York West)", in that his family owns property within the subject area.

Councillor McConnell declared her interest in Clause No. 16 of Report No. 15 of The Policy and Finance Committee, headed "Ongoing City Administration of Provincial Funding and Funding Approvals for the Supports to Daily Living Program, the Community Partners Program and the Redirection of Emergency Hostel Funding Initiative - 2003", in that her spouse is an employee of one of the granted agencies.

Councillor Miller declared his interest in Clause No. 13 of Report No. 14 of The Administration Committee, headed "Carpark No. 164: 453 Spadina Road at Thelma Avenue, Toronto Parking Authority Sale to First Spadina Inc. (Ward 22 - St. Paul's)", in that his wife owns an apartment within the subject area; and in Clause No. 8 of Report No. 13 of The Humber York Community Council, headed "(1) Proposed Development at 66, 68 and 74 Quebec Avenue; and (2) Preliminary Report on 20 Gothic Avenue; Application to Amend the Official Plan and Zoning By-law to Permit an 8-storey Residential Building and 25 Townhouses (Parkdale-High Park, Ward 13)", in that his principal residence is within the subject area.

Councillor Nunziata declared her interest in Motion F(1), moved by Councillor Di Giorgio, seconded by Councillor Li Preti, regarding the proposed 'Super Hospital' at Keele Street and Sheppard Avenue West, in that she has a personal legal interest.

Councillor Shaw declared her interest in Item (d), entitled "Final Report - Zoning By-law

Amendment Application TF ZBL 2002 0008, McCowan Centre Inc., Northeast Corner of McCowan Road and Ellesmere Road, Progress Employment District (Ward 38 – Scarborough Centre)”, as embodied in Clause No. 21 of Report No. 10 of The Scarborough Community Council, headed “Other Items Considered by the Community Council”, in that she and her family own property in the vicinity.

Councillor Shiner declared his interest in Clause No. 48 of Report No. 12 of The Toronto East York Community Council, headed “Regeneration in The ‘Kings’: Directions and Emerging Trends (Trinity-Spadina, Ward 20; Toronto Centre-Rosedale, Ward 28)”, in that his family owns property in the immediate vicinity; and in Motion J(34), moved by Councillor Miller, seconded by Councillor Johnston, regarding the Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry, in that a solicitor named is representing a relative of his on a legal matter, not related to the Toronto Computer Leasing Inquiry.

Councillor Walker declared his interest in Clause No. 33 of Report No. 15 of The Policy and Finance Committee, headed “Toronto Port Authority 2001 and 2002 Recommended Capital Budgets”, and in Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and Economic Development and Parks Committee, headed “Toronto City Centre Airport”, in that he is one of the parties named in a litigation matter related to the Toronto Port Authority.

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

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

Report No. 14 of The Policy and Finance Committee, Clauses Nos. 4a, 8a, 12a and 16a.

Report No. 13 of The Administration Committee, Clause No. 23a.

Report No. 9 of The Community Services Committee, Clauses Nos. 9a and 10a.

Report No. 9 of The Economic Development and Parks Committee, Clauses Nos. 2a and 11a.

Report No. 11 of The Toronto East York Community Council, Clause No. 23a.

Report No. 15 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 4, 7, 12, 16, 18, 20, 22, 23, 25, 26, 32, 33 and 34.

Joint Report No. 3 of The Policy and Finance Committee and The Works Committee, Clause No. 1.

Report No. 12 of The Works Committee, Clauses Nos. 1, 2, 6, 7, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29 and 37.

Report No. 13 of The Works Committee, Clauses Nos. 1 and 4.

Report No. 14 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 22, 27, 31, 32 and 33.

Report No. 10 of The Community Services Committee, Clauses Nos. 1, 2, 5, 6, 7, 9, 10, 11 and 13.

Report No. 10 of The Economic Development and Parks Committee, Clauses Nos. 1, 3, 6, 9, 15 and 17.

Report No. 13 of The Planning and Transportation Committee, Clauses Nos. 1 and 2.

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

Report No. 12 of The Toronto East York Community Council, Clauses Nos. 5, 6, 7, 21, 41, 53 and 57.

Report No. 13 of The Humber York Community Council, Clauses Nos. 1, 8, 16, 17, 23, 26 and 40.

Report No. 9 of The Midtown Community Council, Clauses Nos. 8, 9, 20 and 21.

Report No. 12 of The North York Community Council, Clauses Nos. 23 and 28.

Report No. 10 of The Scarborough Community Council, Clauses Nos. 9, 13, 18, 19 and 20.

Report No. 9 of The Audit Committee, Clause No. 2.

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

Report No. 14 of The Policy and Finance Committee, Clause No. 4a.

Report No. 9 of The Community Services Committee, Clauses Nos. 9a.

Report No. 15 of The Policy and Finance Committee, Clauses Nos. 3, 4, 18, 20, 26, 33 and 34.

Report No. 12 of The Works Committee, Clauses Nos. 2, 15, 17, 18, 19, 20, 21, 22 and 28.

Report No. 13 of The Works Committee, Clause No. 4.

Report No. 14 of The Administration Committee, Clauses Nos. 5, 6, 11, 12, 13, 14, 15, 17, 22 and 33.

Report No. 10 of The Community Services Committee, Clauses Nos. 11 and 13.

Report No. 10 of The Economic Development and Parks Committee, Clauses Nos. 1 and 15.

Report No. 13 of The Planning and Transportation Committee, Clause No. 2.

Report No. 12 of The Toronto East York Community Council, Clause No. 6.

Report No. 13 of The Humber York Community Council, Clause No. 1.

Report No. 10 of The Scarborough Community Council, Clause No. 19.

**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.**

**9.9 Clause No. 31 of Report No. 14 of The Administration Committee, headed “Review of Toronto Parking Authority Courtesy Envelope Program”.**

*Motion:*

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

“It is further recommended that the additional revenue from the changes to the courtesy envelope program be considered during the 2003 budget process, and the Chief Financial Officer and Treasurer and the President of the Toronto Parking Authority be requested to submit a report thereon to the next meeting of the Budget Advisory Committee scheduled to be held on December 4, 2002.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**9.10 Clause No. 41 of Report No. 12 of The Toronto East York Community Council, headed “Introduction of One-Hour Maximum Parking Limit - Givins Street, from Argyle Street to Halton Street (Trinity-Spadina, Ward 19)”.**

*Motion:*

Councillor Pantalone moved that the Clause be amended by amending the report dated October 28, 2002, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

- (1) adding to Recommendation No. (1) the words “from April 1 to November 30”, so that such recommendation shall now read as follows:

“(1) parking be permitted for a maximum period of one hour, on the east side of Givins Street, from Argyle Street to Halton Street, to operate from 8:00 a.m. to 6:00 p.m., Monday to Saturday, from the 1st day of each month to the of 15th day of each month from April 1 to November 30;” and

- (2) inserting in Recommendation No. (2), after the word “Saturday”, the words “from December 1 of one year to March 31 of the next following year, and”, so that such recommendation shall now read as follows:

“(2) parking be permitted for a maximum period of one hour, on the west side of Givins Street, from Argyle Street to Halton Street, to operate from 8:00 a.m. to 6:00 p.m., Monday to Saturday, from December 1 of one year to March 31 of the next following year, and from the 16th day of each month to the last day of each month, from April 1 to November 30; and”.

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

9.11 **Clause No. 53 of Report No. 12 of The Toronto East York Community Council, headed “Requests for Endorsement of Event for Liquor Licensing Purposes”.**

*Motion:*

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

“It is further recommended that City Council, for liquor licensing purposes, declare the Economic Development, Culture and Tourism Department’s Business Recognition Reception, to be held in a heated tent at the Yonge Dundas Square (southeast corner of Yonge Street and Dundas Street East) on November 28, 2002, between 6:00 p.m. and 9:00 p.m., to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to such event taking place.”

*Votes:*

The motion by Councillor Rae carried.



The Clause, as amended, carried.

- 9.12 **Clause No. 8 of Report No. 13 of The Humber York Community Council, headed “(1) Proposed Development at 66, 68 & 74 Quebec Avenue; and (2) Preliminary Report on 20 Gothic Avenue; Application to Amend the Official Plan and Zoning By-law to Permit an 8-storey Residential Building and 25 Townhouses (Parkdale-High Park, Ward 13)”.**

*Motion:*

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

“It is further recommended that Council adopt the supplementary report dated November 21, 2002, from the Commissioner of Urban Development Services, embodying the following recommendation:

‘It is recommended that the City Solicitor should be directed to oppose the Official Plan and Rezoning applications for a 20-storey residential condominium at 66-74 Quebec Avenue and that staff from the City Planning Division of Urban Development Services be authorized to attend in support of that position.’ ”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.13 **Clause No. 16 of Report No. 13 of The Humber York Community Council, headed “Bloor Street West, North Side, From a Point 18.5 Metres East of Indian Grove to a Point 11 Metres Further East – Establishment of a ‘Disabled Persons’ Loading Zone’ Regulation (Parkdale-High Park, Ward 14)”.**

*Motion:*

Councillor Korwin-Kuczynski moved that the Clause be amended by adding to Recommendation No. (2) embodied in the report dated October 11, 2002, from the Director, Transportation Services, District 1, the words “to operate at all times, except from 4:00 p.m. to 6:00 p.m., Monday to Friday”, so that such recommendation shall now read as follows:

“(2) one stand for taxicabs be established on the north side of Bloor Street West, from a point 29.5 metres east of Indian Grove to a point 7 metres further east, to operate at all times, except from 4:00 p.m. to 6:00 p.m., Monday to Friday;”.

*Votes:*

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.

- 9.14 **Clause No. 17 of Report No. 13 of The Humber York Community Council, headed “Howard Park Avenue at Indian Grove - Installation of Eastbound and Westbound ‘Stop’ Signs (Parkdale-High Park, Ward 14)”.**

*Motion:*

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

“It is recommended that the ‘Stop’ signs not be installed for eastbound and westbound traffic on Howard Park Avenue at Indian Grove.”

*Votes:*

The motion by Councillor Silva carried.

The Clause, as amended, carried.

- 9.15 **Clause No. 23 of Report No. 13 of The Humber York Community Council, headed “Silverthorn Avenue, East Side, From Rogers Road to Rowntree Avenue - Request for a Standing Prohibition (Davenport, Ward 17)”.**

*Motion:*

Councillor Disero moved that the Clause be amended by striking out the word “Standing” wherever it appears in the Clause and inserting in lieu thereof the word “Stopping”.

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

- 9.16 **Clause No. 8 of Report No. 9 of The Midtown Community Council, headed “Mount Pleasant Road, West Side, Fronting Premises No. 700/730 (Briton House) - Provision of an On-Street Loading Zone for Disabled and Other Persons (St. Paul’s - Ward 22)”.**

*Motion:*

Councillor Walker moved that the Clause be amended by inserting in Recommendation No. (2) embodied in the report dated October 15, 2002, from the Director, Transportation Services, District 1, after the number “53.5”, the word “metres”, so that such recommendation shall now read as follows:

- “(2) standing be prohibited on the west side of Mount Pleasant Road, from a point 53.5 metres north of Soudan Avenue to a point 11 metres further north; and”.

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**9.17 Clause No. 9 of Report No. 9 of The Midtown Community Council, headed “Roadways in South Leaside - Reduction of the Maximum Speed Limit from 50 Kilometres to 40 Kilometres Per Hour (Don Valley West - Ward 26)”.**

*Motion:*

Councillor Flint, seconded by Councillor Mihevc, moved that the Clause be amended by amending Appendix 2 to the report dated October 17, 2002, from the Director, Transportation Services, District 1, as follows:

- (1) in the column entitled “Road”:
  - (a) by deleting the words “Bernie Crescent” (3rd line), and inserting in lieu thereof the words “Berney Crescent”; and
  - (a) by deleting the words “Heath Street East” (11th line), and inserting in lieu thereof the words “Heath Road”;
- (2) in the column entitled “From”, by deleting the words “Millwood Road” (16th line), and inserting in lieu thereof the words “Millwood Road”; and
- (3) in the column entitled “To”:
  - (a) by deleting the first appearance of the words “Dead End” (3rd line), and inserting in lieu thereof the words “Northern Dead End of Berney Crescent”;
  - (b) by deleting the second appearance of the words “Dead End” (15th line), and inserting in lieu thereof the words “Southern Dead End of Leadale Avenue”; and

- (c) by deleting the words “Bessborough Road” (27th line), and inserting in lieu thereof the words “Bessborough Drive”.

*Votes:*

The motion by Councillor Flint, seconded by Councillor Mihevc, carried.

The Clause, as amended, carried.

9.18 **Clause No. 23 of Report No. 12 of The North York Community Council, headed “Final Report – UD03-FW - Emery Village Secondary Plan - Finch Avenue West and Weston Road - Ward 7 – York West”.**

*Motion:*

Councillor Mammoliti moved that the Clause be amended in accordance with the supplementary report dated November 20, 2002, from the Commissioner of Urban Development Services, embodying the following recommendation:

“It is recommended that City Council amend the Emery Village Secondary Plan in accordance with the policies attached as Attachment 1.”

*Votes:*

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

*Motion to Re-Open:*

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

*Motion:*

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

“It is further recommended that Council adopt the further supplementary joint report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services, embodying the following recommendation:

‘It is recommended that, in conjunction with the review of application TB CMB 2002 0012 by Centrillium, with lands at 15-19, 21 and 23 Toryork Drive and 2340 and 2350 Finch Avenue West, Works and Emergency Services staff initiate the design of the proposed portion of the ring road section between Finch Avenue and Toryork Drive, passing through Emery Parks Yard lands.’ ”

*Votes:*

The motion by Councillor Mammoliti carried.

The Clause, as further amended, carried.

9.19 **Clause No. 28 of Report No. 12 of The North York Community Council, headed “Disposition of Surplus Property - West Side of Seneca Hill Drive - Ward 33 - Don Valley East”.**

*Motion:*

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

“It is further recommended that Council adopt the supplementary report dated November 19, 2002, from the Commissioner of Corporate Services, embodying the following recommendations:

‘It is recommended that:

- (1) the Offer to Purchase from Kojanis Incorporated, as amended, to purchase the City-owned property located on the west side of Seneca Hill Drive, north of Cobblestone Drive, in the amount of \$210,000.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
- (3) 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
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

9.20 **Clause No. 16 of Report No. 15 of The Policy and Finance Committee, headed “Ongoing City Administration of Provincial Funding and Funding Approvals for the Supports to Daily Living Program, the Community Partners Program and the Redirection of Emergency Hostel Funding Initiative - 2003”.**

*Motion:*

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

“It is further recommended that Council adopt the supplementary report dated November 19, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

‘It is recommended that:

- (1) the Commissioner of Community and Neighbourhood Services be authorized to enter into service agreements for the first quarter of 2003 and allocate funds to the community agencies listed in Appendix 1 of this report for the first quarter of 2003 up to a total of \$893,323.32 gross, \$0.00 net for the 2003 Supports to Daily Living Program;
- (2) the Commissioner of Community and Neighbourhood Services be authorized to enter into service agreements for the first quarter of 2003 and allocate funds to the community agencies listed in Appendix 2 of this report for the first quarter of 2003 up to a total of \$219,457.14 gross, \$0.00 net for the 2003 Community Partners Program;
- (3) the Commissioner of Community and Neighbourhood Services be authorized to enter into service agreements for the first quarter of 2003 and allocate funds to the agencies listed in Appendix 3 of this report up to a total of \$1,466,568.80 gross, \$293,314.00 net for the 2003 Redirection of Emergency Hostel Funding Initiative; and
- (4) 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.

9.21 **Clause No. 1 of Report No. 13 of The Planning and Transportation Committee, headed “Draft Etobicoke Centre Secondary Plan and Zoning By-law (formerly Kipling-Islington City Centre Secondary Plan)”.**

*Motion:*

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

“It is further recommended that:

- (a) Council adopt the supplementary report dated November 19, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) the draft Etobicoke Centre Secondary Plan dated August 2002, as revised by Planning and Transportation Committee at its meeting of November 4, 2002, be further revised in accordance with the changes outlined in Attachment 1;
  - (2) the draft Etobicoke Centre Secondary Plan dated August 2002, as further revised, be adopted;
  - (3) the draft Etobicoke Centre Zoning By-law, as revised by Planning and Transportation Committee at its meeting of September 9, 2002, and November 4, 2002, be further revised in accordance with the changes outlined in Attachment 2;
  - (4) the draft Etobicoke Centre Zoning By-law, as further revised, be enacted; and
  - (5) the Terms of Reference for a Community Improvement Plan for Etobicoke Centre, originally requested to be presented to Planning and Transportation Committee by staff on January 13, 2003, be presented to Etobicoke Community Council as early as possible in 2003.’; and
- (2) the supplementary report dated November 22, 2002, from the Chief Financial Officer and Treasurer, be referred to the Policy and Finance Committee for consideration.”

*Votes:*

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

**9.22 Clause No. 10 of Report No. 12 of The Works Committee, headed “Harmonized Policies and Procedures for Memorials on City Property”.**

*Motion:*

Councillor Duguid moved that consideration of the Clause be deferred to next regular meeting of City Council scheduled to be held on February 4, 2003.

*Vote:*

The motion by Councillor Duguid carried.

**9.23 Clause No. 13 of Report No. 10 of The Scarborough Community Council, headed “Request for Direction - Appeal of Minor Variance Application A175/02SC, Irene and Theodore Keroglidis, 61 Wolcott Avenue, Oakridge Community (Ward 35 – Scarborough Southwest)”.**

*Motion to Re-Open:*

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

*Vote:*

Adoption of Clause, without amendment:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 4	



Councillors: Kelly, Miller, Moeser, Shaw
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Carried by a majority of 29.

9.24 **Clause No. 37 of Report No. 12 of The Works Committee, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Moscoe moved that the Clause be received as information, subject to striking out and referring Items (c) and (n), entitled “Cost to Amend Curbside Waste Collection Contract to Include Source Separated Organics Collection in the York Community” and “Ontario Regulation No. 224/02 - Municipal Charges to Gas Companies”, respectively, back to the Works Committee for further consideration.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, was received as information.

9.25 **Clause No. 3 of Report No. 14 of The Administration Committee, headed “Revised Severance Provisions - Members of Council”.**

*Motions:*

(a) Councillor Shiner moved that the Clause be amended to provide that the amendments to the severance policy only apply in the case of the former Mayor of Scarborough.

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

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on the issue of death benefits versus severance.”

*Votes:*

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Ashton carried.

The Clause, as amended, carried.

9.26 **Clause No. 8a of Report No. 14 of The Policy and Finance Committee, headed “Toronto Police Service - 2001 Annual Report”.**

*Motion:*

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

“It is further recommended that the Toronto Police Services Board be urged to submit a report to the Policy and Finance Committee, by March 31, 2003, on anti-racist initiatives.”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.27 **Clause No. 23a of Report No. 13 of The Administration Committee, headed “Toronto Fire Department Superannuation and Benefit Fund Actuarial Valuation Results as of December 31, 2001”.**

*Motion:*

Councillor Walker moved that the Clause be amended by striking out and referring the following Recommendation No. (2) of the Administration Committee back to the Administration Committee for further consideration; such recommendation to also be forwarded to the Toronto Fire Department Superannuation and Benefit Fund Committee, the Board of Trustees of the Metropolitan Toronto Pension Plan, the Board of Trustees of the Metropolitan Toronto Police Benefit Fund, the Metropolitan Toronto Police Benefit Fund Committee, the Toronto Civic Employees’ Pension and Benefit Fund Committee and the York Employees’ Pension and Benefit Fund Committee:

“(2) that, as part of the 2003 workplan, the Chief Financial Officer and Treasurer (Director of Pension, Payroll and Employee Benefits), be requested to issue a Request for Proposal for legal and actuarial assistance to evaluate the amalgamation of pension plans under the administration of the City of Toronto and, after consultation with the appropriate stakeholders, report back to the Administration Committee in 2003 on options available to the City with respect to the administration of these plans.”

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

9.28 **Clause No. 12a of Report No. 14 of The Policy and Finance Committee, headed “Enhancement of the City of Toronto’s Art Collection (All Wards)”.**

*Motions:*

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

“It is further recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism be requested to review the Terms of Reference of the Skydome Public Art Reserve Fund, with a view to transferring a portion of the fund to the Art Collection Reserve Fund, and, should this not be possible, suggest ways to amend the terms of reference of the Skydome Public Art Reserve Fund, in order that a portion of the fund can be transferred to the Art Collection Reserve Fund without contravening the purpose of the funds; and
- (2) in developing the percentage of contributions for art policies under the Official Plan, a small surcharge as a contribution to the Art Collection Reserve Fund be considered, and the Chief Financial Officer and Treasurer be requested to submit a report thereon to the Planning and Transportation Committee and the Economic Development and Parks Committee.”

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

“It is further recommended that the Skydome Public art Reserve Fund be maintained for art in the waterfront area and the fund be considered by the Harbourfront Parks Steering Committee as part of its mandate in the harbourfront area and its vicinity.”

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on a public art strategy that enhances funding opportunities and private sector collaboration.”

Councillor Lindsay Luby in the Chair.

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

“It is further recommended that City Council endorse the inclusion of \$100,000.00 in the City of Toronto Operating Budget each year, commencing in 2003, such funds to

be dedicated for the Art Collection Reserve Fund, and this recommendation be forwarded to the Budget Advisory Committee for consideration with the 2003 Operating Budget.”

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on initiatives to encourage the citizens of the City of Toronto to donate works of art to the City.”

*Permission to Withdraw Motions:*

Councillor Moscoe, with the permission of Council, withdrew Part (1) of his motion (a).

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

*Votes:*

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

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Fillion, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Soknacki, Tziretas, Walker
No - 7	
Councillors:	Ashton, Ford, Holyday, Milczyn, Minnan-Wong, Nunziata, Shiner

Carried by a majority of 20.

Motion (c) by Councillor Ashton carried.

Adoption of motion (d) by Councillor Walker:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Fillion, Flint, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 5	

Councillors: Ford, Hall, Holyday, Korwin-Kuczynski, Nunziata
--

Carried by a majority of 24.

Motion (e) by Councillor Korwin-Kuczynski carried.

Adoption of Clause, as amended:

Yes - 33	Mayor: Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 3	Councillors: Ford, Holyday, Nunziata

Carried by a majority of 30.

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

“It is further recommended that:

- (1) City Council endorse the inclusion of \$100,000.00 in the City of Toronto Operating Budget each year, commencing in 2003, such funds to be dedicated for the Art Collection Reserve Fund, and this recommendation be forwarded to the Budget Advisory Committee for consideration with the 2003 Operating Budget;
- (2) in developing the percentage of contributions for art policies under the Official Plan, a small surcharge as a contribution to the Art Collection Reserve Fund be considered, and the Chief Financial Officer and Treasurer be requested to submit a report thereon to the Planning and Transportation Committee and the Economic Development and Parks Committee; and
- (3) the Commissioner of Economic Development, Culture and Tourism be requested to submit reports to the Economic Development and Parks Committee on:
  - (a) a public art strategy that enhances funding opportunities and private sector collaboration; and
  - (b) initiatives to encourage the citizens of the City of Toronto to donate

works of art to the City.”

Deputy Mayor Ootes in the Chair.

9.29 **Clause No. 2 of Report No. 14 of The Administration Committee, headed “New Municipal Act 2003, Adjustment to Elected Officials Salary, Pension and Benefits”.**

*Motion:*

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

“It is further recommended that:

- (1) Council adopt the report dated November 25, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendation:

‘It is recommended that staff be authorized to continue discussions with the Province related to the transition rules per the recent amendments to the Municipal Act.’; and

- (2) Council adopt the confidential report dated November 25, 2002, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

‘It is recommended that:

- (1) Council authorize appropriate City staff to approach staff of the Ministry of Municipal Affairs and Housing, and, if necessary, the Minister, to request amendments to the Municipal Act, 2001, to rectify the shortcomings/omissions in the wording of that Act, and the existing Municipal Act, as described in this report; and
- (2) Council receive, for information, the part of this report describing the age-69 pension issues.’ ”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.30 **Clause No. 6 of Report No. 10 of The Economic Development and Parks Committee, headed “West Toronto Railpath Project (Ward 14 Parkdale-High Park, Ward 18 Davenport and Ward 19 Trinity-Spadina)”.**

*Motions:*

- (a) Councillor Korwin-Kuczynski moved that the Clause be amended by deleting from the Recommendation embodied in the report dated October 15, 2002, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “in a timely manner”, and inserting in lieu thereof the words “and report back to the Economic Development and Parks Committee, in three months, on the progress made”.
- (b) Councillor Miller moved that motion (a) by Councillor Korwin-Kuczynski be amended by adding thereto the words “such report to also include the history of the project prior to amalgamation”.

*Votes:*

Motion (b) by Councillor Miller carried.

Motion (a) by Councillor Korwin-Kuczynski carried, as amended.

The Clause, as amended, carried.

In summary, Council amended the Clause by deleting from the Recommendation embodied in the report dated October 15, 2002, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “in a timely manner”, and inserting in lieu thereof the words “and report back to the Economic Development and Parks Committee, in three months, on the progress made, such report to also include the history of the project prior to amalgamation”, so that such recommendation shall now read as follows:

“It is recommended that City staff be authorized to develop a working relationship, on terms agreeable to the Commissioner of Economic Development, Culture and Tourism, with the West Toronto Railpath group to further the implementation of this trail project and report back to the Economic Development and Parks Committee, in three months, on the progress made, such report to also include the history of the project prior to amalgamation.”

9.31 **Clause No. 2 of Report No. 15 of The Policy and Finance Committee, headed “Municipal Act, 2001 Implementation”.**

*Motion:*

Councillor Shiner moved that the Clause be amended by deleting the following phrase from the recommendation of the Policy and Finance Committee and referring such phrase to the Chief Administrative Officer for further consideration, in consultation with the City Solicitor and the City Clerk, and report thereon to the Policy and Finance Committee by February 2003:

“subject to amending Recommendation No. (1) to stipulate that the minimum notice requirement as defined in the Municipal Code Chapter 162 be provided only through the Corporate Web site and that notice be placed in the appropriate newspaper as required to give effect, and that the draft by-law be amended accordingly”,

so that the recommendation of the Policy and Finance Committee shall now read as follows:

“The Policy and Finance Committee recommends the adoption of the report (October 30, 2002) from the Chief Administrative Officer.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

9.32 **Clause No. 6 of Report No. 12 of The Works Committee, headed “Environment Canada’s Proposed Risk Management Strategy Addressing Ammonia, Inorganic Chloramines, and Chlorinated Wastewater Effluents Under the Canadian Environmental Protection Act (CEPA) 1999”.**

*Motion:*

Councillor Balkissoon, seconded by Councillor Duguid, moved that the Clause be amended by adding thereto the following:

“It is further recommended that Council adopt the following Motion:

**Moved by: Councillor Balkissoon**

**Seconded by: Councillor Duguid**

‘**WHEREAS** the City of Toronto’s Works Committee at its meeting held on Wednesday, November 6, 2002, had before it a report from the Commissioner of Works and Emergency Services concerning Environment Canada’s proposed Risk Management Strategy addressing Ammonia, Inorganic Chloramines and Chlorinated Wastewater Effluents under the Canadian Environmental Protection Act (CEPA) 1999 (Clause 6, Report No. 12 of the Works Committee); and

**WHEREAS** the report outlines the Works and Emergency Services Department’s position concerning the proposed Strategy and recommended an official adoption of this position by the City of Toronto; and

**WHEREAS** the Committee also recommended adoption of the following motion in relation to the Report:

“The Chair of Works Committee be authorized to arrange a meeting in Ottawa with the Federal Environment Minister and interested members of Works Committee and Chairs/Councillors of Works Committees from GTA and surrounding regions who share Toronto’s concern.”; and



**WHEREAS** the Committee referred Recommendations Nos. (2) and (3) back to the Commissioner of Works and Emergency Services to prepare a Resolution for submission directly to Council for its meeting on November 26, 2002, strengthening the City of Toronto's position to convey to the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) on the urgency of this matter; and

**WHEREAS** given the similar concerns expressed by other municipalities that operate sewage treatment facilities, the topic may be worthwhile considering as an agenda item at an upcoming FCM and AMO Board meeting. A unified position by the municipalities would be more supportable in obtaining federal funding and/or a longer phase in period for addressing these pollutants;

**NOW THEREFORE BE IT RESOLVED THAT** City Council hereby advise FCM and AMO of its position concerning the proposed Environment Canada's Risk Management Strategy Addressing Ammonia, Inorganic Chloramines and Chlorinated Wastewater Effluents under CEPA 1999, as outlined in the report, and ask for their support in pursuing the Federal Environment Minister to consider the concerns of municipalities before adoption of the proposed risk management strategy.' ”

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

9.33 **Clause No. 40 of Report No. 13 of The Humber York Community Council, headed “Other Items Considered by the Community Council”.**

*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 received as information, subject to amending Item (g), entitled “Poll Results – Implementation of a One-Way Southbound Traffic Operation on Brookside Avenue, from St. John’s Road to St. Mark’s Road; and a One-Way Northbound Traffic Operation on Watson Avenue, from St. Mark’s Road to St. John’s Road (Parkdale-High Park, Ward 13)”, embodied therein, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, to provide that Council adopt the report dated October 30, 2002, from the City Clerk, embodying the following recommendations:

“It is recommended that:

- (1) a one-way southbound traffic operation be implemented on Brookside Avenue, from St. John’s Road to St. Mark’s Road;
- (2) a one-way northbound traffic operation be implemented on Watson Avenue, from St. Mark’s Road to St. John’s Road; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.”

*Votes:*

The motion by Councillor Miller carried, more than two-thirds of Members present having voted in the affirmative.

The balance of the Clause was received as information.

- 9.34 **Clause No. 26 of Report No. 13 of The Humber York Community Council, headed “Eglinton Avenue West Gateway Signs; Installation of Six Illuminated Gateway Signs at Various Locations Along Eglinton Avenue West, between Bicknell Avenue and Bathurst Street (York South-Weston, Ward 12; Eglinton-Lawrence, Ward 15; Davenport, Ward 17; and St. Paul’s, Ward 21)”.**

*Motions:*

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

“It is further recommended that Council adopt the following recommendation of the Midtown Community Council embodied in the communication dated November 18, 2002, from the City Clerk, Midtown Community Council:

‘The Midtown Community Council recommends that Council approve the installation of illuminated gateway signs at the following locations in Ward 21:

- (a) Eglinton Avenue West, north side, 11 m west of Bathurst Street, 1.5 m set back of curb; and
- (b) Eglinton Avenue West, south side, just East of Allen Road;

subject to the Eglinton Hill Business Improvement Association entering into an encroachment agreement with the City of Toronto as outlined in the report (October 31, 2002) from the Manager, Right of Way Management, Transportation Services, District 1.’ ”

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to explore the feasibility of relocating the sign situated on Eglinton Avenue West, north side, 9 metres west of Miranda Avenue, to the parkette located at the southeast corner of Dufferin Street and Eglinton Avenue West.”

*Votes:*

Motion (a) by Councillor Mihevc carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

**9.35 Clause No. 1 of Joint Report No. 3 of The Policy and Finance Committee and The Works Committee, headed “Establishment of the Toronto Water Board”.***Motions:*

- (a) Councillor Jones moved that the Clause be amended by amending the joint recommendations of the Policy and Finance Committee and Works Committee by adding to Recommendation No. (7), the words “such study to include whether the committee needs to have its own purchasing by-law”.
- (b) Councillor Disero moved that the Clause be amended by adding thereto the following:  
“It is further recommended that the Chief Administrative Officer and the Commissioner of Works and Emergency Services be requested to submit a report to the Audit Committee outlining the scope for a review of the City of Toronto’s water and wastewater systems to be conducted by the Auditor General.”
- (c) Councillor Cho moved that the Clause be amended by adding thereto the following:  
“It is further recommended that the new water and wastewater committee be requested to submit a report to City Council, in two years’ time, outlining the pros and cons of this water governance model.”
- (d) Councillor Sutherland moved that the Clause be amended by striking out the joint recommendations of the Policy and Finance Committee and Works Committee and inserting in lieu thereof the following:  
“It is recommended that the report dated October 21, 2002, from the Chief Administrative Officer, as embodied in the Clause, be adopted.”
- (e) Councillor Hall moved that the Clause be amended by amending the joint recommendations of the Policy and Finance Committee and Works Committee by inserting in Recommendation No. (3), after the words “resident associations”, the words “who have expertise in the field”.
- (f) Councillor Balkissoon moved that the Clause be amended by amending the joint recommendations of the Policy and Finance Committee and Works Committee by inserting in Recommendation No. (2)(i), prior to the word “Councillors”, the word “City”, and adding thereto the words “and the Budget Advisory Committee”.
- (g) Councillor Kelly moved that:
  - (1) the Clause be struck out and referred to the Policy and Finance Committee for further consideration; or

- (2) in the event Part (1) fails, the Clause be amended by striking out joint Recommendation No. (3) of the Policy and Finance Committee and Works Committee.

*Vote on Referral:*

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

Yes - 4 Councillors: Holyday, Kelly, Shiner, Sutherland
No - 31 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Silva, Soknacki, Tziretas, Walker

Lost by a majority of 27.

*Motions:*

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

“It is further recommended that the reports being drafted by the Chief Administrative Officer, in accordance with joint Recommendations Nos. (4) and (9), which will identify the scope of the authority delegated to the committee, the necessary amendments to the City of Toronto Municipal Code, Chapter 27, Council Procedures, and the powers of the ‘Business Unit’, be developed in consultation with the Water Advocate and submitted to the Policy and Finance Committee for approval.”

Councillor Nunziata in the Chair.

- (i) Councillor Flint moved that the Clause be amended by amending the joint recommendations of the Policy and Finance Committee and Works Committee by adding to Recommendation No. (8), the words “and Council confirm its commitment to not privatize the capital stock or operation of the Toronto water/wastewater system or service”.

Deputy Mayor Ootes in the Chair.

*Votes:*

Adoption of motion (d) by Councillor Sutherland:

Yes - 4 Councillors: Ford, Holyday, Kelly, Sutherland
No - 33 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Tziretas, Walker

Lost by a majority of 29.

Motion (a) by Councillor Jones carried.

Adoption of Part (2) of motion (g) by Councillor Kelly:

Yes - 5 Councillors: Di Giorgio, Ford, Holyday, Kelly, Sutherland
No - 32 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Tziretas, Walker

Lost by a majority of 27.

Motion (e) by Councillor Hall carried.

Motion (f) by Councillor Balkissoon carried.

Adoption of motion (i) by Councillor Flint:

Yes - 34 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3 Councillors:	Ford, Holyday, Kelly

Carried by a majority of 31.

Adoption of motion (h) by Councillor Shaw:

Yes - 33 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3 Councillors:	Ford, Holyday, Kelly

Carried by a majority of 30.

Motion (b) by Councillor Disero carried.

Adoption of motion (c) by Councillor Cho:

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

Carried by a majority of 1.

Adoption of Clause, as amended:

Yes - 34 Councillors:    Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 3 Councillors:    Ford, Holyday, Kelly

Carried by a majority of 31.

In summary, Council amended this Clause by:

- (1) amending the joint recommendations of the Policy and Finance Committee and Works Committee as follows:
  - (a) inserting in Recommendation No. (2)(i), prior to the word “Councillors”, the word “City”, and adding thereto the words “and the Budget Advisory Committee”;
  - (b) inserting in Recommendation No. (3), after the words “resident associations”, the words “who have expertise in the field”;
  - (c) adding to Recommendation No. (7), the words “such study to include whether the committee needs to have its own purchasing by-law”; and
  - (d) adding to Recommendation No. (8), the words “and Council confirm its commitment to not privatize the capital stock or operation of the Toronto water/wastewater system or service”;

so that such joint recommendations, in their entirety, shall now read as follows:

“The Policy and Finance Committee and the Works Committee recommend that:

- (1) the report dated October 21, 2002, from the Chief Administrative Officer be received;
- (2) the preferred governance model be a Committee of seven Councillors reporting directly to Council having:



- (i) responsibility solely for Water and Wastewater matters and being composed of City Councillors to be drawn from those appointed to the Board of Health, the Toronto and Region Conservation Authority, the Economic Development and Parks Committee, the Planning and Transportation Committee, the Works Committee and the Water Advocate and the Budget Advisory Committee; and
  - (ii) appropriate delegated powers to award in a timely fashion capital and operating contracts within the approval capital and operating budgets to meet operational needs in the Water and Wastewater area;
- (3) the governance model include two advisory committees reporting to the Committee responsible for Water and Wastewater matters, one to be a technical advisory committee providing advice on the operational needs of the Water and Wastewater Services Division, and the other being a citizen advisory committee comprised of citizens, labour unions, environmental groups, water and sewer main construction organizations, representatives of the business and financial communities, health advocates and resident associations who have expertise in the field to provide guidance and support to the City;
- (4) the Chief Administrative Officer in consultation with the Commissioner of Works and Emergency Services and the City Solicitor report, as part of the Council Committee Structure review in April 2003, on implementation of the model referred to in Recommendation No. (2)(i) and (ii), including scope of the delegated authority, necessary amendments of Municipal Code Chapter 27, Council Procedures, and identification of staff and other resources required to support the work of the Committee;
- (5) the Water and Wastewater Services Division be afforded “Business Unit” status within the Works and Emergency Services Department consistent with the model described in the report of the Chief Administrative Officer dated May 31, 2002;
- (6) the current review of inter- and intra-departmental charges ensure that the services provided meet the special business needs of the Water and Wastewater Services Division, that the costs imposed reflect the service provided and that the review include an analysis of the interdepartmental impacts of the changes to the charges;
- (7) the City Auditor’s study on procurement, currently under way, address the special procurement needs of Water and Wastewater in the

implementation of their capital and operating programs and make recommendations on changes that would provide the appropriate delegated powers to award contracts within the approved capital and operating budgets, such study to include whether the committee needs to have its own purchasing by-law;

- (8) any contracting out be in accord with any City policies on alternative service delivery and the relevant collective agreements and Council confirm its commitment to not privatize the capital stock or operation of the Toronto water/wastewater system or service;
- (9) the Chief Administrative Officer, as part of the review scheduled for April 2003, include details of the "Business Unit", referred to in Recommendation No. (5); the review on inter- and intra-departmental charges, referred to in Recommendation No. (6); and the City Auditor's study on procurement, referred to in Recommendation No. (7);
- (10) the proposed Committee responsible for Water and Wastewater matters be requested to develop a Business Plan for submission to Council as soon as possible; and
- (11) the appropriate City officials be authorized to take the necessary action to give effect thereto, including the introduction of any necessary bills in Council."; and

- (2) adding thereto the following:

"It is further recommended that:

- (a) the reports being drafted by the Chief Administrative Officer, in accordance with joint Recommendations Nos. (4) and (9), which will identify the scope of the authority delegated to the committee, the necessary amendments to the City of Toronto Municipal Code, Chapter 27, Council Procedures, and the powers of the 'Business Unit', be developed in consultation with the Water Advocate and submitted to the Policy and Finance Committee for approval;
- (b) the new water and wastewater committee be requested to submit a report to City Council, in two years' time, outlining the pros and cons of this water governance model; and
- (c) the Chief Administrative Officer and the Commissioner of Works and Emergency Services be requested to submit a report to the Audit Committee outlining the scope for a review of the City of Toronto's water and wastewater systems to be conducted by the Auditor General."

Councillor Johnston, on November 27, 2002, requested that her support of this Clause be noted in the Minutes of this meeting.

9.36 **Clause No. 7 of Report No. 10 of The Community Services Committee, headed “Centralized Waiting List Management for Social Housing Applicants”.**

*Motion:*

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

“It is further recommended that the notification letter include the following statement in different languages:

‘Regarding your housing application, please call the Toronto Multi-lingual line.’ ”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.37 **Clause No. 9 of Report No. 10 of The Community Services Committee, headed “Mandates for Social Housing Providers”.**

*Motions:*

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

“It is further recommended that Council adopt the supplementary report dated November 20, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

‘It is recommended that:

- (1) the City assign to Performing Arts Lodge a mandate that requires it to restrict occupancy to applicant households of which at least one member meets the eligibility criteria listed on pages 2-3 of this report;
- (2) the City require Performing Arts Lodge to indemnify the City with respect to costs that the City may incur as a result of litigation related to its mandate;
- (3) all geared-to-income units in Performing Arts Lodge be filled through

the Housing Connections waiting list, in accordance with the requirements of the Social Housing Reform Act and its associated regulations; and

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

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

“It is further recommended that the Province be requested to support specialized waiting lists by legislation and regulation for housing providers with special mandates that serve ethnic, religious, senior, arts and community groups.”

*Votes:*

Motion (a) by Councillor Chow carried.

Motion (b) by Councillor Mihevc carried.

The Clause, as amended, carried.

- 9.38 **Clause No. 21 of Report No. 12 of The Toronto East York Community Council, headed “Installation of Overhead Cables - 74 Fraser Avenue, 99 Atlantic Avenue and 37 Hanna Avenue (Trinity-Spadina, Ward 19)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Pantalone moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated November 4, 2002, from the Director, Transportation Services, District 1, as embodied in the Clause.”

*Vote:*

The motion by Councillor Pantalone carried.

- 9.39 **Clause No. 5 of Report No. 12 of The Toronto East York Community Council, headed “Draft By-laws - Official Plan Amendment and Rezoning - 64 Colgate Avenue (Toronto-Danforth, Ward 30)”.**

*Motion to Re-Open:*

Councillor Layton, 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 Layton moved that the Clause be amended in accordance with the supplementary report dated November 21, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that City Council:

- (1) authorize the City Solicitor to amend Section 3 (iii) of the proposed draft Zoning By-law for 64 Colgate Avenue to read “no less than 238 parking spaces are provided on the lot, of which at least 38 are designated for visitors”; and
- (2) give no further notice pursuant to Section 34(17) of the Planning Act, as the matters referred to in Recommendation No. (1) are for clarification purposes.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

**9.40 Clause No. 16a of Report No. 14 of The Policy and Finance Committee, headed “Update on Bill 151 - The Toronto Waterfront Revitalization Corporation Act, 2001”.**

*Motion:*

Councillor Miller moved that the Clause be amended by adding to Recommendation No. (4) of the Waterfront Reference Group embodied in the communication dated October 10, 2002, from the City Clerk, as embodied in the Clause, the words “and the delegation from City Council be requested to emphasize, in such deputation, the concerns raised by the City about Conflict of Interest and open meetings, as outlined in the ‘Background’ section of the report dated October 24, 2002, from the Commissioner of Urban Development Services”, so that such recommendation shall now read as follows:

- “(4) the Mayor, Chair of the Waterfront Reference Group, the Commissioner of Urban Development Services, the Waterfront Project Director, Urban Development Services, and other appropriate staff, be requested to make a deputation before the Standing Committee considering Bill 151, and the delegation from City Council be requested to emphasize, in such deputation, the concerns raised by the City about Conflict of Interest and open meetings,

as outlined in the ‘Background’ section of the report dated October 24, 2002, from the Commissioner of Urban Development Services.”

*Votes:*

Adoption of motion by Councillor Miller:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Soknacki, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of Clause, as amended:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Soknacki, Tziretas
No - 1	
Councillor:	Walker

Carried by a majority of 25.

**9.41 Clause No. 11a of Report No. 9 of The Economic Development and Parks Committee, headed “Goose Control Program (All Wards)”.**

*Motions:*

- (a) Councillor Minnan-Wong moved that the Clause be received.
- (b) Councillor Pantalone moved that the Clause be amended by adding to Recommendation No. (1) embodied in the report dated September 27, 2002, from the Commissioner of Economic Development, Culture and Tourism, the words “and further, that \$100,000.00 of the \$195,000.00 requested be for strategic park development”.

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism, in consultation with the General Manager and Chief Executive Officer of the Toronto Zoo, be requested to work with Zoos in sister cities and other cities, with a view to relocating some of the Canadian geese to Zoos in other countries.”

*Votes:*

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

Yes - 4	
Councillors:	Holyday, Minnan-Wong, Soknacki, Sutherland
No - 27	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Silva, Tziretas, Walker

Lost by a majority of 23.

Adoption of motion (b) by Councillor Pantalone:

Yes - 10	
Councillors:	Bussin, Di Giorgio, Disero, Li Preti, McConnell, Mihevc, Miller, Pantalone, Shaw, Silva
No - 21	
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 11.

Adoption of motion (c) by Councillor Mammoliti:

Yes - 22 Councillors: Augimeri, Balkissoon, Cho, Duguid, Flint, Hall, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Shaw, Silva, Soknacki, Tziretas, Walker
No - 8 Councillors: Ashton, Bussin, Di Giorgio, Holyday, Li Preti, Minnan-Wong, Pantalone, Sutherland

Carried by a majority of 14.

The Clause, as amended, carried.

9.42 **Clause No. 2a of Report No. 9 of The Economic Development and Parks Committee, headed “Meeting Place: Toronto as a Leading Financial Centre Report to the Toronto Financial Services Alliance (TFSA) Leaders’ Forum (All Wards)”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by adding to Recommendation No. (1) embodied in the report dated September 24, 2002, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “subject to Recommendation No. (5) not being construed as support for bank mergers and further subject to adding to Recommendation V the words ‘consistent with Council’s positions from time to time’ ”.
- (b) Councillor Minnan-Wong moved that motion (a) by Councillor Moscoe be amended by inserting the words “or opposition”, after the word “support”.

*Votes:*

Motion (b) by Councillor Minnan-Wong carried.

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

The Clause, as amended, carried.

In summary, Council amended this Clause by adding to Recommendation No. (1) embodied in the report dated September 24, 2002, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause, the words “subject to Recommendation No. (5) not being construed as support or opposition for bank mergers and further subject to adding to Recommendation V the words ‘consistent with Council’s positions from time to time’ ”, so that such recommendation shall now read as follows:



“(1) City Council endorse the recommendations contained in the Toronto Financial Services Alliance’s (TFSA) September 2002 Report, (see Attachment No. 2); subject to Recommendation No. (5) not being construed as support or opposition for bank mergers and further subject to adding to Recommendation V the words ‘consistent with Council’s positions from time to time’;”.

9.43 **Clause No. 1 of Report No. 15 of The Policy and Finance Committee, headed “Implementation of Auditor General and Internal Audit Functions”.**

*Motions:*

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

“It is further recommended that the Minister of Municipal Affairs and Housing be requested to enshrine the Auditor General and his functions within Provincial legislation.”

Councillor Lindsay Luby in the Chair.

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

“It is further recommended that the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on establishing a political accountability mechanism to review and evaluate organizational and management structures and practices, in order to employ a pro-active approach to economies, efficiencies and accountability in City operations.”

- (c) Councillor Balkissoon moved that the Clause be amended in accordance with the following Motion J(1) (See Minute No. 9.76, Page 118):

**Moved by: Councillor Balkissoon**

**Seconded by: Councillor Jones**

“**WHEREAS** City Council at its meeting held on May 21, 22 and 23, 2002, adopted, as amended, Policy and Finance Committee Report No. 7, Clause No. 1, headed ‘Proposal to Establish an Independent Auditor General for the City of Toronto’, and, in so doing, approved a term of office of five years for the Auditor General; and

**WHEREAS** that decision was based upon the maximum allowable term of office under the Municipal Act; and

**WHEREAS** it has been determined that the City may appoint the Auditor General as a non-statutory official, without any restriction or maximum term; and

**WHEREAS** it would be preferable to establish a longer term of office to ensure that, in the future, the City is able to attract and retain a qualified candidate for the position; and

**WHEREAS** the original recommendation of Mr. Denis Desautels was to set a term of seven years;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 7, Clause No. 1, headed 'Proposal to Establish an Independent Auditor General for the City of Toronto', be re-opened for further consideration, only insofar as it pertains to the number of years of the term of office of the Auditor General;

**AND BE IT FURTHER RESOLVED THAT** the term of office for the Auditor General be changed to seven years; and that clause 169-30.2.B of the Draft By-law contained in Appendix 1 of the report dated November 4, 2002, from the Chief Administrative Officer, as embodied in Policy and Finance Committee Report No. 15, Clause No. 1, headed 'Implementation of Auditor General and Internal Audit Functions', be amended by deleting the number '5' and inserting in lieu thereof the number '7', so the clause shall now read:

'B. Be appointed for a non-renewable term of 7 years.'

*Ruling by Acting Chair:*

Acting Chair Lindsay Luby, having regard to the nature of motion (a) by Councillor Minnan-Wong, ruled such motion out of order.

*Votes:*

Adoption of motion (b) by Councillor Ashton:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Layton, Li Preti, Lindsay Luby, McConnell, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Silva, Soknacki, Walker
No - 0	

Carried, without dissent.

Motion (c) by Councillor Balkissoon carried.

Councillor Soknacki requested that his opposition to motion (c) by Councillor Balkissoon be noted in this Minutes of this meeting.

Adoption of Clause, as amended:

Yes - 31
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Shiner, Silva, Soknacki, Walker
No - 0

Carried, without dissent.

9.44 **Clause No. 7 of Report No. 15 of The Policy and Finance Committee, headed “2002 Write-Off Uncollectable Taxes from the Tax Collector’s Rolls”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 25
Mayor: Lastman
Councillors: Altobello, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Rae, Shiner, Walker
No - 2
Councillors: Ford, Holyday

Carried by a majority of 23.

9.45 **Clause No. 10 of Report No. 10 of The Community Services Committee, headed “Emergency Shelter and Transitional Housing Funding Through the Federal SCPI Program - Sojourn House, 101 Ontario Street”.**

*Motion:*

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

“It is further recommended that, in order to mitigate the effects of the relocation of Sojourn House beds, 50 other beds in Ward 28 be targeted for relocation outside Toronto Centre Rosedale, in the future, as part of the City of Toronto’s Shelter Strategy.”

*Votes:*

Adoption of motion by Councillor McConnell:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Rae, Shiner, Soknacki, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 26.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Rae, Shiner, Soknacki, Walker
No - 3	
Councillors:	Ford, Kelly, McConnell

Carried by a majority of 25.

9.46 **Clause No. 11 of Report No. 12 of The Works Committee, headed “Increase in Purchase Order Upset Limit for Front Street Extension Environmental Assessment and Preliminary Design Study”.**

*Motions:*

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

“It is further recommended that City Council request the Toronto Transit Commission to review the Waterfront Plan and submit a list of its priorities with respect to the Plan to the Waterfront Reference Group.”

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the costs that would be involved to reconstruct the Dufferin Bridge to allow for the extension of the Harbourfront LRT to Dufferin Street and beyond.”

*Votes:*

Motion (a) by Councillor Disero carried.

Adoption of motion (b) by Councillor Layton:

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shiner, Walker
No - 2	
Councillors:	Holyday, Moeser

Carried by a majority of 25.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

9.47 **Clause No. 3 of Report No. 10 of The Economic Development and Parks Committee, headed “State of Toronto’s Trees Given Recent Drought Conditions City-wide (All Wards)”.**

*Motion:*

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Scarborough Community Council on program performance standards for boulevard tree planting.”

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

**9.48 Clause No. 1 of Report No. 13 of The Works Committee, headed “Increase in Set Fines for Disabled Parking Offences”.***Motion:*

(a) Councillor Moscoe moved that:

- (1) consideration of the Clause be deferred to the February 4, 2003 meeting of City Council;
- (2) the Commissioner of Works and Emergency Services be requested to submit the report of the Special Police Services Board Committee on Disabled Parking Permits to Council, for consideration with this matter; and
- (3) Council also adopt the following recommendation:

“THAT the Province of Ontario be advised that the City of Toronto will not increase the set fine for disabled parking spaces, until such time as the Province takes measures to:

- (a) correct widespread abuse of disabled parking permits; and
- (b) ensure that these permits are issued only to those who are disabled.”

*Permission to Withdraw Motion:*

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

*Motions:*

(b) Councillor Moscoe, with the permission of Council, moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Commissioner of Works and Emergency Services be requested to submit the report of the Special Police Services Board Committee on Disabled Parking Permits, chaired by the late Sergeant McEwan, to the Works Committee;
- (2) the Province of Ontario be requested to:
  - (a) take measures to correct the widespread use of disabled parking permits, in order to ensure that these permits are issued only to those who are disabled; and

- (b) strengthen the criteria for the issuance of disabled parking permits; and
  - (3) the Commissioner of Works and Emergency Services be requested to monitor the fines and bring forward a report to the Works Committee in six months' time."
- (c) Councillor Ford moved that the Clause be amended by adding thereto the following:
- "It is further recommended that:
- (1) the Province of Ontario be requested to raise the set fines for unlawfully parking in disabled parking spaces to \$1,000.00; and
  - (2) disabled parking spaces be designated as 'tow-away zones'."
- (d) Councillor Mihevc moved that the Clause be amended by adding thereto the following:
- "It is further recommended that:
- (1) City Council adopt the following, in principle:
    - 'That the funds derived from the fines for offences related to parking for persons with disabilities be placed in a separate account, such account to be used for disability-related projects and that the matter be referred to the Budget Advisory Committee for consideration with the 2003 Operating Budget'; and
  - (2) the issue of abuse of the provincial Disabled Permit Parking stickers be referred to the Disabilities Issues Committee, with a request that the Committee assist Council to develop an advocacy strategy to urge the Province to develop a stricter system of issuing such stickers."
- (e) Mayor Lastman moved that the Clause be amended by adding thereto the following:
- "It is further recommended that the Province of Ontario be requested to strengthen the legislation to make it mandatory that the holder of the disabled parking permit is in the vehicle using the disabled parking space."
- (f) Councillor Johnston moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Province of Ontario be advised that City Council would support a substantial increase in set fines for Disabled Permit Parking Offences.”

*Votes:*

Motion (b) by Councillor Moscoe carried.

Adoption of motion (f) by Councillor Johnston:

Yes - 19	
Mayor:	Lastman
Councillors:	Chow, Duguid, Filion, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Rae, Shaw, Shiner
No - 15	
Councillors:	Altobello, Ashton, Bussin, Cho, Di Giorgio, Holyday, Mammoliti, Minnan-Wong, Moscoe, Nunziata, Ootes, Silva, Sutherland, Tziretas, Walker

Carried by a majority of 4.

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

Yes - 10	
Mayor:	Lastman
Councillors:	Duguid, Ford, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moeser, Nunziata, Silva
No - 23	
Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Filion, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Ootes, Rae, Shaw, Shiner, Sutherland, Tziretas, Walker

Lost by a majority of 13.



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

Yes - 24
Mayor: Lastman
Councillors: Altobello, Cho, Chow, Duguid, Filion, Ford, Hall, Johnston, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 8
Councillors: Ashton, Bussin, Di Giorgio, Holyday, Jones, Mammoliti, Miller, Moscoe

Carried by a majority of 16.

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

Yes - 22
Councillors: Altobello, Bussin, Cho, Chow, Duguid, Filion, Ford, Hall, Johnston, Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Shaw, Silva, Tziretas, Walker
No - 12
Mayor: Lastman
Councillors: Ashton, Di Giorgio, Feldman, Holyday, Kelly, Korwin-Kuczynski, Mammoliti, Minnan-Wong, Ootes, Shiner, Sutherland

Carried by a majority of 10.

Part (2) of motion (d) by Councillor Mihevc carried.

Motion (e) by Mayor Lastman carried.

Adoption of Clause, as amended:

Yes - 31
Mayor: Lastman
Councillors: Altobello, Ashton, Cho, Chow, Duguid, Feldman, Filion, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 2
Councillors: Bussin, Di Giorgio

Carried by a majority of 29.

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

“It is further recommended that:

- (1) the Province of Ontario be advised that City Council would support a substantial increase in set fines for Disabled Permit Parking Offences;
- (2) the Province of Ontario be requested to:
  - (a) take measures to correct the widespread use of disabled parking permits, in order to ensure that these permits are issued only to those who are disabled;
  - (b) strengthen the criteria for the issuance of disabled parking permits; and
  - (c) strengthen the legislation to make it mandatory that the holder of the disabled parking permit is in the vehicle using the disabled parking space;
- (3) disabled parking spaces be designated as ‘tow-away zones’;
- (4) City Council adopt the following, in principle:

‘That the funds derived from the fines for offences related to parking for persons with disabilities be placed in a separate account, such account to be used for disability-related projects and that the matter be referred to the Budget Advisory Committee for consideration with the 2003 Operating Budget’;
- (5) the issue of abuse of the provincial Disabled Permit Parking stickers be referred to the Disabilities Issues Committee, with a request that the Committee assist Council to develop an advocacy strategy to urge the Province to develop a stricter system of issuing such stickers; and
- (6) the Commissioner of Works and Emergency Services be requested to:
  - (a) submit the report of the Special Police Services Board Committee on Disabled Parking Permits, chaired by the late Sergeant McEwan, to the Works Committee; and
  - (b) monitor the fines and bring forward a report to the Works Committee in six months’ time.”

9.49 **Clause No. 16 of Report No. 12 of The Works Committee, headed “Winter Maintenance on Arterial Roads and Expressways in District 1, Winter Maintenance Depot 1, 777 Bayview Avenue - Contract No. 02D1-154TR, Tender Call No. 284-2002”.**

Councillor Nunziata in the Chair.

*Motions:*

- (a) Councillor Miller 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 review the snow clearing, salting and sanding services in the areas of the former Municipalities of North York and Scarborough, to determine if some services should be brought in-house to ensure adequate services in the periods when the contracted services are not available.”
- (b) Councillor Sutherland moved that motion (a) by Councillor Miller be amended to provide that the Commissioner of Works and Emergency Services submit a report to the Works Committee on the cost of having snow clearance contracts start earlier in the season, based on existing contracts.
- (c) Councillor Duguid moved that the Clause be amended by adding thereto the following:  
“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the adequacy of plans to handle snow clearing in early fall.”

Deputy Mayor Ootes in the Chair.

- (d) Councillor Shiner moved that motion (a) by Councillor Miller be amended by deleting the words “in the periods when the contracted services are not available”.

*Votes:*

Adoption of motion (b) by Councillor Sutherland:

Yes - 19	
Mayor:	Lastman
Councillors:	Altobello, Cho, Di Giorgio, Feldman, Hall, Kelly, Korwin-Kuczynski, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Walker
No - 13	
Councillors:	Augimeri, Chow, Duguid, Filion, Ford, Holyday, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Rae

Carried by a majority of 6.

Adoption of motion (d) by Councillor Shiner:

Yes - 12	
Mayor:	Lastman
Councillors:	Di Giorgio, Duguid, Feldman, Hall, Kelly, Lindsay Luby, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner
No - 20	
Councillors:	Altobello, Augimeri, Cho, Chow, Filion, Ford, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Rae, Shaw, Silva, Sutherland, Walker

Lost by a majority of 8.

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

Yes - 19	
Councillors:	Altobello, Augimeri, Cho, Chow, Di Giorgio, Filion, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Rae, Shaw, Silva, Walker
No - 13	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Moeser, Ootes, Shiner, Sutherland

Carried by a majority of 6.

Adoption of motion (c) by Councillor Duguid:

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Rae, Shaw, Shiner, Silva, Sutherland, Walker
No - 2	
Councillors:	Holyday, Moeser

Carried by a majority of 28.

The Clause, as amended, carried.

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to review the snow clearing, salting and sanding services in the areas of the former Municipalities of North York and Scarborough, to determine if some services should be brought in-house to ensure adequate services in the periods when the contracted services are not available, and submit a report thereon to the Works Committee, such report to also include:

- (a) the cost of having snow clearance contracts start earlier in the season, based on existing contracts; and
- (b) the adequacy of plans to handle snow clearing in early fall.”

9.50 **Clause No. 6 of Report No. 10 of The Community Services Committee, headed “New Shelter Standards”.**

*Motions:*

- (a) Councillor Sutherland moved that the Clause be amended to provide that Section 6.6, entitled “Confidentiality”, as embodied in the Shelter Standards contained in Appendix B to the report dated October 24, 2002, from the Commissioner of Community and Neighbourhood Services, as embodied in the Clause, be approved in principle, and the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on the effect of amending the sub-section entitled “Sharing of Resident Information”, embodied in Section 6.6, by deleting the words “to whom the resident may be referred”, and the words “and only disclosed with signed resident consent”, so that such subsection would read as follows:

“Sharing of Resident Information:

Sharing of resident information with other providers is necessary to ensure effective provision of services, continuity of care and efficient use of resources. The importance of sharing information with relevant providers will be explained to the resident.”

- (b) 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 submit a report to the Community Services Committee for its meeting scheduled to be held on January 9, 2003, on:

- (1) how much the City of Toronto has spent in 2001 to provide counselling support within the shelter system and how many clients were provided with such counselling;
- (2) ways in which counselling services can be provided to homeless individuals who do not use the shelter system; and
- (3) how many shelter beds there are per district and how many homeless individuals there are per district.”

*Votes:*

Motion (a) by Councillor Sutherland carried.

Motion (b) by Councillor Cho carried.

The Clause, as amended, carried.

9.51 **Clause No. 29 of Report No. 12 of The Works Committee, headed “Haulage and Disposal of Wastewater System By-Products - Request for Proposals No. 9155-02-7307”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Duguid moved that Council adopt the following recommendation:

“It is recommended that Council adopt the joint report dated November 26, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, embodying the following recommendations:

‘It is recommended that:

- (1) authority be granted to negotiate and enter into an agreement with the firm of Republic Services of Canada, Inc. to provide the required haulage and disposal services, commencing January 1, 2003, to Republic’s Carlton Farms Landfill in Michigan, as outlined in its proposal dated October 30, 2002, for the Haulage and Disposal of Wastewater System By-Products for the City of Toronto for a total 2003 expenditure of \$2,675,000.00, including GST and contingencies, adjusted annually, beginning January 1, 2004, by the Canadian Price Index (CPI), on the terms and conditions as per RFP No. 9155-02-7307, and otherwise on such terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor, with the haulage and

disposal services comprised as follows:

- (a) for grits and screenings - at a price of \$847.00 per roll-off box (minimum of 12 tonnes) for haulage and \$19.64 per tonne for disposal, including all applicable taxes, for a contractual period of ten (10) years, with prices to be adjusted on an annual basis beginning January 1, 2004, by the Canadian Price Index (CPI), Toronto Index, All Items;
  - (b) for catch basin and sewer cleaning debris, and street sweepings - at a price of \$1,262.80 per load (minimum of 34 tonnes) for haulage and \$19.64 per tonne for disposal, including all applicable taxes, for a contractual period of ten (10) years, with prices to be adjusted on an annual basis beginning January 1, 2004, by the Canadian Price Index (CPI), Toronto Index, All Items;
  - (c) for incinerated sewage sludge ash - at a price of \$33.00 per tonne for haulage and \$19.64 per tonne for disposal, including all applicable taxes, for a contractual period of five (5) years with potential extensions at the City's sole discretion of three (3) years followed by an additional two (2) years, with prices to be adjusted on an annual basis beginning January 1, 2004, by the Canadian Price Index (CPI), Toronto Index, All Items; and
  - (d) for contaminated/organic soils, spoils, sludges and slurries - at a price of \$33.00 per tonne for haulage and \$19.64 per tonne for disposal, including all applicable taxes, for a contractual period of ten (10) years, with prices to be adjusted on an annual basis beginning January 1, 2004, by the Canadian Price Index (CPI), Toronto Index, All Items; and
- (2) the appropriate City officials be directed to take the necessary action to give effect thereto.' ”

*Vote:*

The motion by Councillor Duguid carried.

9.52 **Clause No. 32 of Report No. 15 of The Policy and Finance Committee, headed “2003 Water and Wastewater Rate Increase and Rate Projections for 2003-2007”.**

**November 27, 2002:**

*Motion:*

- (a) Councillor Sutherland moved that the Clause be referred to the Commissioner of Works and Emergency Services, with a request that he submit this matter to the Committee on Water and Wastewater matters, once established, for consideration as part of their business plan.

*Vote on Referral:*

Adoption of motion (a) by Councillor Sutherland:

Yes - 10	
Councillors:	Altobello, Ford, Holyday, Korwin-Kuczynski, Minnan-Wong, Nunziata, Shaw, Silva, Sutherland, Tziretas
No - 21	
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Johnston, Jones, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Ootes, Pantalone, Rae, Soknacki, Walker

Lost by a majority of 11.

**November 28, 2002:***Motion:*

- (b) Councillor Sutherland, with the permission of Council, moved that the Clause be referred to the new Water and Waste Water Committee for further consideration.



*Vote Be Now Taken:*

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

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

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

*Vote on Referral:*

Adoption of motion (b) by Councillor Sutherland:

Yes - 11 Councillors: Altobello, Cho, Feldman, Ford, Johnston, Korwin-Kuczynski, Minnan-Wong, Nunziata, Shaw, Shiner, Sutherland
No - 29 Mayor: Lastman Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Silva, Tziretas, Walker

Lost by a majority of 18.

*Vote on Clause:*

Adoption of Clause, without amendment:

Yes - 27	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Johnston, Jones, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Walker
No - 13	
Councillors:	Altobello, Cho, Feldman, Ford, Korwin-Kuczynski, Mammoliti, Minnan-Wong, Nunziata, Shaw, Shiner, Silva, Sutherland, Tziretas

Carried by a majority of 14.

9.53 **Clause No. 10a of Report No. 9 of The Community Services Committee, headed “Other Item Considered by the Committee”, Item (h), entitled “Emergency Homelessness Pilot Project - Process for Focus Group and Eligibility Criteria”.**

*Vote:*

The Clause was received as information, without amendment.

*Motion to Re-Open:*

Councillor Sutherland, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Balkissoon, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 6	
Councillors:	Augimeri, Bussin, Mihevc, Moscoe, Pantalone, Rae

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

*Motion:*

Councillor Sutherland moved that the Clause be struck out and referred back to the Community Services Committee for further consideration.

*Disposition of Clause:*

Having regard that Council had not concluded its consideration of this matter prior to the end of the meeting, this Item was deferred to the next regular meeting of City Council scheduled to be held on February 4, 2003.

9.54 **Clause No. 2 of Report No. 10 of The Community Services Committee, headed “2003 Gang Prevention and Intervention Funding”.**

*Motion:*

Councillor Duguid moved that the Clause be amended by deleting Recommendation (b) of the Community Services Committee and inserting in lieu thereof the following:

- “(b) that the Commissioner of Community and Neighbourhood Services be requested to review the applications that qualified for funding, to determine how best to allocate the surplus funds set aside for appeals, and submit a report to the Community Services Committee outlining recommendations with respect to such allocation.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

9.55 **Clause No. 27 of Report No. 14 of The Administration Committee, headed “Sole Source for Gasoline and Diesel Fuel Related to Transportation Services and Other City Operations Located at or Near the 1116 King Street West Yard”.**

*Motion:*

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

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on alternatives to the current sole source for the supply of gasoline and on-road diesel fuel, for the fuelling requirements of operations located at or near the 1116 King Street West Yard, for possible implementation on January 1, 2004, such alternatives to include:

- (a) the installation of above-ground fuel tanks at the 1116 King Street West Yard,

to permit bulk direct-to-tank delivery by the City's lower sulphur fuel suppliers;

- (b) the feasibility of using two different fuel suppliers for the 1116 King Street West Yard, one for gasoline and one for on-road diesel fuel, to allow the City to use lower sulphur level fuels than might be available from a single supplier; and
- (c) the feasibility of increasing direct-to-truck delivery of gasoline and on-road diesel, to be provided by the City's suppliers of lower sulphur level gasoline and on-road diesel fuel."

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**9.56 Clause No. 22 of Report No. 15 of The Policy and Finance Committee, headed "Construction of New Road at Morningside and Milner Avenues - Proposed Funding Arrangement (Ward 42 - Scarborough-Rouge River)".**

*Motion:*

Councillor Moeser moved that the Clause be amended by amending Recommendation No. (1) embodied in the report dated November 1, 2002, from the Commissioner of Works and Emergency Services, as embodied in the Clause, to provide for changing the cash flows from a four-year to a five-year schedule, so that such recommendation shall now read as follows:

- "(1) City Council approve a total project cost of \$7.4 million for a new road and bridge structure at the Morningside Avenue/Highway 401 interchange as a pre-approved, multi-year project with cash flows of \$2.0 million, \$2.0 million, \$1.5 million, \$1.0 million and \$700,000.00, for the years 2003, 2004, 2005, 2006 and 2007, respectively, to cover the City's share of the project, with annual cash flow adjustments for inflation and interest as required;"

*Votes:*

The motion by Councillor Moeser carried.

The Clause, as amended, carried.

**9.57 Clause No. 20 of Report No. 10 of The Scarborough Community Council, headed "Adult Video Store By-law for the Former City of Scarborough Area".**

*Motion:*

Councillor Altobello moved that the Clause be struck out and referred back to the Scarborough Community Council for further consideration, together with the confidential report dated November 27, 2002, from the City Solicitor.

*Vote:*

The motion by Councillor Altobello carried.

9.58 **Clause No. 23 of Report No. 15 of The Policy and Finance Committee, headed “Preferred Strategy and 25-Year Implementation Plan for the City of Toronto Wet Weather Flow Management Master Plan”.**

*Motion:*

Councillor Miller 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 report to the Works Committee on:

- (1) whether elements of the City of Toronto Wet Weather Flow Management Master Plan directed at:
  - (a) reducing flows to the facility to increase its overall performance;
  - (b) improving water quality within the Humber River watershed from dry and wet weather sewer discharges; and
  - (c) reducing the impact of the Humber River flow to the Western Beaches;should be advanced as a high priority in the implementation of the Plan; and
- (2) any other steps required to ensure that the Western Beaches are able to be open for swimming during the summer season.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

9.59 **Clause No. 9 of Report No. 10 of The Scarborough Community Council, headed “Final Report – Removal of a Holding Provision (H) - Bionvest Investments Limited -**

**TF ZBL 2002 0015 - Lands North of Borough Drive South of the Scarborough Centre Rapid Transit Station (Ward 38 – Scarborough Centre)”.**

*Vote:*

The Clause was adopted, without amendment.

*Motion to Re-Open:*

Councillor Duguid, 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 Duguid, seconded by Councillor Altobello, moved that the Clause be amended by amending Recommendation No. (3) embodied in the report dated October 28, 2002, from the Director of Community Planning, East District, as embodied in the Clause, to now read as follows:

- “(3) before introducing the necessary Bill to City Council for enactment, require the owner to sign an undertaking to enter a road and servicing agreement which provides for construction by the owner and conveyance to the City of the new public street, including implementation of streetscape improvements, and all necessary servicing and infrastructure improvements to serve the development.”

*Votes:*

The motion by Councillor Duguid, seconded by Councillor Altobello, carried.

The Clause, as amended, carried.

9.60 **Clause No. 1 of Report No. 12 of The Works Committee, headed “Source Separated Organics Processing Strategy”.**

*Motion:*

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

- “It is further recommended that the report requested from the Commissioner of Works and Emergency Services following six months’ operation of the Dufferin Organics Processing Facility also address the terms of reference for a long-term plan, including a Request for Proposals or the development of joint venture(s) or technological

developments for permanent mechanisms or facilities for processing the City of Toronto's source separated organics, subject to the stipulation that, should the Dufferin Organics Processing Facility be considered for expansion, a further six months' evaluation occur before any final commitment is made."

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

- 9.61 **Clause No. 18 of Report No. 10 of The Scarborough Community Council, headed "Final Report - Zoning By-law Amendment Application TF ZBL 2002 0001, Traks Communications Limited, 5500 Finch Avenue East, Tapscott Employment District (Ward 41 - Scarborough Rouge River)".**

*Motion:*

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

*Vote on Referral:*

The motion by Councillor Cho lost.

*Vote on Clause:*

The Clause was adopted, without amendment.

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

- 9.62 **Clause No. 1 of Report No. 10 of The Community Services Committee, headed "Release of Seniors' Advocate's Report: 'Rebuilding Respect: A Progress Report for Seniors, November 2002' ".**

*Motion:*

Councillor Shiner moved that the Clause be amended by amending the recommendation of the Community Services Committee to now read as follows:

"The Community Services Committee recommends the adoption of the recommendations contained in the communication dated October 18, 2002, from Councillor Anne Johnston, Seniors' Advocate, subject to approval of funding which will be considered during the review of the Community and Neighbourhood Services 2003 Operating Budget."

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

9.63 **Clause No. 57 of Report No. 12 of The Toronto East York Community Council, headed “Other Items Considered by the Community Council”.**

*Vote:*

The Clause was received as information, without amendment.

*Motion to Re-Open:*

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

*Motion:*

Councillor Rae moved that the Clause be received as information, subject to amending Item (b), entitled “Cash Payment-in-Lieu of Parking – 13 and 15 Bloor Street West (Toronto Centre-Rosedale, Ward 27)”, embodied therein, notwithstanding the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, to provide that Council adopt the following motion:

**Moved by:                      Councillor Rae**

**“WHEREAS** the Toronto East York Community Council, at its meeting held on November 12, 2002, deferred consideration of a report (September 27, 2002) from the Director, Community Planning, South District respecting Cash Payment-In-Lieu of Parking - 13 and 15 Bloor Street West (Toronto Centre-Rosedale, Ward 27); and

**WHEREAS** in its decision document of May 9, 2002 regarding 13 and 15 Bloor Street West, the Committee of Adjustment Toronto East York Panel required, as a condition of approval of minor variances requested, a cash payment-in-lieu of providing five parking spaces; and

**WHEREAS** the applicants propose to replace two existing two-storey retail buildings, which do not currently provide parking on-site, with one two-storey retail building; and

**WHEREAS** the lands at 13 and 15 Bloor Street West are located in an established retail shopping area near the southwest corner of Yonge and Bloor Streets and are



well served by two TTC subway lines;

**NOW THEREFORE BE IT RESOLVED THAT** the action of the Toronto East York Community Council to defer this matter be rescinded;

**AND BE IT FURTHER RESOLVED THAT** the report dated September 27, 2002, from the Director, Community Planning, South District, be received;

**AND BE IT FURTHER RESOLVED THAT** the requirement to provide a cash payment-in-lieu of parking be waived in this instance.”

*Votes:*

The motion by Councillor Rae carried, more than two-thirds of Members present having voted in the affirmative.

The balance of the Clause was received as information.

9.64 **Clause No. 17 of Report No. 10 of The Economic Development and Parks Committee, headed “Donation of Community Waterplay Area at Fennimore Park (Ward 7 York West)”.**

*Motions:*

(a) Councillor Ford moved that:

(1) the Clause be referred back to the Commissioner of Economic Development, Culture and Tourism and, further, that the Commissioner be requested to tender this project as soon as possible; and

(2) Council also adopt the following recommendation:

“It is recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Administration Committee on how P. Gabriele & Sons was chosen for this project.”

(b) Councillor Ashton moved that Part (1) of motion (a) by Councillor Ford be amended by adding thereto the words “and, further, that the City Solicitor be requested to submit a report to the Administration Committee on the policies and procedures which should be applied to these types of partnerships”.

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

“It is further recommended that the Auditor General be requested to review the process by which P. Gabriele & Sons was chosen as the sole builder of the project, and all other related circumstances”.

- (d) Councillor Pantalone moved that Part (1) of motion (a) by Councillor Ford be amended by adding thereto the words “and, further, that the City Solicitor and the Commissioner of Economic Development, Culture and Tourism be requested to also submit a joint report to the Administration Committee on a methodology for permitting and facilitating turnkey projects, including, but not limited to, this project”.
- (e) Councillor Hall moved that motion (c) by Councillor Milczyn be amended by deleting the words “Auditor General” and inserting in lieu thereof the words “Chief Administrative Officer”.

*Ruling by Deputy Mayor:*

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

*Vote on Referral:*

Motion (b) by Councillor Ashton carried.

Motion (d) by Councillor Pantalone carried.

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

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

Lost by a majority of 18.

*Requests to Amend Motions:*

Councillor Ashton requested that he be permitted to amend his motion (b) to read as follows:

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

‘It is further recommended that the City Solicitor be requested to submit a report to the Administration Committee on the policies and procedures which should be applied to these types of partnerships.’ ”

Councillor Pantalone requested that he be permitted to amend his motion (d) to read as follows:

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

‘It is further recommended that the City Solicitor and the Commissioner of Economic Development, Culture and Tourism be requested to also submit a joint report to the Administration Committee on a methodology for permitting and facilitating turnkey projects, including, but not limited to, this project.’ ”

Council concurred in the requests of Councillors Ashton and Pantalone.

*Votes:*

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

Adoption of motion (c) by Councillor Milczyn, without amendment:

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

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

Amended motion (b) by Councillor Ashton carried.

Amended motion (d) by Councillor Pantalone carried.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1 Councillor:	Ford

Carried by a majority of 36.

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

“It is further recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Administration Committee on how P. Gabriele & Sons was chosen for this project;
- (2) the City Solicitor be requested to submit a report to the Administration Committee on the policies and procedures which should be applied to these types of partnerships; and
- (3) the City Solicitor and the Commissioner of Economic Development, Culture and Tourism be requested to also submit a joint report to the Administration Committee on a methodology for permitting and facilitating turnkey projects, including, but not limited to, this project.”

**9.65 Clause No. 12 of Report No. 15 of The Policy and Finance Committee, headed “Coliseum Project - Financial Terms”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Silva moved that Council adopt the following recommendations:

“It is recommended that:

- (a) Council adopt the confidential report dated November 12, 2002, from the General Manager and Chief Executive Officer of Exhibition Place, 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, save and except the following recommendations embodied therein:

‘It is recommended that Council approve of the following financial

terms of the Coliseum project:

- (1) if required by the primary long-term lender, the City grant the lender a stand-by loan take-out option (the “Take-out Option”) of up to \$20.0 million, which Option could be exercised by the lender upon unremedied default of the permanent financing obligations;
  - (2) if the City is required to provide a Take-out Option to the primary long-term lender:
    - (a) the City receive a “stamping fee” equal to 2.0 percent per annum of the amount of the Take-out Option granted by the City, which “stamping fee” will be paid to the City from the cash flow for the Coliseum project and will rank in priority after the principal/interest payments to the primary lender;
    - (b) both the term and amortization period for the primary loan shall be no greater than 10 years; and
    - (c) the return on investment/management fees to be paid out to the private sector partner, Coliseum Renovation Corporation (“CRC”), will rank below the repayment of equity to the City/Borealis; and
  - (3) any terms and conditions with respect to the City Take-out Option and its amount must be approved in advance by the City’s Chief Financial Officer and City Solicitor.’;
- (b) Council adopt the terms and conditions as set out in Appendix ‘A’ embodied in the confidential report dated November 26, 2002, from the Chief Financial Officer and Treasurer, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of the property of the municipality; and
- (c) the terms and conditions of the permanent debt financing be subject to the approval of the Chief Financial Officer and Treasurer.”

*Vote:*

Adoption of motion by Councillor Silva:

Yes - 29
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Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Duguid, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Rae, Shaw, Shiner, Silva, Sutherland
No - 8	
Mayor:	Lastman
Councillors:	McConnell, Minnan-Wong, Moeser, Ootes, Soknacki, Tziretas, Walker

Carried by a majority of 21.

**9.66 Clause No. 2 of Report No. 9 of The Audit Committee, headed “Contract Compliance Review - Viacom Outdoor Canada Inc. (formerly Mediacom)”.**

*Motion:*

Councillor Balkissoon 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 include, in his February 2003 report to the Audit Committee:

- (1) an inventory of all bus shelters by individual City Ward, such inventory to provide the following details:
  - (a) whether the shelter is old or new;
  - (b) the status of the provision of roof lighting, as per Contract Clause 4.2;
  - (c) the status of the installation of Toronto Transit Commission information, as per Contract Clause 4.8; and
  - (d) the status of the posting of the notice pertaining to maintenance responsibility and contact telephone numbers, as per Contract Clause 7.6;

and whether compliance on the above items was achieved on or after the deadline date;

- (2) what methods are in place for monitoring and enforcing Contract Clause 7.1.a. - Shelter Cleaning, and the status to date on this Clause application uniformly across all Wards of the requirement to have cleaning ‘at least once a week’, and the experience, to date, on complaints compliance percentage;
- (3) what methods are in place for monitoring and enforcing Contract

Clause 7.1.d - Maintenance and Repairs within 24 hours, and the experience on compliance percentage; and

- (4) what actions the City of Toronto has at its disposal in the areas of non-compliance and/or contract compliance.”

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

9.67 **Clause No. 16 of Report No. 14 of The Administration Committee, headed “Sale of Surplus Vacant Land on the North Side of Eglinton Avenue West, East of Royal York Road (Ward 4 – Etobicoke Centre)”.**

*Motion:*

Councillor Lindsay Luby moved that the Clause be struck out and referred back to the Commissioner of Corporate Services to negotiate with Plant World for the sale of this property at a price at least equal to the offer from Pleasance Corp. (i.e., \$1,080,000.00).

*Vote:*

Adoption of motion by Councillor Lindsay Luby:

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

Carried by a majority of 32.

9.68 **Clause No. 23a of Report No. 11 of The Toronto East York Community Council, headed “Appeal of Denial of Application for Boulevard Café - 119 Harbord Street - Major Street Flankage (Trinity-Spadina, Ward 20)”.**

*Motion:*

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

thereof the following:

“It is recommended that the application for a boulevard café licence at 119 Harbord Street, Olive and Lemon Restaurant, be approved for one year, subject to the following conditions:

- (1) that the patio be closed and cleared by 10:00 p.m., Monday to Thursday, and by 11:00 p.m., Friday to Sunday;
- (2) that there be no amplified music; and
- (3) that the Commissioner of Urban Development Services report back to the Toronto East York Community Council on the operation of the patio in one year’s time, should there be complaints from the residents.”

Councillor Disero in the Chair.

*Vote Be Now Taken:*

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

Yes - 20	
Mayor:	Lastman
Councillors:	Bussin, Di Giorgio, Disero, Duguid, Ford, Hall, Johnston, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Pantalone, Rae, Silva, Sutherland, Tziretas
No - 13	
Councillors:	Altobello, Augimeri, Chow, Flint, Holyday, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Shaw, Walker

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

Deputy Mayor Ootes in the Chair.

*Motion:*

- (b) Councillor Miller moved that the Clause be struck out and referred back to the Toronto East York Community Council, and the Manager, Municipal Licensing and Standards, be directed to conduct another public poll in all appropriate languages.

*Vote on Referral:*



Adoption of motion (b) by Councillor Miller:

Yes - 13 Councillors:	Augimeri, Bussin, Chow, Flint, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Walker
No - 19 Mayor: Councillors:	Lastman Altobello, Di Giorgio, Disero, Duguid, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Sutherland, Tziretas

Lost by a majority of 6.

*Votes:*

Adoption of motion (a) by Councillor Nunziata:

Yes - 22 Mayor: Councillors:	Lastman Altobello, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Pantalone, Shaw, Silva, Sutherland, Tziretas, Walker
No - 10 Councillors:	Augimeri, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Rae

Carried by a majority of 12.

The Clause, as amended, carried.

9.69 **Clause No. 20 of Report No. 9 of The Midtown Community Council, headed “Further Report - Application to Amend the Official Plan and Zoning By-law No. 7625 - 20 Graydon Hall Drive - D. Shafran Investments - TD CMB 2002 0008 (Don Valley East - Ward 34)”.**

*Procedural Motion:*

Councillor Shiner, at 12:36 a.m., on November 29, 2002, moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider this Clause, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, the vote upon which was taken as follows:

Yes - 12	
Councillors:	Altobello, Disero, Hall, Holyday, Korwin-Kuczynski, Miller, Minnan-Wong, Ootes, Shaw, Shiner, Sutherland, Tziretas
No - 16	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Duguid, Flint, Johnston, Jones, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Rae, Silva

Lost by a majority of 4.

*Motions:*

- (a) Councillor Mihevc moved that the Clause be amended by striking out the recommendations of the Midtown Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report dated October 29, 2002, from the Acting Director, Community Planning, North District, as embodied in the Clause, and as recommended in the confidential report dated November 21, 2002, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the recommendation embodied therein.”

- (b) Councillor Walker moved that motion (a) by Councillor Mihevc be amended by adding thereto the words “subject to the Commissioner of Urban Development Services being directed to negotiate further with the applicant pertaining to a rent abatement for the one-third of existing tenants (100 units) affected most by the new construction, in an amount of \$25.00 to \$30.00 per month, for a period of 10 months, resulting in a total rent abatement of between \$25,000.00 to \$30,000.00, such funds not to be part of the \$200,000.00 contribution secured for improvements to the Graydon Hall Park”.

*Votes:*

Adoption of motion (b) by Councillor Walker:

Yes - 16	
Councillors:	Altobello, Di Giorgio, Duguid, Flint, Korwin-Kuczynski, Lindsay Luby, Miller, Minnan-Wong, Moscoe, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 9	
Councillors:	Augimeri, Bussin, Disero, Johnston, Jones, McConnell, Mihevc, Nunziata, Rae

Carried by a majority of 7.

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

Yes - 16	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Johnston, Jones, McConnell, Mihevc, Miller, Nunziata, Ootes, Rae, Shiner
No - 10	
Councillors:	Flint, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Moscoe, Shaw, Silva, Sutherland, Tziretas, Walker

Carried by a majority of 6.

The Clause, as amended, carried.

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

“It is recommended that Council adopt the report dated October 29, 2002, from the Acting Director, Community Planning, North District, as embodied in the Clause, and as recommended in the confidential report dated November 21, 2002, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except such recommendation embodied therein, subject to the Commissioner of Urban Development Services being directed to negotiate further with the applicant pertaining to a rent abatement for the one-third of existing tenants (100 units) affected most by the new construction, in an amount of \$25.00 to \$30.00 per month, for a period of 10 months, resulting in a total rent abatement of between \$25,000.00 to \$30,000.00, such funds not to be part of the \$200,000.00 contribution secured for improvements to the Graydon Hall Park.”

**9.70 Clause No. 7 of Report No. 12 of The Toronto East York Community Council, headed “Draft By-laws - Official Plan Amendment and Rezoning - 267R and 275 Ontario Street (Toronto Centre-Rosedale, Ward 27)”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 24 Councillors: Altobello, Augimeri, Chow, Di Giorgio, Duguid, Flint, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Tziretas, Walker
No - 2 Councillors: Holyday, Sutherland

Carried by a majority of 22.

**9.71 Clause No. 21 of Report No. 9 of The Midtown Community Council, headed “Wychwood Car Barns (St. Paul’s - Ward 21)”.**

*Procedural Vote:*

Councillor Sutherland requested that a vote be taken upon the question “Should this matter be designated as time sensitive?”, the vote upon which was taken as follows:

Yes - 27 Mayor: Lastman Councillors: Altobello, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki
No - 10 Councillors: Ashton, Balkissoon, Holyday, Kelly, Li Preti, Minnan-Wong, Moeser, Sutherland, Tziretas, Walker

Carried by a majority of 17.

*Vote Be Now Taken:*

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

Yes - 20 Councillors: Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva
No - 8 Councillors: Altobello, Holyday, Minnan-Wong, Shaw, Shiner, Sutherland, Tziretas, Walker

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

*Vote:*

Adoption of Clause, without amendment:

Yes - 20 Councillors: Altobello, Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Johnston, Jones, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae, Silva
No - 10 Councillors: Holyday, Kelly, Korwin-Kuczynski, Minnan-Wong, Ootes, Shaw, Shiner, Sutherland, Tziretas, Walker

Carried by a majority of 10.

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

**November 27, 2002:**

*Motion:*

Deputy Mayor Ootes, at 2:50 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider those portions of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", pertaining to the Toronto Port Authority Litigation, in accordance with the provisions of the Municipal Act, having regard that such portions of this Clause pertain to litigation or potential litigation.

*Vote:*

Adoption of motion by Deputy Mayor Ootes:

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

Carried by a majority of 9.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:05 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 6:50 p.m., and met in public session in the Council Chamber.

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

**9.73 Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport".**

*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 that portion of this Clause pertaining to the Toronto Port Authority litigation, and that Council, at the In-Camera portion of this meeting, had issued confidential instructions to staff, such instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they pertain to litigation or potential litigation:

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

“It is further recommended that Council adopt the confidential joint report dated November 26, 2002, from the City Solicitor and the Commissioner of Urban Development Services, entitled ‘Toronto Port Authority Litigation’, subject to confidential instructions issued to staff at the in-camera portion of this meeting of City Council, such confidential joint report and confidential instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they relate to litigation or potential litigation, save and except the following recommendations embodied in such confidential joint report:

‘It is recommended that:

- (1) City Council approve the proposed settlement of the litigation between the TPA, TEDCO, the City, certain individuals and the Federal Government, substantially on the terms contained in the Draft Minutes of Settlement attached hereto;
  - (2) City Council instruct and authorize the Chief Financial Officer and Treasurer, the Chief Administrative Officer, the City Solicitor and the Commissioner of Urban Development Services to negotiate and conclude all necessary agreements and documents to give effect to the proposed settlement; and
  - (3) City staff be instructed to report back to City Council on their discussions with respect to the unresolved issues of the harbour-user fees and the payments in lieu of taxes.’ ”
- (b) Councillor Pantalone moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Chief Administrative Officer be directed to submit a report to City Council, through the Policy and Finance Committee, for approval on any substantive changes to the Minutes of Settlement; substantive changes to include items such as financial arrangements, terms and level of subsidies, lands, the City of Toronto’s future liabilities, etc.”
- (c) Councillor Moscoe moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Chief Administrative Officer be requested to meet with Mr. Rahul Bhardwag, the City of Toronto’s representative on the Toronto Port Authority, in order to brief him on the details of the City’s perspective with respect to this Agreement.”

*Request for Public Motions on the Toronto Port Authority Litigation:*

Deputy Mayor Ootes, having regard to the motions moved in Committee of the Whole, called for public motions on this portion of the Clause.

*Motions:*

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

“It is further recommended that:

- (1) the Federal Government, through appropriate channels, be requested to consider creating legislation that would transform the Toronto Port Authority back to a Harbour Commission or City of Toronto agency;
- (2) Council request this action, in order to resolve this issue by legislation rather than requiring the payment of City funds to the Port Authority, a federal agency, or any land lease changes or other remedies; and
- (3) all final lease documents be presented to City Council for final approval, along with any federal government consent to the terms.”

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

“It is further recommended that any settlement with the Toronto Port Authority be conditional on:

- (1) the Toronto Port Authority agreeing that it will not charge any new user fees to the City of Toronto, its agencies, boards or commissions;
- (2) the issue of the Harbour fees claimed in Paragraph (1)(a)(ix) of the Amended Statement of Claim being resolved at no cost to the City of Toronto; and
- (3) the payment and settlement of the PILs (payment in lieu of taxes) by the Toronto Port Authority.”

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

“It is further recommended that:

- (1) the confidential joint report dated November 26, 2002, from the City Solicitor and the Commissioner of Urban Development Services, entitled ‘Toronto Port Authority Litigation’, be received;



- (2) a condition of approval be that the proposed settlement with the Toronto Port Authority provide that any monies payable to the Toronto Port authority be offset by payments in lieu of taxes and any other such monies owing to the City of Toronto; and
- (3) Council defer consideration of the confidential joint report dated November 26, 2002, from the City Solicitor and the Commissioner of Urban Development Services, entitled 'Toronto Port Authority Litigation', until Council has considered a report on the Federal Government's contribution to the settlement."

*Votes on those portions of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", pertaining to the Toronto Port Authority Litigation:*

Adoption of Part (3) of motion (f) by Councillor Bussin:

Yes - 10	
Councillors:	Ashton, Bussin, Chow, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Rae
No - 29	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas

Lost by a majority of 19.

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

Yes - 9	
Councillors:	Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shiner, Silva, Soknacki

Lost by a majority of 19.

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

Yes - 16	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva
No - 22	
Mayor:	Lastman
Councillors:	Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki

Lost by a majority of 6.

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

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

Lost by a majority of 15.

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

Yes - 11	
Councillors:	Altobello, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 29	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

Adoption of Part (2) of motion (f) by Councillor Bussin:

Yes - 10 Councillors:	Altobello, Augimeri, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Rae
No - 30 Mayor: Councillors:	Lastman Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 20.

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

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

Carried by a majority of 22.

Adoption of motion (b) by Councillor Pantalone:

Yes - 29 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Soknacki, Tziretas
No - 11 Mayor: Councillors:	Lastman Augimeri, Di Giorgio, Duguid, Feldman, Kelly, Li Preti, Mammoliti, Minnan-Wong, Silva, Sutherland

Carried by a majority of 18.

Adoption of motion (c) by Councillor Moscoe:

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

Carried by a majority of 36.

Adoption of Part (1) of motion (d) by Councillor Layton, moved by Councillor Chow, in the absence of Councillor Layton:

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

Carried by a majority of 24.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (2) of motion (d) by Councillor Layton, moved by Councillor Chow, in the absence of Councillor Layton, ruled such Part out of order.

Councillor Miller challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

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

Carried by a majority of 15.

*Votes:*

Adoption of Part (3) of motion (d) by Councillor Layton, moved by Councillor Chow, in the absence of Councillor Layton:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Ford, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Shaw, Silva, Sutherland
No - 14	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Flint, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Shiner, Soknacki, Tziretas

Carried by a majority of 13.

Adoption of those portions of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", pertaining to the Toronto Port Authority Litigation, as amended:

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

Carried by a majority of 23.

*Request for motions on balance of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport":*

Deputy Mayor Ootes now called for motions on the balance of the Clause.

*Motions:*

- (a) Councillor McConnell moved that the Clause be amended by:
- (1) deleting the following Joint Recommendation No. (1)(a) of the Planning and Transportation and Economic Development and Parks Committees:
    - “(a) amending Recommendation (1) by deleting the words ‘to a maximum passenger level of 600,000 per annum’ and replacing with the words ‘to a maximum cap of aircraft movements as allowed under the NEF 25 contour’;”;
  - (2) adding thereto the following:
 

“It is further recommended that:

    - (a) the Toronto Port Authority be required to provide additional modelling of aircraft emissions and ambient air quality impacts, based on both on-site and off-site sources, and the predicted improvement in air quality that would result from specific mitigative measures to address community health concerns;

- (b) a full Environmental Assessment be carried out and submitted to City Council, such Environmental Assessment to be funded by airport expansion proponents but in consultation with the Medical Officer of Health, with the consultants to be approved by the Medical Officer of Health;
- (c) the Environmental Assessment use the most up-to-date and stringent methods and cover noxious gases, carcinogens and noise and water pollution;
- (d) the Environmental Assessment assess potential health and economic impacts on residents, recreational boaters and boating clubs, the tour boat industry, parks users, migratory birds, fish stocks and other wild life, and schools and day care centres for existing and projected communities, including the planned Port Lands community;
- (e) the Environmental Assessment assess the long-term impact on health costs, property values and related property tax revenues;
- (f) the Medical Officer of Health be requested to submit a report to the Board of Health on the Toronto Cancer Prevention Coalition concerns and on the need for any further study to address those concerns;
- (g) the Toronto Port Authority be required to enter into a binding agreement with the City of Toronto which stipulates that the planes to be purchased will be built in Toronto by unionized workers;
- (h) the Toronto Port Authority be required to work with the Commissioner of Economic Development, Culture and Tourism, to mitigate impacts on the City's arts, culture, sporting and tourism venues, in particular, the new Poet's Park, Franklin the Turtle Children's Garden, the Air Canada Centre, the Music Garden, the Hummingbird, Harbourfront and Ontario Place;
- (i) the City of Toronto retain an independent consultant to review the risk the airport poses to the security of the downtown core and an analysis of any liability to the City, in the event of a tragic disaster;
- (j) the City Solicitor be requested to submit a report to Council on the status of the First Nations land claim on both the Toronto Port Authority and City land holdings on the airport site, such report to address the potential liability to the City of Toronto;
- (k) the Chief Planner be requested to:

- (i) submit a report to the Planning and Transportation Committee on the impact of the proposed expansion on the waterfront plan and, in particular, on the impact on the plan's following four key principles:
    - clean, green waterfront;
    - removal of barriers;
    - creation of spectacular new parks; and
    - creation of diverse new communities; and
  - (ii) submit a report to the Planning and Transportation Committee on the impact of airport expansion on the waterfront Part 2 plan and precinct plans, and that airport expansion be deferred until such report is completed;
- (b) Councillor Holyday moved that Part (2)(g) of motion (a) by Councillor McConnell be amended by adding thereto the words "as long as the prices are competitive".
- (c) Councillor Milczyn moved that the Clause be amended by:
- (1) amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by deleting Recommendation No. (1)(ii)(g) and inserting in lieu thereof the following:
    - “(g) the design and construction of the bridge allow direct shuttle bus access, and that the shuttle bus service be provided from the Union Station area to the new Toronto City Centre Airport by the new carrier, free of charge to passengers;”; and
  - (2) adding thereto the following:
    - “It is further recommended that:
      - (a) the Medical Officer of Health be requested to review the net health impacts, on residents and workers in the City of Toronto, of the increase in passenger volumes at the Toronto City Centre Airport versus a similar number of additional passengers at Lester B. Pearson International Airport; and



- (b) the Toronto Port Authority and its partners or tenants, be requested to:
  - (i) prepare, at their own expense, a detailed urban design plan for the improvement of the pedestrian environment at the approaches to the new fixed link and along both shores of the Western Gap, such design to include pedestrian areas, a multi-modal waterfront trail, aircraft viewing areas and public art, such plan to be prepared to the satisfaction of the Commissioner of Urban Development Services; and
  - (ii) construct all the elements of this urban design plan at their own expense, once it has been approved by the City.”
  
- (d) Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that, having regard that expanded air operations from the Toronto City Centre Airport may have the effect of lowering property values adjacent to the Airport and along its main flight approaches, and that expanded air operations may preclude development or restrict development of the Port lands redevelopment site, the Chief Planner be requested to carry out a study of the likely effects of airport expansion on assessed property values and on the City of Toronto’s property tax revenues over the upcoming 20-year period, such study to consider the impacts of both 600,000 and 900,000 passengers per year, and submit a report thereon to the Planning and Transportation Committee.”
  
- (e) Councillor Cho moved that the Clause be amended by:
  - (1) amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by:
    - (a) amending Part (d) of Recommendation No. (1)(i) to now read as follows:

“(d) formalize the curfew hours to prohibit flights between the hours of 11:00 p.m. to 7:00 a.m.”;
    - (b) amending Part (e) of Recommendation No. (1)(ii) to now read as follows:

“(e) a community advisory committee being established which would meet at least twice a year with the TPA to provide feedback on the impact of TCCA operations on the surrounding neighbourhoods and report directly to City Council, and that Terms of Reference be developed for the committee.”; and

- (c) adding the following new Part (h) to Recommendation No. (1)(ii):

“(h) the establishment of an Office of the Airport Environment Manager, which would deal with matters such as complaints resolution;”; and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to Council, through the Economic Development and Parks Committee, on an annual basis, providing an update on issues respecting the Toronto City Centre Airport and the fixed link.”

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

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

- (1) throughout the Toronto City Centre Airport development process, on what companies and unions have been involved in the work in this regard; and
- (2) on a regular basis, outlining the number and type of jobs that have been created, as a result of the expansion of the Toronto City Centre Airport.”

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

- (1) amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by:

- (a) deleting the following Part (g) from Recommendation No. (1)(i):

“(g) limit parking facilities on the airport lands to a maximum of 200 for employee, taxi and transit use;”; and

- (2) adding the following new Part (h) to Recommendation No. (1)(ii):

“(h) car parking facilities being limited for airline passengers to a maximum of 450 spaces on the airport lands, excluding the existing vehicle parking spaces that are required to support employees for airport uses pursuant to the Tripartite Agreement;”.

- (h) Councillor Jones moved that:

- (1) consideration of the balance of the Clause be deferred until the Secondary Plan of the Toronto Waterfront is approved by City Council; or
- (2) the Clause be amended by adding thereto the following:  
“It is further recommended that the Toronto Port Authority be required to:
  - (a) undertake a natural habitat and wild life study to determine if expansion of the Toronto City Centre Airport will have a negative impact on the wild life habitat; and
  - (b) complete a storm water management plan for the Toronto City Centre Airport.”

*Vote Be Now Taken:*

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

Yes - 23 Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Feldman, Flint, Ford, Hall, Johnston, Kelly, Li Preti, Lindsay Luby, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 12 Mayor: Councillors:	Lastman Altobello, Ashton, Bussin, Chow, Holyday, Jones, Mammoliti, McConnell, Mihevc, Miller, Moscoe

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

*Vote on Deferral:*

Adoption of Part (1) of motion (h) by Councillor Jones:

Yes - 11 Councillors:	Altobello, Ashton, Bussin, Chow, Ford, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone
No - 24 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Feldman, Flint, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 13.

*Motions:*

- (i) Councillor Bussin moved that:

- (1) the Clause be received; or
- (2) in the event Part (1) fails, the Clause be amended:
  - (a) by deleting Joint Recommendation No. (1)(a) of the Planning and Transportation and Economic Development and Parks Committees and inserting in lieu thereof the following:

“(1) Council support expansion to the Toronto City Centre Airport (TCCA) to a maximum passenger level of 400,000 per annum and authorize the TPA to construct the fixed link subject to:”;

or
  - (b) in the event Part (a) fails, by deleting Joint Recommendation No. (1)(a) of the Planning and Transportation and Economic Development and Parks Committees, and inserting in lieu thereof the following Recommendation No. (1), as recommended in the report dated October 22, 2002, from the Chief Administrative Officer, as embodied in the Clause:

“(1) Council support expansion to the Toronto City Centre Airport (TCCA) to a maximum passenger level of 600,000 per annum and authorize the TPA to construct the fixed link subject to:”;
  - (c) by deleting Joint Recommendation No. (1)(c) of the Planning and Transportation and Economic Development and Parks Committees, and inserting in lieu thereof the following Recommendation No. (1)(d), as recommended in the report dated October 22, 2002, from the Chief Administrative Officer, as embodied in the Clause:

“(d) formalize curfew hours and limit night flights;”;

and
  - (d) by deleting Joint Recommendation No. (1)(e) of the Planning and Transportation and Economic Development and Parks Committees, and inserting in lieu thereof the following Recommendation No. (1)(ii)(e), as recommended in the report dated October 22, 2002, from the Chief Administrative Officer, as embodied in the Clause:

“(e) the TPA providing additional modelling of aircraft emissions and ambient air quality impacts based on both on-site and surrounding off-site sources, and the predicated improvement in air quality that would result from specific mitigative measures to address community health concerns to the satisfaction of the Medical Officer of Health;”;

and

- (3) by adding thereto the following:

“It is further recommended that the Chief Administrative Officer be requested to:

- (a) ensure certification that the Bombardier Q400 aircraft can safely take off and land on the Toronto City Centre Airport runway;
  - (b) seek to ensure, from the Toronto Port Authority, that there is no further extension, into the Toronto Harbour, of airport buoys;
  - (c) ensure that the City of Toronto has an opportunity to review and comment on the final bridge design;
  - (d) ensure that the design, construction and operation of the fixed link is the subject of an Environmental Assessment, including issues related to associated traffic, noise and emissions from aircraft, and their effects on public health; and
  - (e) seek to ensure that Canada Coast Guard approval is in place, prior to the commencement of the construction of the fixed link.”
- (j) 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, the Commissioner of Economic Development, Culture and Tourism, the Chief General Manager of the Toronto Transit Commission and the Medical Officer of Health be requested to submit a report to Council every three years, commencing in 2005, on the traffic, transit and environmental factors related to the operations of the Toronto City Centre Airport.”

- (k) Councillor Lindsay Luby moved that the Clause be amended by amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by adding the following to Part (g) of Recommendation No. (1)(ii):

“subject to agreement by the Toronto Transit Commission that:

- (1) the construction and operation of street car service is financially viable;
- (2) the bridge will not have to be widened;
- (3) it is technologically feasible to operate a street car across the bridge; and

- (4) no new Environmental Assessment or update to the existing Environmental Assessment will be required;

and, further, if it is determined that street car service is not feasible, the Chief General Manager of the Toronto Transit Commission be requested to investigate the viability of operating a bus service in place of street car service;”.

- (1) Councillor Kelly moved that the Clause be amended by amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee:

- (1) by deleting Part (g) from Recommendation No. (1)(ii) and inserting in lieu thereof the following:

“(g) limit car parking facilities on the airport lands to a maximum of 550 spaces for airline passengers, excluding vehicle parking spaces that are required for employees, business aviation customers, general aviation users, taxi and limousine queuing, shuttle buses, public transit buses, air ambulance, fire protection and security services, and for the support of airport uses, operations and maintenance, in accordance with the Tripartite Agreement;”; or

- (2) if Part (1) fails, by adding to the end of Part (g) of Recommendation No. (1)(ii), the words “if practical”, so that such recommendation shall now read as follows:

“(g) the design of the fixed link being amended to include street car tracks, if practical;”; and

- (3) adding to the end of Recommendation No. (7), the words “if necessary”, so that such recommendation shall now read as follows:

“(7) the Terminal building be constructed in a manner that will provide for direct street car access, if necessary; and”.

- (m) Councillor Moscoe moved that the Clause be amended by amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by amending Part (g) of Recommendation No. (1)(ii) to now read as follows:

“(g) the design of the fixed link be amended to include a street car track, designed in a manner that will not require a widening of the bridge or an additional environmental assessment, to the satisfaction of the Commissioner of Works and Emergency Services;”.

- (n) Councillor Shiner moved that the Clause be amended by amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by adding to Part (c) of Recommendation No. (1)(ii), the words “and that the TPA be responsible for any additional costs resulting from the implementation of the protocol”, so that such recommendation shall now read as follows:

“(c) the development of a comprehensive protocol for Emergency Medical Services (to the satisfaction of the Commissioner of Works and Emergency Services) that includes traffic and bridge management procedures for emergency situations, the provision of EMS facilities on the TCCA site, and a direct line from TCCA to EMS dispatch for crash alarm notification and that the TPA be responsible for any additional costs resulting from the implementation of the protocol;”.

- (o) Councillor Soknacki moved that:

- (1) Part (1)(a) of motion (e) by Councillor Cho be amended by deleting the time “7:00 a.m.”, and inserting in lieu thereof the time “6:30 a.m.”; and
- (2) motion (m) by Councillor Moscoe be amended by deleting the words “a street car track” and inserting in lieu thereof the words “public transit access”.

- (p) Councillor Chow moved that:

- (1) motion (g) by Councillor Sutherland be referred to the Chief Administrative Officer for further consideration and report thereon to the Planning and Transportation Committee; and
- (2) the Clause be amended by:
  - (a) amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks

Committee, by adding the following new Parts (i) and (j) to Recommendation No. (1)(ii):

- “(i) no casino being built on the Toronto Islands; and
- (j) the Toronto Port Authority providing that any monies payable to the Toronto Port Authority be offset by payments-in-lieu of taxes and any other such monies owing to the City of Toronto;”;

(b) adding thereto the following:

“It is further recommended that:

- (i) the City Solicitor be requested to submit a report to the Planning and Transportation Committee on any legal requirements for warning signs and waivers in consideration of the potential expansion of the Toronto City Centre Airport, such report to address the wordings and locations of such warning signs and waivers; and
- (ii) the Commissioner of Works and Emergency Services be requested to submit a report to the Toronto East York Community Council, by the spring of 2003, on a detailed plan for parking and traffic management.”

(q) Councillor Flint moved that motion (g) by Councillor Sutherland be amended by deleting the figure “450” and inserting in lieu thereof the figure “400”.

*Withdrawal of Motions:*

Councillor Flint, with the permission of Council, withdrew her motion (q).

Councillor Milczyn, with the permission of Council, withdrew Part (1) of his motion (c).

Councillor Soknacki, with the permission of Council, withdrew Part (2) of his motion (o).

Councillor Lindsay Luby, with the permission of Council, withdrew her motion (k).

Councillor Kelly, with the permission of Council, withdrew Parts (1) and (2) of his motion (l).



*Votes:*

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

Yes - 11 Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 29 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

Yes - 11 Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 29 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

Yes - 11 Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 29 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

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

Yes - 11	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 29	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

Yes - 12	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 28	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 16.

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

Yes - 16	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Chow, Duguid, Hall, Holyday, Lindsay Luby, Mammoliti, Milczyn, Moeser, Moscoe, Nunziata, Shaw, Soknacki, Tziretas
No - 24	
Councillors:	Ashton, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Feldman, Flint, Ford, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Ootes, Pantalone, Rae, Shiner, Silva, Sutherland

Lost by a majority of 8.

Adoption of Part (1)(a) of motion (e) by Councillor Cho, without amendment:

Yes - 19 Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Feldman, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Rae, Shaw, Shiner, Tziretas
No - 21 Mayor: Councillors:	Lastman Augimeri, Berardinetti, Duguid, Flint, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Silva, Soknacki, Sutherland

Lost by a majority of 2.

Adoption of Part (1) of motion (p) by Councillor Chow:

Yes - 13 Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 27 Mayor: Councillors:	Lastman Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 14.

Adoption of motion (g) by Councillor Sutherland, without amendment:

Yes - 29 Mayor: Councillors:	Lastman Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 11 Councillors:	Altobello, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae

Carried by a majority of 18.

Motion (n) by Councillor Shiner carried.

Adoption of Part (1)(b) of motion (e) by Councillor Cho:

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

Carried by a majority of 12.

Adoption of motion (m) by Councillor Moscoe:

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

Carried by a majority of 36.

Adoption of Part (1)(c) of motion (e) by Councillor Cho:

Yes - 19	
Councillors:	Ashton, Bussin, Cho, Chow, Di Giorgio, Feldman, Johnston, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae, Shiner, Tziretas
No - 21	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Duguid, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Ootes, Shaw, Silva, Soknacki, Sutherland

Lost by a majority of 2.

Adoption of Part (3) of motion (l) by Councillor Kelly:

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

Lost by a majority of 12.

Adoption of Part (2)(b) of motion (p) by Councillor Chow, insofar as it pertains to the addition of a new Recommendation No. (1)(ii)(j):

Yes - 12	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 28	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 16.

Adoption of Part (2)(b) of motion (p) by Councillor Chow, insofar as it pertains to the addition of a new Recommendation No. (1)(ii)(i):

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Feldman, Hall, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shaw, Shiner, Soknacki, Tziretas
No - 15	
Mayor:	Lastman
Councillors:	Balkissoon, Di Giorgio, Duguid, Flint, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moeser, Ootes, Silva, Sutherland

Carried by a majority of 10.

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

Yes - 13	
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Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, Kelly, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 27	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 14.

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

Yes - 11	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 29	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared Parts (2)(c), (2)(d) and (2)(e) of motion (a) by Councillor McConnell, redundant.

Adoption of Part (2)(f) of motion (a) by Councillor McConnell:

Yes - 19	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Flint, Johnston, Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Tziretas
No - 21	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Di Giorgio, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland

Lost by a majority of 2.

Adoption of motion (b) by Councillor Holyday:

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

Carried by a majority of 12.

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

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Duguid, Feldman, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Miller, Moeser, Nunziata, Pantalone, Rae, Shaw, Shiner, Sutherland, Tziretas
No - 13	
Councillors:	Augimeri, Di Giorgio, Flint, Ford, Hall, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Silva, Soknacki

Carried by a majority of 14.

Adoption of Part (2)(h) of motion (a) by Councillor McConnell:

Yes - 15	
Councillors:	Altobello, Bussin, Cho, Chow, Flint, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Tziretas
No - 25	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland

Lost by a majority of 10.

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

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

Lost by a majority of 22.

Adoption of Part (2)(j) of motion (a) by Councillor McConnell:

Yes - 11	
Councillors:	Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae, Shaw
No - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

Yes - 11	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae
No - 28	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 17.

Adoption of Part (2)(a) of motion (c) by Councillor Milczyn:

Yes - 10	
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Councillors:	Bussin, Cho, Chow, Johnston, Korwin-Kuczynski, McConnell, Milczyn, Miller, Moscoe, Pantalone
No - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 20.

Adoption of Part (2)(b) of motion (c) by Councillor Milczyn:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Ford, Hall, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Pantalone, Rae, Shaw, Soknacki
No - 12	
Councillors:	Augimeri, Berardinetti, Feldman, Flint, Holyday, Kelly, Li Preti, Ootes, Shiner, Silva, Sutherland, Tziretas

Carried by a majority of 16.

Adoption of motion (d) by Councillor Miller:

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

Lost by a majority of 22.

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

Yes - 11	
Councillors:	Bussin, Cho, Chow, Hall, Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae
No - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Duguid, Feldman, Flint, Ford, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 18.

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

Yes - 10	
Councillors:	Bussin, Chow, Jones, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Pantalone
No - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 20.

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

Yes - 13	
Councillors:	Augimeri, Berardinetti, Jones, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Shaw, Soknacki, Tziretas
No - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Korwin-Kuczynski, Lindsay Luby, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Sutherland

Lost by a majority of 14.

Adoption of Part (2)(a) of motion (h) by Councillor Jones:

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

Lost by a majority of 12.

Adoption of Part (2)(b) of motion (h) by Councillor Jones:

Yes - 25 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Flint, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Rae, Shaw, Tziretas
No - 15 Mayor: Councillors:	Lastman Augimeri, Di Giorgio, Duguid, Feldman, Ford, Holyday, Li Preti, Mammoliti, Minnan-Wong, Ootes, Shiner, Silva, Soknacki, Sutherland

Carried by a majority of 10.

Adoption of Part (3)(a) of motion (i) by Councillor Bussin:

Yes - 17 Councillors:	Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Hall, Johnston, Jones, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae
No - 23 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 6.

Adoption of Part (3)(b) of motion (i) by Councillor Bussin:

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

Lost by a majority of 12.

Adoption of Part (3)(c) of motion (i) by Councillor Bussin:

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

Lost by a majority of 12.

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

Adoption of Part (3)(d) of motion (i) by Councillor Bussin:

Yes - 15 Councillors:	Altobello, Ashton, Bussin, Chow, Di Giorgio, Johnston, Jones, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Soknacki
No - 25 Mayor: Councillors:	Lastman Augimeri, Balkissoon, Berardinetti, Cho, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas

Lost by a majority of 10.

Adoption of motion (j) by Councillor Ashton:

Yes - 24 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moeser, Moscoe, Pantalone, Rae, Shaw, Sutherland, Tziretas
No - 16 Mayor: Councillors:	Lastman Augimeri, Di Giorgio, Duguid, Feldman, Flint, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner, Silva, Soknacki

Carried by a majority of 8.

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

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

Lost, there being an equality of votes.

Adoption of Part (2)(b)(ii) of motion (p) by Councillor Chow:

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

Lost by a majority of 12.

Adoption of the balance of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", as amended:

Yes - 29	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 11	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae

Carried by a majority of 18.

In summary, Council amended this Clause, in its entirety, by:

- (1) amending the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, by:
  - (a) deleting the following Part (g) from Recommendation No. (1)(i):
    - “(g) limit parking facilities on the airport lands to a maximum of 200 for employee, taxi and transit use;”;

- (b) adding to Part (c) of Recommendation No. (1)(ii), the words “and that the TPA be responsible for any additional costs resulting from the implementation of the protocol”, so that such recommendation shall now read as follows:

“(1)(ii)(c) the development of a comprehensive protocol for Emergency Medical Services (to the satisfaction of the Commissioner of Works and Emergency Services) that includes traffic and bridge management procedures for emergency situations, the provision of EMS facilities on the TCCA site, and a direct line from TCCA to EMS dispatch for crash alarm notification and that the TPA be responsible for any additional costs resulting from the implementation of the protocol;”;

- (c) amending Part (e) of Recommendation No. (1)(ii) to now read as follows:

“(1)(ii)(e) a community advisory committee being established which would meet at least twice a year with the TPA to provide feedback on the impact of TCCA operations on the surrounding neighbourhoods and report directly to City Council, and that Terms of Reference be developed for the committee;”;

- (d) amending Part (g) of Recommendation No. (1)(ii) to now read as follows:

“(1)(ii)(g) the design of the fixed link be amended to include a street car track, designed in a manner that will not require a widening of the bridge or an additional environmental assessment, to the satisfaction of the Commissioner of Works and Emergency Services;”;

- (e) adding the following new Part (h) to Recommendation No. (1)(ii):

“(1)(ii)(h) car parking facilities being limited for airline passengers to a maximum of 450 spaces on the airport lands, excluding the existing vehicle parking spaces that are required to support employees for airport uses pursuant to the Tripartite Agreement;”;

- (f) adding the following new Part (i) to Recommendation No. (1)(ii):

“(1)(ii)(i) no casino being built on the Toronto Islands;”;

so that the recommendations embodied in the report dated October 22, 2002, from the Chief Administrative Officer, as amended by the Joint Planning and Transportation Committee and Economic Development and Parks Committee, and City Council, in their entirety, shall now read as follows:

- “(1) Council support expansion to the Toronto City Centre Airport (TCCA) to a maximum cap of aircraft movements as allowed under the NEF 25 contour, and authorize the Toronto Port Authority (TPA) to construct the fixed link subject to:
- (i) the Tripartite Agreement being amended to:
    - (a) require that the TPA retain the services of a qualified consultant to monitor all of the traffic-related factors, including environmental factors, identified in this report, that the results of the monitoring exercise be reviewed to determine the need for changes to the timing of the bridge operation or the access control (along with other mitigation measures as may be required), and that the TPA report on these issues to Council on an annual basis;
    - (b) require that a review of the Tripartite Agreement be conducted 25 years after the fixed link has been completed;
    - (c) continue the ban on jet aircraft;
    - (d) formalize curfew hours as currently exists;
    - (e) establish noise abatement procedures; and
    - (f) continue the ban on expansion of existing runways and construction of new runways; and
  - (ii) the following additional conditions being met:
    - (a) the TPA providing all necessary guarantees that any infrastructure improvements at the TCCA, including the construction of a fixed link and terminal, will be completed at no cost to the City. This should be done through a performance bond that specifically outlines such a guarantee to the City, or an alternative instrument that eliminates financial risk to the City;
    - (b) the TPA providing an MOU shielding the City from any shortfall in the projected cash flows available for financing infrastructure investments (the fixed link and terminal);



- (c) the development of a comprehensive protocol for Emergency Medical Services (to the satisfaction of the Commissioner of Works and Emergency Services) that includes traffic and bridge management procedures for emergency situations, the provision of EMS facilities on the TCCA site, and a direct line from TCCA to EMS dispatch for crash alarm notification and that the TPA be responsible for any additional costs resulting from the implementation of the protocol;
  - (d) the TPA providing details with respect to the transit strategy required to encourage half of all airport trips to be made by transit (an assumption identified in the additional transportation information submitted by the TPA) to the satisfaction of Commissioner of Works and Emergency Services, the Medical Officer of Health and the Chief General Manager of the TTC;
  - (e) a community advisory committee being established which would meet at least twice a year with the TPA to provide feedback on the impact of TCCA operations on the surrounding neighbourhoods and report directly to City Council, and that Terms of Reference be developed for the committee;
  - (f) the TPA agreeing to be held liable for the cost of any damage attributable to the construction of the bridge to the dockwall on the north side of the Western Gap; and
  - (g) the design of the fixed link be amended to include a street car track, designed in a manner that will not require a widening of the bridge or an additional environmental assessment, to the satisfaction of the Commissioner of Works and Emergency Services;
  - (h) car parking facilities being limited for airline passengers to a maximum of 450 spaces on the airport lands, excluding the existing vehicle parking spaces that are required to support employees for airport uses pursuant to the Tripartite Agreement; and
  - (i) no casino being built on the Toronto Islands;
- (2) the approval of Recommendation No. (1), above, be conditional on the legal dispute between the City, TEDCO, and the TPA being resolved;

- (3) the TPA be requested to fund streetscape improvements along the water's edge and to work with staff of UDS to develop improvements that address pedestrian and parks issues along Bathurst Quay;
  - (4) staff be instructed to forward this report to the TPA, with a request that it confirm with the Commissioner of Urban Development Services acceptance of the above conditions;
  - (5) following satisfaction of Recommendation No. (4), the Commissioner of Urban Development Services and the City Solicitor report to Council on the necessary amendments to the Tripartite Agreement and the terms of the proposed resolution of the litigation;
  - (6) taxi service to the new air terminal be by way of an open taxi stand available to all licensed Toronto Taxis and Limousines;
  - (7) the Terminal building be constructed in a manner that will provide for direct streetcar access; and
  - (8) 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 Toronto Port Authority be required to:
    - (i) enter into a binding agreement with the City of Toronto which stipulates that the planes to be purchased will be built in Toronto by unionized workers, as long as the prices are competitive; and
    - (ii) complete a storm water management plan for the Toronto City Centre Airport;
  - (b) the Toronto Port Authority and its partners or tenants, be requested to:
    - (i) prepare, at their own expense, a detailed urban design plan for the improvement of the pedestrian environment at the approaches to the new fixed link and along both shores of the Western Gap, such design to include pedestrian areas, a multi-modal waterfront trail, aircraft viewing areas and public art, such plan to be prepared to the satisfaction of the Commissioner of Urban Development Services; and
    - (ii) construct all the elements of this urban design plan at their own expense, once it has been approved by the City;

- (c) the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism, the Chief General Manager of the Toronto Transit Commission and the Medical Officer of Health be requested to submit a report to Council every three years, commencing in 2005, on the traffic, transit and environmental factors related to the operations of the Toronto City Centre Airport;
- (d) Council adopt the confidential joint report dated November 26, 2002, from the City Solicitor and the Commissioner of Urban Development Services, entitled 'Toronto Port Authority Litigation', subject to confidential instructions issued to staff at the in-camera portion of this meeting of City Council, such confidential joint report and confidential instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they relate to litigation or potential litigation, save and except the following recommendations embodied in such confidential joint report:

'It is recommended that:

- (1) City Council approve the proposed settlement of the litigation between the TPA, TEDCO, the City, certain individuals and the Federal Government, substantially on the terms contained in the Draft Minutes of Settlement attached hereto;
  - (2) City Council instruct and authorize the Chief Financial Officer and Treasurer, the Chief Administrative Officer, the City Solicitor and the Commissioner of Urban Development Services to negotiate and conclude all necessary agreements and documents to give effect to the proposed settlement; and
  - (3) City staff be instructed to report back to City Council on their discussions with respect to the unresolved issues of the harbour-user fees and the payments in lieu of taxes.';
- (e) the Chief Administrative Officer be directed to submit a report to City Council, through the Policy and Finance Committee, for approval on any substantive changes to the Minutes of Settlement; substantive changes to include items such as financial arrangements, terms and level of subsidies, lands, the City of Toronto's future liabilities, etc.;
  - (f) all final lease documents be presented to City Council for final approval, along with any federal government consent to the terms;
  - (g) the Chief Administrative Officer be requested to meet with Mr. Rahul Bhardwag, the City of Toronto's representative on the Toronto Port Authority,

in order to brief him on the details of the City's perspective with respect to this Agreement; and

- (h) the Federal Government, through appropriate channels, be requested to consider creating legislation that would transform the Toronto Port Authority back to a Harbour Commission or City of Toronto agency."

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

#### **9.74 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 Di Giorgio**

**Seconded by: Councillor Li Preti**

**"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 February 4, 2003.

**9.75 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 dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Attachment No. 3, Page 228).

*Motion:*

Councillor Minnan-Wong moved that consideration of Motion F(2) be deferred to the next regular meeting of City Council scheduled to be held on February 4, 2003.

*Vote on Deferral:*

The motion by Councillor Minnan-Wong carried.

**9.76 Term of Office for Auditor General**

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

**Moved by: Councillor Balkissoon**

**Seconded by: Councillor Jones**

“**WHEREAS** City Council at its meeting held on May 21, 22 and 23, 2002, adopted, as amended, Policy and Finance Committee Report No. 7, Clause No. 1, headed ‘Proposal to Establish an Independent Auditor General for the City of Toronto’, and, in so doing, approved a term of office of five years for the Auditor General; and

**WHEREAS** that decision was based upon the maximum allowable term of office under the Municipal Act; and

**WHEREAS** it has been determined that the City may appoint the Auditor General as a non-statutory official, without any restriction or maximum term; and

**WHEREAS** it would be preferable to establish a longer term of office to ensure that, in the future, the City is able to attract and retain a qualified candidate for the position; and

**WHEREAS** the original recommendation of Mr. Denis Desautels was to set a term of seven years;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 7, Clause No. 1, headed 'Proposal to Establish an Independent Auditor General for the City of Toronto', be re-opened for further consideration, only insofar as it pertains to the number of years of the term of office of the Auditor General;

**AND BE IT FURTHER RESOLVED THAT** the term of office for the Auditor General be changed to seven years; and that clause 169-30.2.B of the Draft By-law contained in Appendix 1 of the report dated November 4, 2002, from the Chief Administrative Officer, as embodied in Policy and Finance Committee Report No. 15, Clause No. 1, headed 'Implementation of Auditor General and Internal Audit Functions', be amended by deleting the number '5' and inserting in lieu thereof the number '7', so the clause shall now read:

'B. Be appointed for a non-renewable term of 7 years.' "

*Votes:*

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

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

(Note: Council considered Motion J(1) together with Clause No. 1 of Report No. 15 of The Policy and Finance Committee, headed "Implementation of Auditor General and Internal Audit Functions". See Minute No. 9.43, Page xx.)

**9.77 Amendment to 2003 Schedule of Meetings**

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

**Moved by: Councillor Rae**

**Seconded by: Councillor Bussin**

**“WHEREAS** City Council at its meeting held on July 30, 31 and August 1, 2002, adopted, as amended, Policy and Finance Committee Report No. 12, Clause No. 18, headed ‘2003 Capital and Operating Budget Submissions Revised Schedule of Meetings’, and, in so doing, adopted a revised 2003 Schedule of Meetings; and

**WHEREAS** there are no scheduled meetings of the Community Councils during February and March of 2003; and

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

**WHEREAS** the Toronto East York Community Council, at its meeting held on November 12, 2002, requested its Chair to submit a Notice of Motion to City Council in this regard;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 12, Clause No. 18, headed ‘2003 Capital and Operating Budget Submissions Revised Schedule of Meetings’, be re-opened for further consideration, only insofar as it relates to the schedule of meetings for the month of February 2003;

**AND BE IT FURTHER RESOLVED THAT** Community Council meetings be scheduled on the following days:

Wednesday, February 19, 2003:	Humber York Community Council Midtown Community Council Scarborough Community Council Toronto East York Community Council
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Thursday, February 20, 2003:	Etobicoke Community Council North York Community Council;
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**AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer, in



consultation with the Commissioners, recommend which Community Council decisions require urgent attention and that such matters be submitted to the Special Council meeting scheduled to be held on February 24 to 28, 2003, to consider the 2003 Operating and Capital Budgets;

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

*Vote:*

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

*Motions:*

- (a) Councillor Shiner moved that the balance of Motion J(2) be adopted subject to deleting from the second Operative Paragraph, the dates “Wednesday, February 19, 2003” and “Thursday, February 20, 2003”, and inserting in lieu thereof the dates “Thursday, February 20, 2003” and “Friday, February 21, 2003” respectively, so that such Operative Paragraph now reads as follows:

**“AND BE IT FURTHER RESOLVED THAT** Community Council meetings be scheduled on the following days:

Thursday, February 20, 2003:           Humber York Community Council  
Midtown Community Council  
Scarborough Community Council  
Toronto East York Community Council

Friday, February 21, 2003:           Etobicoke Community Council  
North York Community Council;”.

- (b) Councillor Rae moved that the balance of Motion J(2) be adopted subject to deleting the Second Operative Paragraph, and inserting in lieu thereof the following:

**“AND BE IT FURTHER RESOLVED THAT** Community Council meetings be scheduled on the following days:

Thursday, February 20, 2003:  
Humber York Community Council  
Midtown Community Council  
Toronto East York Community Council

Friday, February 21, 2003:

North York Community Council

Monday, March 3, 2003:

Etobicoke Community Council

At the Call of the Chair:

Scarborough Community Council;”.

*Vote:*

Motion (b) by Councillor Rae carried.

Having regard to the foregoing decision of Council, motion (a) by Councillor Shiner was not put.

**9.78 Request for Front Yard Parking at 47 Shallmar Boulevard**

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

**Moved by: Councillor Mihevc**

**Seconded by: Councillor Flint**

“**WHEREAS** City Council at its meeting held on October 1, 2 and 3, 2002, adopted, without amendment, Midtown Community Council Report No. 7, Clause No. 27, headed ‘Request for an Exemption from Chapter 400 – Traffic and Parking of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 47 Shallmar Boulevard’, and, in so doing, approved the application for front yard parking for one vehicle at 47 Shallmar Boulevard, subject to the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code; and

**WHEREAS** the applicant requires two parking spaces; and

**WHEREAS** the site is already fully landscaped with trees;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council

Report No. 7, Clause No. 27, headed 'Request for an Exemption from Chapter 400 – Traffic and Parking of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 47 Shallmar Boulevard', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the recommendation of the Midtown Community Council be struck out;

**AND BE IT FURTHER RESOLVED THAT** Council approve the application for front yard parking at 47 Shallmar Boulevard for two vehicles, subject to the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, except for the requirement for the planting of a tree and payment thereof, having regard that the site is already fully landscaped with trees;

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

*Votes:*

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

The balance of Motion J(3) was adopted, without amendment.

**9.79 Use of Corporate Resources for Election Purposes During an Election Year**

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

**Moved by:** Councillor Moscoe

**Seconded by:** Councillor Bussin

“**WHEREAS** City Council at its meeting held October 29, 30 and 31, 2002, adopted, as amended, Administration Committee Report No. 13, Clause No. 2, headed 'Use of Corporate Resources for Election Purposes Especially during a Municipal Election Year'; and

**WHEREAS** such Clause established severe limitations on Councillors, effective August 1<sup>st</sup> of an election year; and

**WHEREAS** during the previous election these restrictions came into effect October 13<sup>th</sup>, a full two and a half months later; and

**WHEREAS** these restrictions severely impact on the ability of Councillors to fulfill the functions expected of them from the electorate they represent; and

**WHEREAS** the policy attempts to nullify incumbency;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 13, Clause No. 2, headed ‘Use of Corporate Resources for Election Purposes Especially during a Municipal Election Year’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** this matter be referred back to the Administration Committee;

**AND BE IT FURTHER RESOLVED THAT** Members of Council be invited to recommend changes to this policy.”

*Votes:*

The first Operative Paragraph embodied in Motion J(4) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(4) was adopted, without amendment.

In so doing, Council referred Clause No. 2 of Report No. 13 of The Administration Committee, headed “Use of Corporate Resources for Election Purposes Especially during a Municipal Election Year”, back to the Administration Committee and invited Members of Council to recommend changes to this policy.

9.80 **Toronto Olympic Plebiscite**

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

**Moved by:**                    **Councillor Walker**

**Seconded by:**                **Councillor Miller**

“**WHEREAS** gathering public opinion via plebiscite furthers open and transparent government; and

**WHEREAS** the cost of a plebiscite can be minimized when conducted simultaneously with a scheduled election; and

**WHEREAS** Toronto has a scheduled election in November 2003; and

**WHEREAS** Bern, Switzerland recently held a plebiscite on public consent for its multi-million dollar bid for the 2010 Winter Olympics, the result being nearly 4 to 1 against; and

**WHEREAS** Bern, Switzerland had already spent considerable millions of public dollars prior to this plebiscite; and

**WHEREAS** the Cities of Sydney (2000) and Montreal (1976), among others, were left with billions of dollars of debt after their respective Olympics and are still struggling with this debt; and

**WHEREAS** there are other international events, such as a World's Fair, that generate positive outcomes with fewer negative possibilities that may be more appropriate in Toronto; and

**WHEREAS** the City's infrastructure is in dire need of maintenance and upgrade, greater in scope than the funding accompanying an Olympic Games could provide; and

**WHEREAS** the City's official bid for the 2008 Olympics cost 128 percent more than budgeted, ballooning from \$21 million to \$46 million; and

**WHEREAS** taxpayers in Toronto will be directly affected by any future Olympic bid through the spending of their tax dollars; and

**WHEREAS** all residents in Toronto will be directly affected as a result of the hosting of an Olympic Games;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council commit to the holding of a City-wide plebiscite on the support for an Olympic Games bid, prior to formalizing any such bid for the 2012 Olympics;

**AND BE IT FURTHER RESOLVED THAT** a plebiscite question seeking public input on this question be included on the November 2003 municipal election ballot;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City officials be requested to take any action necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) 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(5) to the Administration Committee was taken as follows:

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

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

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

**9.81 Donation of Funds for a Dog-Watering Fountain - Norman Jewison Park**

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 Nunziata**

**“WHEREAS** in 2001, the City created a park out of a parking lot between Isabella and Gloucester Streets, east of Yonge Street; and

**WHEREAS** on September 5, 2001, the park was opened and named Norman Jewison Park, in honour of the local Oscar-winning director; and

**WHEREAS** Norman Jewison has offered to make a donation of \$7,500.00 for a dog-watering fountain for the park; and

**WHEREAS** the estimates of \$7,500.00 provided by the Economic Development, Culture and Tourism Department will cover the costs of the dog-watering fountain;

**NOW THEREFORE BE IT RESOLVED THAT** the appropriate staff be directed to receive the generous donation from Mr. Jewison to build a dog-watering fountain and the Chief Financial Officer and Treasurer be requested to issue a receipt for such funds to Mr. Jewison, for income tax purposes.”

*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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(6) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(6) was adopted, without amendment.

**9.82 Inclusion of Hogg’s Hollow and Warren Park Ravine in the Ravine By-law**

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

**Moved by: Councillor Flint**

**Seconded by: Councillor Miller**

“**WHEREAS** City Council at its meeting held on October 1, 2 and 3, 2002, adopted, as amended, Planning and Transportation Committee Report No. 10, Clause No. 2, headed ‘Harmonized City-Wide Ravine By-law’; and

**WHEREAS** the new Ravine By-law was passed by Council at its meeting held on October 3, 2002; and

**WHEREAS** Council recommended amending the By-law to ‘exclude the lands known as Hogg’s Hollow Special Policy Area and Warren Park Ravine from the map attached to the draft By-law’; and

**WHEREAS** Council further recommended that staff attend the Hogg’s Hollow neighbourhood community meeting to discuss the impact of the Ravine Protection By-law and to report to Council on any issues raised at the meeting; and

**WHEREAS** staff have now met with the communities of Hogg's Hollow and Warren Park Ravine and both are supportive of their community being subject to the new Ravine By-law; and

**WHEREAS** the Commissioner of Urban Development Services has prepared the attached report dated November 14, 2002, on amendments to the City of Toronto Municipal Code Chapter 658, Ravine Protection such that the areas of Hogg's Hollow and Warren Park Ravine are included in the By-law; and

**WHEREAS** reporting to the December 13, 2002 meeting of Planning and Transportation Committee would result in the area of Hogg's Hollow and Warren Park Ravine remaining unprotected by the Ravine By-law until February 4, 2003;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached joint report dated November 14, 2002, from the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, 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(7) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(7) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(7), a joint report dated November 14, 2002, from the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, entitled "New Ravine By-law Amendments". (See Attachment No. 4, Page 230).



*Vote:*

Motion J(7) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated November 14, 2002, from the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) the City Solicitor be authorized to amend the City of Toronto Municipal Code Chapter 658, Ravine Protection, by deleting Section 658-12-B ‘Despite Schedule A this chapter shall not apply to the areas known as Hogg’s Hollow Special Policy Area and Warren Park Ravine or to table lands associated with private golf courses’, and replace the maps of Schedule A; and
- (2) the City Solicitor be authorized to introduce the necessary Bill in Council to give effect thereto.”

9.83 **Anti-Terrorism Measures, Emergency Preparedness Program and Establishment of a “Security and Prevention Committee”**

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(8):

**Moved by: Councillor Walker**

**Seconded by: Councillor Altobello**

“**WHEREAS** over one year ago, the Policy and Finance Committee, at its meeting of October 25, 2001, had before it communications (October 1 and 10, 2001) from Councillor Michael Walker, St. Paul’s, advising that a formalized framework for City Council and those officials who are charged with the protection of the City and its people should be established to minimize the impact of any possible acts of terrorism or crisis; and

**WHEREAS** the Policy and Finance Committee referred the communications (October 1 and 10, 2001) from Councillor Walker, to the Chief Administrative Officer for consideration and report thereon to the Policy and Finance Committee in her forthcoming report; and

**WHEREAS** the Chief Administrative Officer’s report referred to above is still outstanding; and

**WHEREAS** Canada was specifically named, along with five other allied countries of the United States, on a terrorist audio tape that was released November 12, 2002; and

**WHEREAS** Toronto has been identified as a target by the F.B.I., with the CN Tower, the TTC subway system and the nearby Pickering nuclear plant among twenty-two (22) potential terrorist targets in Canada; and

**WHEREAS** Councillor Walker's October 1 and 10, 2001 communications to the Policy and Finance Committee contained specific recommendations for the protection of the Pickering nuclear plant, TTC subway system and water systems, among other areas; and

**WHEREAS** Toronto is the largest city in Canada and is the financial centre of Canada; and

**WHEREAS** New York is the U.S. financial centre, the largest city in the U.S. and the first mainland victim of terrorism; and

**WHEREAS** it is alleged that the City's vital systems (i.e. water reservoirs, hydro plants, nuclear plants, TTC subway system) are not adequately protected, having regard for the context of the present political and social climate; and

**WHEREAS** the federal government has allocated \$7 billion dollars for anti-terrorism measures; and

**WHEREAS** the provincial government has committed \$400,000.00 annually to strengthen Toronto's emergency response program; and

**WHEREAS** public opinion is in favour of the strengthening of security and protection measures against terrorism and crisis; and

**WHEREAS** it would be consequently irresponsible for City Council to ignore the grave seriousness of potential threats to Toronto's 2.5 million residents;

**NOW THEREFORE BE IT RESOLVED THAT** City Council hereby instructs the Chief Administrative Officer to present Council Members with a comprehensive overview of the City's Emergency Preparedness Program and Anti-Terrorism Measures to date, to be presented in-camera, if appropriate;

**AND BE IT FURTHER RESOLVED THAT** City Council immediately establish a permanent Security and Prevention Committee to ensure protection for the City's vital services and its citizens;

**AND BE IT FURTHER RESOLVED THAT** City Council hereby instructs the Chief Administrative Officer to ensure that all the communication systems of all levels and departments of Toronto's Police, Fire, Emergency Medical Services (EMS) and other related services are fully compatible with each other;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City officials be

requested to take any action necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”,

the vote upon which was taken as follows:

Yes - 19	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Duguid, Flint, Jones, Kelly, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Miller, Shaw, Silva, Sutherland, Walker
No - 22	
Councillors:	Augimeri, Chow, Di Giorgio, Feldman, Filion, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Soknacki, Tziretas

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

City Council also had before it, for consideration with Motion J(8), the following communications from Councillor Michael Walker, St. Paul's:

- (i) (October 1, 2001) addressed to the Chair and Members of the Policy and Finance Committee, entitled “Protection from Terrorism” (See Attachment No. 5, Page 233); and
- (ii) (October 10, 2001) addressed to the Chair and Members of the Policy and Finance Committee, entitled “Amendment - Protection from Terrorism” (See Attachment No. 6, Page 235).

*Disposition:*

Having regard that the motion to waive Notice did not carry, Councillor Walker gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on February 4, 2003.

**9.84 Appointment of Citizen Members to the Toronto Economic Development Corporation - (TEDCO)**

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Minnan-Wong**

**Seconded by: Councillor Feldman**

**“WHEREAS** City Council at its meeting held on June 18, 19 and 20, 2002, adopted, as amended, Policy and Finance Committee Report No. 10, Clause No. 2, headed ‘City of Toronto Economic Development Corporation (TEDCO) City Wide’; and

**WHEREAS** the size of the Board of Directors of TEDCO was set at 11 members comprised of the Mayor or his designate, the Chair of the City’s Economic Development and Parks Committee, two Members of Council to be selected from the Economic Development and Parks Committee, 6 citizen members, one of whom to be a designate of the Labour Council of Metro Toronto and York Region; and the Commissioner of Economic Development, Culture and Tourism or his designate as an ex-officio, non-voting member; and

**WHEREAS** the Selection Committee, as approved by City Council, was requested to recommend the citizen slate of directors, including the recommended Chair of the Board, has met and finalized its recommendations on November 12, 2002; and

**WHEREAS** TEDCO’s new Board needs to be in place by December 10, 2002, in order to commence the development of its new mandate and business plan for 2003; and

**WHEREAS** the Commissioner of Economic Development, Culture and Tourism, in the attached report dated November 19, 2002, is recommending the appointment of the slate of citizen nominees listed in the confidential attachment to this report, and that such appointments take effect as of December 1, 2002, for a 3-year term;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, 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(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.

City Council also had before it, during consideration of Motion J(9), a report (November 19, 2002) from the Commissioner of Economic Development, Culture and Tourism, entitled "Board of Directors for New Toronto Economic Development Corporation" (See Attachment No. 7, Page 236).

*Motion:*

Councillor Pantalone moved that Motion J(9) be adopted subject to adding the following to the end of the Operative Paragraph:

“subject to adding to the end of Recommendation No. (1) embodied therein, the words ‘subject to Mr. Stanley R. Budd resigning from his position as a member of the Board of Governors of Exhibition Place’ ”, so that the Operative Paragraph now reads as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, and that such report be adopted, subject to adding to the end of Recommendation No. (1) embodied therein, the words ‘subject to Mr. Stanley R. Budd resigning from his position as a member of the Board of Governors of Exhibition Place’.”

*Votes:*

The motion by Councillor Pantalone carried.

Motion J(9), as amended, carried.

Council, by its adoption of the Motion, as amended, adopted the report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations, as amended:

“It is recommended that:

- (1) the slate of citizen nominees, including the Chair, contained in Attachment No. 1, which was circulated under separate confidential cover to Member of Council, be appointed to the Toronto Economic Development Corporation (TEDCO) as of December 1, 2002, for a 3 year term or until their successors are appointed, subject to Mr. Stanley R. Budd resigning from his position as a member of the Board of Governors of Exhibition Place;
- (2) annual remuneration for the citizen appointees be set at \$2,000.00 per meeting for the Chair and \$500.00 per meeting for citizen board members plus expenses, subject to the following:
  - (a) the review of the remuneration for citizen appointees by the Chief Administrative Officer for all City ABCs and corporations; and
  - (b) the comprehensive board evaluation process for all City corporate boards (to be developed by the CAO's Office) be applied to TEDCO board members including a 360 degree evaluation prior to the reappointment or recruitment of the board members in 2005;
- (3) the Commissioner of Economic Development, Culture and Tourism brief the new board members on the alignment of TEDCO's new mandate to the Council approved Economic Development Strategy and specifically opportunities for redevelopment of brownfield areas for employment generating uses across the City; and
- (4) the appropriate officials be authorized to take the necessary action to give effect thereto."

In so doing, Council appointed the following slate of citizen nominees, including the Chair, to the Toronto Economic Development Corporation, as contained in the confidential attachment to the report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, such attachment to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains personal information about identifiable individuals, save and except the following names of appointees embodied therein:

- James Villeneuve (Chair);
- Stanley R. Budd;
- C. Arthur Downes;
- Cynthia L. Robins;
- David McFadden (Nominee from the Toronto Board of Trade); and
- Ucal Powell (Nominee from the Toronto and York Region Labour Council).

#### 9.85 Issuance of Debentures

Mayor Lastman moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion J(10), which carried:

**Moved by: Mayor Lastman**

**Seconded by: Councillor Shiner**

“**WHEREAS** at its meeting held on February 13, 14 and 15, 2002, City Council adopted By-law No. 52-2002 being a by-law to authorize agreements respecting the issue and sale of debentures; and

**WHEREAS**, pursuant to By-law No. 52-2002, the Mayor and the Chief Financial Officer and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures upon such terms and conditions, including price or prices as they deem expedient, to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including the purposes of any former area municipality, the former Municipality of Metropolitan Toronto and a board of education; and

**WHEREAS** the Mayor and the Chief Financial Officer and Treasurer have entered into an agreement dated November 18, 2002 for the issue and sale of debentures and the Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering into of such agreement; and

**WHEREAS** the City of Toronto Act, 1997 (No. 2), subsection 102(6), requires Council to pass all necessary money by-laws in accordance with the said agreement and applicable legislation;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report dated November 21, 2002, from the Chief Financial Officer and Treasurer regarding the issuance of debentures and that such report be adopted;

**AND BE IT FURTHER RESOLVED THAT** leave be granted for the introduction of the necessary Bills in Council to give effect to the issuance of debentures.”

City Council also had before it, during consideration of Motion J(10), a report (November 21, 2002) from the Chief Financial Officer and Treasurer, entitled “Issuance of Debentures” (See Attachment No. 8, Page 240).

*Vote:*

Motion J(10) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 21, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendations:

“It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on November 26, 2002, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.”

**9.86 School Bus Loading Zone - South Side of Glebeholme Boulevard (Beaches-East York, Ward 31)**

Councillor Tziretas 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 Tziretas**

**Seconded by: Deputy Mayor Ootes**

“**WHEREAS** the Toronto East York Community Council at its meeting held on September 17, 2002, considered a report, entitled ‘Glebehome Boulevard, from Glebemount Avenue to Woodmount Avenue – Relocation of a School Bus Loading Zone (Beaches-East York, Ward 31)’, and deferred consideration of the report and requested the Commissioner of Works and Emergency Services to conduct a poll on the south side of Glebeholme Boulevard, from Glebemount Avenue to Woodmount Avenue, and to consult with the Ward Councillor on the results of the poll;

**WHEREAS** public consultation with residents on Glebeholme Boulevard, from Glebemount Avenue to Woodmount Avenue, has concluded that, based on the responses to a public poll, five of 21 residences indicated support for the proposed amendment to the parking regulations, and three of 21 residents indicated no support for the proposed amendment to the parking regulations; and

**WHEREAS** staff of Transportation Services have considered the result of the polling of residents with my office;

**NOW THEREFORE BE IT RESOLVED THAT** in order to service the added demand by school buses at St. Brigid’s School:



- (1) the 'No Parking 8:00 a.m. to 6:00 p.m., Monday to Friday, except public holidays' regulation on the south side of Glebeholme Boulevard from Woodmount Avenue to a point 103.6 metres west of Woodmount Avenue, be rescinded;
- (2) the School Bus Loading Zone on the north side of Wolverleigh Boulevard from a point 9 metres west of Woodmount Avenue to a point 38 metres west of Woodmount Avenue, be removed; and
- (3) a School Bus Loading Zone operating from 8:00 a.m. to 6:00 p.m., Monday to Friday, except public holidays, be established on the south side of Glebeholme Boulevard from a point 9 metres east of Woodmount Avenue to a point 69 metres west of Woodmount 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.”

*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.

**9.87 Suspension of Alternate Side Parking Regulation - Springdale Boulevard (Beaches-East York, Ward 31)**

Councillor Tziretas 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 Tziretas

**Seconded by:** Deputy Mayor Ootes

“**WHEREAS** City Council at its meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, by its adoption, without amendment, of Clause No. 48 of Report No. 3 of The Downtown Community Council, headed ‘Alternate Side Parking and Winter Snow Operations – Various

Streets (Toronto Danforth, Ward 29 and Beaches-East York, Ward 31)', authorized the suspension of the alternate side parking regulations by prohibiting parking on the north side of Springdale Boulevard, from Woodmount Avenue to Woodbine Avenue, during the months of January, February, March, June, July and December, and on the south side of Springdale Boulevard, from Woodmount Avenue to Woodbine Avenue, during the months of April, May, August, September, October and November;

**WHEREAS** public consultation with residents on Springdale Boulevard, from Woodmount Avenue to Woodbine Avenue in Ward 31, has concluded that, based on a public poll, 16 of 21 residences indicated support for the suspension of the alternate side parking regulation, between December 1 and March 31; and

**WHEREAS** staff of Transportation Services have considered the result of polling of residents with my office;

**NOW THEREFORE BE IT RESOLVED THAT** parking be prohibited on the north side of Springdale Boulevard, from Woodmount Avenue to Woodbine Avenue, during the months of January, February, March, June, July and December, and on the south side of Springdale Boulevard, from Woodmount Avenue to Woodbine Avenue, during the months of April, May, August, September, October and November;

**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.”

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

*Vote:*

Motion J(12) was adopted, without amendment.

9.88 **Christmas Tree in Nathan Phillips Square**

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

**Moved by: Mayor Lastman**

**Seconded by: Deputy Mayor Ootes and Councillor Lindsay Luby**

“**WHEREAS** the 50-foot fir tree in Nathan Phillips Square has been referred to as a ‘Holiday Tree’ by staff; and

**WHEREAS** Council recognizes that staff were attempting to be inclusive by calling the tree a Holiday Tree and that their hearts were in the right place, but that they went too far in the name of political correctness; and

**WHEREAS** coniferous trees adorned with lights, decorations and stars have always been and always will be Christmas Trees;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council direct staff to refer to trees adorned with lights, decorations and stars as ‘Christmas Trees’ from this point forward;

**AND BE IT FURTHER RESOLVED THAT** all references to the ‘Holiday Tree’ be replaced with ‘Christmas Tree’ in future City literature.”

*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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(13) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Adoption of Motion J(13), without amendment:

Yes - 41	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

9.89 **Preliminary Evaluation of Proposals for the Provision of Telecommunications Infrastructure for the City of Toronto**

Councillor Holyday moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Holyday

**Seconded by:** Councillor Ashton

**“WHEREAS** City Council, by its adoption of Clause No. 18 of Report No. 2 of The Policy and Finance Committee, headed ‘Telecommunications Network Initiative, Critical Path’, at its meeting held on February 13, 14 and 15, 2002, authorized the Commissioner of Corporate Services to issue a Request for Proposals to collect current market and costing information on the options available for the provision of telecommunications services to the City of Toronto and to select a new service provider(s); and

**WHEREAS** the Request for Proposals (No. 9155-02-07293) (the ‘RFP’) was issued on July 31, 2002, with an extended submission date of October 23, 2002; and

**WHEREAS** staff, in their initial evaluation of the responses received to the RFP have determined that there is a necessity to seek immediate Council direction with respect to the RFP process; and

**WHEREAS** it is essential, for the reasons as set out in the confidential report dated November 20, 2002, from the Commissioner of Corporate Services, that City Council consider this matter at its meeting of November 26, 27 and 28, 2002;

**NOW THEREFORE BE IT RESOLVED THAT** City Council adopt the recommendations as contained in the attached confidential report dated November 20, 2002, from the Commissioner of Corporate Services.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the 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(14) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(14), a confidential report (November 20, 2002) from the Commissioner of Corporate Services, entitled “Preliminary Evaluation of Proposals for the Provision of Telecommunications Infrastructure for the City of Toronto (Request for Proposals No. 9155-02-07293)”, such report now public in its entirety (See Attachment No. 9, Page 242).

*Motion:*

Councillor Minnan-Wong moved that Motion J(14) be adopted, subject to adding the following to the end of the Operative Paragraph:

“subject to adding to such confidential report the following additional Recommendations Nos. (7) to (10), and renumbering the original Recommendation No. (7) accordingly:

- ‘(7) the Commissioner of Corporate Services also be directed to provide written notice to the 22 participants who attended the mandatory Proponent’s Conference, advising of the reasons for the cancellation of the current process and the City’s intention to issue a new RFP;
- (8) an opportunity be made available for the 22 participants to attend an information session to be scheduled prior to the issuance of the new RFP for the purpose of allowing these parties to advise City staff of any concerns with respect to the previous process, so that this information may be collected for the information of staff and City Council;

- (9) upon completion of the discussion with the 22 participants, the Executive Director of Information and Technology be requested to meet with the Chair of the Administration Committee, other interested members of the Administration Committee, and members of the Information and Technology Sub-Committee, to discuss the outcome of the consultations and the resulting changes to the new RFP;
- (10) a further information session be scheduled after the issuance of the new RFP for the purpose of allowing these parties to ask any further questions which they may have concerning the new RFP document and process, which questions shall be answered in the form of a further addendum;’ ”.

*Votes:*

The motion by Councillor Minnan-Wong carried.

Motion J(14), as amended, carried.

Council, by its adoption of the Motion, as amended, adopted, the confidential report dated November 20, 2002, from the Commissioner of Corporate Services, such report now public in its entirety and embodying the following recommendations, as amended:

“It is recommended that:

- (1) City Council authorize staff to cancel the Request for Proposals for the Provision of Telecommunications Infrastructure for the City of Toronto (RFP No. 9155-02-07293);
- (2) City staff be directed to provide written notice to the Proponents who submitted proposals in response to the RFP No. 9155-02-07293 returning their proposals and indicating that the process has been cancelled, the reasons why their proposal was judged deficient, and an indication of the next steps to be taken by the City in relation to the issuance of a new RFP for the provision of telecommunications infrastructure;
- (3) City staff be directed to issue a new RFP as soon as practicable for the provision of telecommunications infrastructure;
- (4) the scope of work, terms and conditions of the new RFP will remain substantially unchanged, with only necessary modifications to the schedule of events, and the addition of four addendums which were used to clarify the requirements from the earlier RFP as a new appendix;
- (5) the period for responding to the new RFP be shortened to five weeks;

- (6) the new RFP be re-issued only to the 22 vendors who attended the mandatory information conference for the previous RFP;
- (7) the Commissioner of Corporate Services also be directed to provide written notice to the 22 participants who attended the mandatory Proponent's Conference, advising of the reasons for the cancellation of the current process and the City's intention to issue a new RFP;
- (8) an opportunity be made available for the 22 participants to attend an information session to be scheduled prior to the issuance of the new RFP for the purpose of allowing these parties to advise City staff of any concerns with respect to the previous process, so that this information may be collected for the information of staff and City Council;
- (9) upon completion of the discussion with the 22 participants, the Executive Director of Information and Technology be requested to meet with the Chair of the Administration Committee, other interested members of the Administration Committee, and members of the Information and Technology Sub-Committee, to discuss the outcome of the consultations and the resulting changes to the new RFP;
- (10) a further information session be scheduled after the issuance of the new RFP for the purpose of allowing these parties to ask any further questions which they may have concerning the new RFP document and process, which questions shall be answered in the form of a further addendum; and
- (11) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

#### 9.90 **City Employees Strike - Summer of 2002**

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

**Moved by: Councillor Bussin**

**Seconded by: Councillor Jones**

**"WHEREAS** it has become abundantly clear, in light of the recent decision of the Provincial Arbitrator, Tim Armstrong, that the City employees strike of last summer was eminently avoidable and completely unnecessary, evident in his awarding of the City employees' wage and job security provisions rejected by City management; and

**WHEREAS** the 16-day strike caused the withdrawal of important City services from the citizens of Toronto resulting in the closure of pools, cancelled summer camps,

streets filled with garbage and the loss of public confidence in the City to properly administer its affairs; and

**WHEREAS** Mr. Armstrong, in his decision, recognized the need for greater co-operation between the City and its Unions, stating in his report: ‘The good news is that there is considerable intelligence and talent on both sides... The challenge is to mobilize this talent to work co-operatively and move in constructive directions. But this is unlikely to happen without openly expressed support and encouragement from the most senior levels – bureaucratic/administrative and political.’ – clearly placing the onus on the City to ‘get its labour relations’ in order;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) City Council acknowledge and devise strategies on the need to improve its labour relations with City unionized staff to avoid the possibility of future withdrawal of services; and
- (2) City Council also acknowledge that last summer’s strike was unnecessary and affirm that it is the dedication and professionalism of City workers that, in large measure, makes Toronto ‘*the greatest City in the World*.’”

*Advice by Deputy Mayor:*

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

*Procedural Vote:*

The vote to waive referral of Motion J(15) to the Administration Committee was taken as follows:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Ootes, Pantalone, Rae, Shaw, Silva, Sutherland, Walker
No - 15	
Mayor:	Lastman
Councillors:	Duguid, Feldman, Ford, Hall, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Shiner, Soknacki, Tziretas

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

Notwithstanding the provisions of Chapter 27 of the City of Toronto Municipal Code, Council waived referral of Motion J(15) to the Administration Committee.



*Disposition:*

Having regard that Council did not conclude its consideration of Motion J(15) prior to the end of this meeting, consideration of Motion J(15) was deferred to the next regular meeting of City Council scheduled to be held on February 4, 2003.

9.91 **PATH Walkway System - Promotions Link Inc. - Proposal for a Public Access Terminal System**

Councillor Feldman 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 Feldman**

**Seconded by: Councillor Korwin-Kuczynski**

**“WHEREAS** City Council at its meeting held on December 4, 5 and 6, 2001, adopted, as amended, Economic Development and Parks Committee Report No. 12, Clause No. 13, headed ‘PATH Walkway System - Promotions Link Inc. - Proposal for a Public Access Terminal System’; and

**WHEREAS** Promotions Link Inc. (PLI) failed to install one functioning terminal on private property within the PATH Walkway System by September 1, 2002, as required in the Licensing Agreement with the City, resulting in the termination of the Licensing Agreement; and

**WHEREAS**, since both the City and Promotions Link Inc. (PLI) have invested considerable time and effort into this project, including significant design and development work by Promotions Link Inc. (PLI), the Commissioner of Economic Development, Culture and Tourism, by a report dated November 19, 2002, outlines recommendations pertaining to the Licensing Agreement between Promotions Link Inc. (PLI) and the City, which has terminated, for the purpose of having the Agreement reinstated on the same terms and conditions set out in the original Licensing Agreement dated February 1, 2002, except for:

- (1) a revised date by which Promotions Link Inc. (PLI) would be required to install six PATH functional publicly accessible terminals in the PATH walkway system;
- (2) the provision of a \$50,000.00 Letter of Credit upon execution of the reinstated Licensing Agreement; and

- (3) the provision that, if Promotions Link Inc. (PLI) does not comply by February 3, 2003, the City will commence a new RFP process immediately;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached confidential report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, 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(16) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(16) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(16), a confidential report (November 19, 2002) from the Commissioner of Economic Development, Culture and Tourism.

*Vote:*

Motion J(16) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it concerns matters related to the security of property of the municipality.

#### 9.92 **Supply and Delivery of Liquid Chlorine – Award of Contracts**

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

**Moved by:** Councillor Duguid

**Seconded by:** Councillor Di Giorgio

“**WHEREAS** liquid chlorine in 907.2 kg containers is used as a disinfecting agent by Water and Wastewater Services in the production of drinking water at the City’s four water filtration plants (R.C. Harris, R.L. Clark, F.J. Horgan and Island), and disinfecting of final effluent at two wastewater treatment plants (Highland Creek and Humber) and liquid chlorine in 82 tonne railway tank cars is used at the Ashbridges Bay Treatment Plant, for disinfecting of its final effluent; and

**WHEREAS** Brenntag Canada Inc. is the lowest bidder for the supply and delivery of liquid chlorine in 907.2 kg. containers and PPG Canada Inc. is the lowest bidder for the supply and delivery of liquid chlorine in 82 tonne railway tank cars; and

**WHEREAS** Brenntag Canada Inc. which acquired HCI Stanchem, has been one of the firms supplying liquid chlorine and other chemicals to the City and former Metro Toronto as the result of a competitive bidding process since at least 1985 and while there are a number of outstanding Competition Act charges pending against HCI Stanchem, the company and its charged personnel are presumed innocent of the charges until proven guilty in a court of law, pursuant to the Canadian Charter of Rights and Freedoms; and

**WHEREAS** the current contracts for supply of liquid chlorine expire on December 31, 2002, and in order to have continuous supply of chlorine and uninterrupted production of drinking water and disinfection of wastewater, the contract must be awarded on a rush basis; and

**WHEREAS** the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer have submitted the attached joint report dated November 22, 2002, outlining recommendations pertaining to the award of a three year contract for the supply and delivery of liquid chlorine, supplied in 907.2 kg. containers and for the award of a one year contract for liquid chlorine supplied in 82 tonne railway tank cars, used by Water and Wastewater Services;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached joint report dated November 22, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, and that such joint report be adopted.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Works Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

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

City Council also had before it, during consideration of Motion J(17), a joint report (November 22, 2002) from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled “Supply and Delivery of Liquid Chlorine Quotation Request No. 6606-02-3407” (See Attachment No. 10, Page 247).

*Vote:*

Motion J(17) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated November 22, 2002, from the Commissioner of Works and

Emergency Services and the Chief Financial Officer and Treasurer, embodying the following recommendations:

“It is recommended that:

- (1) the quotation submitted by Brenntag Canada Inc., in the amount of \$674.30 per tonne excluding GST, for the supply and delivery of approximately 2,492 tonnes of liquid chlorine annually, in 907.2 kg. containers for the period from January 1, 2003, to December 31, 2005, at an estimated value of \$5,393,941.47 including applicable tax be accepted, being the lowest quotation received;
- (2) the quotation submitted by PPG Canada Inc. in the amount of \$375.00 per tonne excluding GST, for the supply and delivery of approximately 530 tonnes of liquid chlorine, in 82 tonne railway tank cars for the period from January 1, 2003, to December 31, 2003, at an estimated value of \$212,662.50 including applicable tax be accepted, being the lowest quotation received; and
- (3) the appropriate City officials be directed to take the necessary action to give effect thereto.”

#### 9.93 **Amendment to the Agreement of Purchase and Sale for the PS Lead Spur Line**

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

**Moved by: Councillor Silva**

**Seconded by: Councillor Korwin-Kuczynski**

“**WHEREAS** City Council of the former City of Toronto, at its meeting held on July 14, 1997, adopted Clause No. 36 of Report No. 18 of The Executive Committee, approving the acquisition of the PS Lead Spur Line; and

**WHEREAS** the City entered into an Agreement of Purchase and Sale with Canadian Pacific Railway Company on August 9, 2002, to acquire the PS Lead Spur Line; and

**WHEREAS** the Commissioner of Corporate Services is recommending an amendment to this Agreement of Purchase and Sale;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached confidential report dated November 25, 2002, from the Commissioner of Corporate 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(18) to the Administration Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(18) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(18), a confidential report (November 25, 2002) from the Commissioner of Corporate Services, entitled "Amendment to Agreement of Purchase and Sale for the PS Lead Spur Line (Ward 18 - Davenport)".

*Vote:*

Motion J(18) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated November 25, 2002, from the Commissioner of Corporate Services, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information that is subject to solicitor/client privilege, save and except the following recommendations embodied therein:

"It is recommended that:

- (1) the Agreement of Purchase and Sale be amended to allow for the acquisition of an easement over Parts 1 and 2 on Reference Plan 64R-16978 for parkland purposes, on terms satisfactory to the Commissioner of Corporate Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, and in a form satisfactory to the City Solicitor; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

**9.94 Use of Schools for Municipal Election Purposes**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Chow**

**Seconded by: Councillor McConnell**

**“WHEREAS** Election Services requires the use of a large number of schools for voting places in the conduct of a municipal election, with 593 schools being used in the 2000 municipal election; and

**WHEREAS** occurrences of intruders in Toronto schools may lead to difficulties in securing schools as voting places due to the need for increased monitoring of visitors to school premises; and

**WHEREAS** Election Services needs to develop an action plan that ensures both the continued availability of schools for voting places and the safety of children in the schools; and

**WHEREAS** the declaration of a professional development day on voting day would eliminate any concerns over the safety of the children at the schools; and

**WHEREAS** other municipal clerks in the Greater Toronto Area are also supporting the concept of a professional development day on Monday, November 10, 2003;

**NOW THEREFORE BE IT RESOLVED THAT** Council request the Toronto District School Board and the Toronto Catholic District School Board to declare the municipal voting day, November 10, 2003, a professional development day;

**AND BE IT FURTHER RESOLVED THAT** a copy of this motion be sent to the Directors of Education for the Toronto District School Board and the Toronto Catholic District School Board.”

*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 Administration 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 Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Adoption of Motion J(19), without amendment:

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Johnston, Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Rae, Shiner, Silva, Walker
No - 3	
Councillors:	Ootes, Sutherland, Tziretas

Carried by a majority of 24.

9.95 **Proposal for a Two-Year Rent Freeze**

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

**Moved by:** Councillor Walker

**Seconded by:** Councillor Moscoe

**“WHEREAS** between 1995 and 2001 the average rent for all CMA rental units across the City of Toronto has increased by 29 percent while Ontario’s Consumer Price Index (CPI) has increased by only 12.8 percent; and

**WHEREAS** little to no affordable rental housing has been constructed in the City of Toronto since the implementation of the Tenant Protection Act in 1998; and

**WHEREAS** 44 percent of tenant households spend more than 30 percent of their income on housing and 22 percent of tenant households spend more than 50 percent of their income on housing; and

**WHEREAS** visits to local food banks have reached all-time highs while over the last

five to seven years donations have not increased correspondingly due to lack of discretionary income; and

**WHEREAS** a growing number of tenants, particularly seniors and single-parent families are consistently faced with the choice of rent or food; and

**WHEREAS** as a member of the Group of Eight nations, it is shameful that this situation continues and continues to get worse; and

**WHEREAS** the City of Toronto has advocated for a 'costs no-longer borne' regulation, demolition controls, the restoration of real Rent Controls and a legislated Rent Roll Back; and

**WHEREAS** Tenants cannot afford to wait for a new provincial government to introduce fairer legislation while rents continue to spiral out of control and beyond their ability to pay; and

**WHEREAS** the New Democratic Party of Ontario advocates a two-year rent freeze to allow for a return to an updated Rent Control Act;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto petition the Provincial Government to freeze rents for two years until there has been a fair review of the Tenant Protection Act and a levelling of the playing field in landlord-tenant relations;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council continue to lobby the Provincial Government and the Opposition parties to adopt and publicly endorse this two-year rent freeze.”

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

City Council also had before it, during consideration of Motion J(20), the following communications (See Attachment No. 11, Page 254):

- (i) (November 7, 2002) addressed to the Tenant Defence Sub-Committee, from Councillor Michael Walker, St. Paul's; and



- (ii) (November 26, 2002) from the City Clerk, advising of the action taken by the Tenant Defence Sub-Committee on November 22, 2002.

*Disposition:*

Having regard that Council did not conclude its consideration of Motion J(20) prior to the end of this meeting, consideration of Motion J(20) was deferred to the next regular meeting of City Council scheduled to be held on February 4, 2003.

9.96 **Impact of Education Program Cuts on Persons with Disabilities**

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

**Moved by:** Councillor Mihevc

**Seconded by:** Councillor Shaw

**“WHEREAS** at its meeting on September 24, 2002, the City of Toronto’s Advisory Committee on Disability Issues requested the support of Toronto City Council in addressing the concerns outlined herein; and

**WHEREAS** the fundamental right to equality of access, opportunity and outcomes for all members of Toronto’s population has been a long-standing pillar of governance policies in the City of Toronto; and

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

**WHEREAS** Toronto City Council will proclaim December 3, 2002, as ‘International Day of Disabled Persons’, a day on which we reinforce the commitment to improve the integration of persons with disabilities into the wider society by equalizing their opportunities for and participation in decision-making; 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** in 1981, the former Toronto City Council established the Access Award to recognize significant contributions to the improvement of access for people with disabilities in the City of Toronto; 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 of all forms and barriers to access and participation; and

**WHEREAS** while over 17 percent (or 1.9 million) of the people in Ontario have some form of disability, they are not evenly distributed throughout the Province and community estimates suggest that between 45 to 52 percent of that population reside in the City of Toronto; and

**WHEREAS** the City of Toronto is therefore particularly impacted and concerned with ensuring the full participation of persons with disabilities; and people with disabilities continue to face physical, attitudinal and systemic barriers in being able to realize their full entitlement to participate in the educational system in Ontario; and

**WHEREAS** the already diminished budgets and proposed cuts to the Toronto District School Board by the provincially-appointed Auditors and Supervisor will have disproportionate negative impacts on students with disabilities and other marginalized communities, and will further prohibit their ability to become self-supporting and fully participating members of our society;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council convey to the Premier of Ontario and to the Education Minister, its concerns regarding the proposed cutbacks to the Toronto District School Board and the negative impacts on students with disabilities and other marginalized communities, and that in addition, to ensure that no marginalized community is further and disproportionately hurt by proposed education program cutbacks, the Province of Ontario be requested to direct its Auditors and Supervisor to impose equity outcome criteria to their education budget proposals;

**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(21) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(21) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(21) was adopted, without amendment.

9.97 **Hot Air Balloon Attraction at Exhibition Place**

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

**Moved by: Councillor Silva**

**Seconded by: Councillor Pantalone**

**“WHEREAS** the Board of Governors of Exhibition Place is authorized, pursuant to the terms of its management agreement with the City, to use, manage and operate the lands and buildings known as Exhibition Place for the purposes as set out in the City of Toronto Act, 1997 (No. 2) and such other purposes as City Council may approve; and

**WHEREAS** section 61 of the City of Toronto Act, 1997 (No. 2) provides that Exhibition Place shall be used for the purpose of, among other things, public entertainments; and

**WHEREAS** the Board of Governors, at its meeting of November 29, 2002, shall be considering a proposal, as more fully described in the attached report dated November 15, 2002, from the General Manager and CEO for the Board, for the construction and seasonal operation (i.e. approximately six months of the year) of a Helium Balloon attraction at Exhibition Place for a three year term; and

**WHEREAS** this Helium Balloon attraction, designed by Aerophile S.A., has been operating since 1994 as a tourist attraction in Japan, Switzerland, China, Australia, France, Germany, Austria, Italy and the United States and has provided over a million tourists the opportunity to ascend to a height of 500 feet in the tethered balloon, and as in other countries, a Helium Balloon attraction at Exhibition Place will be a first in Canada and will be a major attraction for the general public to view the City of Toronto and Lake Ontario from the comfort and safety of the balloon’s gondola; and

**WHEREAS** all the balloons operating as tourist attractions in the other nine countries are manufactured to include the logo of a sponsor as part of the design to be placed on the skin of the balloon; and

**WHEREAS** the City Solicitor has advised that, while the balloon might be

characterized as a unique public entertainment attraction permitted under section 61 of the City of Toronto Act, 1997 (No. 2), the definition of a 'sign' as contained in Chapter 297, Signs, of the Municipal Code of the former City of Toronto, is broad enough that it may include this passenger balloon as an advertising device; and

**WHEREAS** it would therefore, in the opinion of the City Solicitor, be prudent for the Board to apply to City Council to request a minor variance from the provisions of Chapter 297; and

**WHEREAS** in order to commence operation in April 2003, it is necessary for Aerophile S.A. to commence construction and permit applications in advance of the next regular meeting of City Council in February, 2003; and

**WHEREAS**, as Chair of the Board of Governors, I am requesting that Council consider this matter at its meeting in November 2002, thereby making it possible for this tourist attraction to commence operation for the 2003 season;

**NOW THEREFORE BE IT RESOLVED THAT** City Council grant the application of the Board of Governors of Exhibition Place for a minor variance from the provisions of Chapter 297, Signs, as required to permit the installation and operation of the Helium Balloon attraction as a unique seasonal attraction on the basis that, in the opinion of Council, the general intent and purpose of the by-law will be maintained, subject to the following:

- (1) that the Board of Governors of Exhibition Place, in consultation with City Planning, shall approve the size, design and aesthetics of the proposed Helium Balloon, and the location of the balloon installation, subject to federal regulation; and
- (2) that the operation of the Helium Balloon shall be limited to no more than six months of the year and the licence agreement be for a period of three years with an option for the Board to extend, at the Board's sole discretion, for a maximum of a further three years on terms and conditions to be negotiated."

*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.

City Council also had before it, during consideration of Motion J(22), a communication (November 15, 2002) addressed to the Board of Governors of Exhibition Place, from the General Manager and CEO, Exhibition Place, entitled “Hot Air Balloon Attraction at Exhibition Place”, a copy of which is on file in the office of the City Clerk.

*Vote:*

Motion J(22) was adopted, without amendment.

**9.98 Calcorp Inc. Option to Purchase Part of Viking Road (Etobicoke-Lakeshore, Ward 5)**

Councillor Milczyn moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(23), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Milczyn**

**Seconded by: Councillor Holyday**

**“WHEREAS** the Council of the former City of Etobicoke amended and adopted Clause 240-A-97 of the Sixteenth Report of the Administration Committee, 1997, and authorized the City of Etobicoke to enter into an option to purchase agreement (the ‘Option Agreement’) with Calcorp Inc. for the purchase of part of Viking Road, subject to, among other things, the City of Toronto taking all necessary steps, in accordance with the requirements of the Municipal Act, to stop up and close for use as a public highway the subject lands; and

**WHEREAS** City Council, at its meeting of December 14, 15 and 16, 1999, adopted Clause No. 11 of Report No. 14 of The Etobicoke Community Council, entitled ‘Calcorp Incorporated Option to Purchase Part of Viking Road – Request for Extension’, and approved a 12-month extension to the Option Agreement until December 4, 2000; and

**WHEREAS** City Council, at its regular meeting of October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 10, 11 and 12, 2000, adopted Motion J(35), and approved a 6-month extension to the Option Agreement until July 4, 2001; and

**WHEREAS** City Council, at its meeting of June 26, 27 and 28, 2001, adopted Motion J(7), and approved a 1-year extension to the Option Agreement until July 4, 2002, with Calcorp Inc. having the option to further extend the Option Agreement until January 4, 2003; and

**WHEREAS** the Toronto Sun newspaper failed to publish the requisite statutory notice of the proposed by-law to stop up and close a portion of Viking Road once a

week for four consecutive weeks so that the public hearing relating to the draft by-law could take place on November 13, 2002; and

**WHEREAS** the Option Agreement expires on January 4, 2003, prior to the completion of all necessary steps to stop up and close for use as a public highway the subject lands; and

**WHEREAS** a further 6-month extension until July 4, 2003, of the Option Agreement has been agreed upon by Calcorp Inc.; and

**WHEREAS** the Commissioner of Corporate Services has submitted the attached report dated November 20, 2002, recommending that the Option Agreement be extended, on the terms and conditions set out in such report; and

**WHEREAS** it is necessary that Council consider this matter, as the Option Agreement will expire on January 4, 2003 unless, prior to that date, Council agrees to extend it;

**NOW THEREFORE BE IT RESOLVED THAT COUNCIL** give consideration to the attached report dated November 20, 2002, from the Commissioner of Corporate Services, entitled 'Calcorp Incorporated Option to Purchase Part of Viking Road - Request for Extension', and that the recommendations contained in such report be adopted."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(23) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(23), a report (November 20, 2002) from the Commissioner of Corporate Services, entitled "Calcorp Inc. Option to Purchase Part of Viking Road Request for Extension (Ward 5 - Etobicoke-Lakeshore)" (See Attachment No. 12, Page 256).

*Vote:*

Motion J(23) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 20, 2002, from the Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) the Option Agreement, as amended, be extended until July 4, 2003;
- (2) the City Solicitor be authorized and directed to complete the transaction and pay any City costs incidental to the closing and be further authorized to amend 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.”

9.99 **Proposed Amendments to the Ontario Heritage Act**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Rae

**Seconded by:** Councillor Milczyn

“**WHEREAS** the Legislature is currently considering amendments to the Ontario Heritage Act as part of Bill 179, an Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act; and

**WHEREAS** the City was not provided with an opportunity to comment on the amendments to the Ontario Heritage Act proposed in Bill 179; and

**WHEREAS** two long-standing deficiencies in the Ontario Heritage Act have not been addressed in Bill 179; and

**WHEREAS**, although the opportunity to amend Bill 179 now appears to be closed, City staff have been invited to meet with the Minister of Culture to discuss heritage issues on November 28, 2002, and other opportunities to make the necessary amendments to the Act to address these deficiencies may arise in the near future;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached joint report dated November 19, 2002, from the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, and that the recommendations contained in the joint report be adopted.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of

Toronto Municipal Code requiring the referral of Motion J(24) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(24) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(24), a joint report (November 19, 2002) from the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, entitled “Proposed Amendments to the Ontario Heritage Act” (See Attachment No. 13, Page 259).

*Vote:*

Motion J(24) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated November 19, 2002, from the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

“It is recommended that:

- (1) the Provincial Government be requested to amend the Ontario Heritage Act as outlined in this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”



**9.100 Renewal of Part Lot Control Exemption - 1165709 Ontario Limited - 150 Bartley Drive - Don Parkway**

Councillor Minnan-Wong moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(25), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Minnan-Wong**

**Seconded by: Councillor Tziretas**

**“WHEREAS** City Council at its meeting held on July 27, 28, 29 and 30, 1999 adopted, without amendment, North Community Council Report No. 7, Clause No. 14, headed ‘Application for Removal of Part Lot Control Exemption - 1165709 Ontario Limited - 150 Bartley Drive - Don Parkway’, and in so doing, approved an application by 1165709 Ontario Limited to remove part lot control from certain lands within registered Plans 66M-2328 and 66M-2350 to allow the conveyance of 96 townhouse units into separate ownership; and

**WHEREAS** City Council enacted By-law No. 726-2000, to remove part lot control on the lands for a period of one year; and

**WHEREAS** By-law No. 726-2000 expired on October 5, 2001, 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 two months;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) part lot control exemption be renewed for Part of Block 2 on Plan 66M-2350, being Part 13 on Plan 66R19012, City of Toronto, for a period of two months; and
- (2) the City Solicitor be authorized to submit the necessary Bills to Council 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(25) 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(25) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(25) was adopted, without amendment.

9.101 **Proposed Amendments to Escheats Act – 1510 King Street West**

Councillor Korwin-Kuczynski 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 Korwin-Kuczynski**

**Seconded by: Councillor Altobello**

“**WHEREAS** the property at 1510 King Street West vested in the Province of Ontario when the registered corporate owner was dissolved by the Province of Ontario on July 2, 1994; and

**WHEREAS** City Council at its meeting held on July 30, 31 and August 1, 2002 adopted a motion which provided that ‘the City of Toronto request that the Province of Ontario, the owner of the property at 1510 King Street West, transfer title to the land to the City of Toronto for the purpose of creating affordable housing units’, such transfer being conditional upon the present occupants immediately vacating the premises; and

**WHEREAS** the Province of Ontario has responded to the City’s request for a transfer of ownership by indicating that this property vested in the Crown by virtue of an escheat, that the Crown has not taken possession and control of the property at 1510 King Street West and has no legal authority to transfer the property free of encumbrances; and

**WHEREAS** the Province of Ontario has introduced in the Legislature Bill 179, being ‘An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act’ which includes proposed amendments to the Escheats Act, which, if enacted, would provide that the Public Guardian and Trustee is not required to secure, maintain or manage any property which has escheated or to take any other action in relation to any escheated property; and

**WHEREAS** these amendments will increase the burden on municipalities to deal with emergency situations which develop at escheated lands, including 1510 King

Street West, while at the same time the overall regime will continue to have an adverse impact on the municipality's ability to effectively deal with ongoing health and safety issues, collection of tax arrears and other municipal regulatory and enforcement functions in relation to these properties; and

**WHEREAS** the Association of Municipalities (AMO) has expressed its concern regarding changes to the Escheats Act in Bill 179 and has recommended it be removed from the legislation because, if implemented, these changes would have the effect of leaving no agency responsible for the clean up of contaminated sites that have been escheated to the Crown, and AMO recommends that a principle Ministry, Office or Agency of the Crown remains responsible for these lands;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council urge the Province of Ontario to reconsider the proposed amendments to the Escheats Act in Bill 179, and to amend the legislation to ensure that there is a provincial Ministry, Agency or Office responsible for maintaining and managing all escheated lands;

**AND BE IT FURTHER RESOLVED THAT** the Province of Ontario be requested to introduce amendments to the Municipal Act, the Municipal Act, 2001 and the Assessment Act so as to continue the tax eligible status of lands which have escheated to the Province but over which the Province has not exercised any rights of possession;

**AND BE IT FURTHER RESOLVED THAT** the Office of the Public Guardian and Trustee be requested to provide the City with a list of addresses of those properties in the City of Toronto which have escheated to the Crown.”

*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 Administration Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(26) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(26) was adopted, without amendment.

#### 9.102 **Criteria for Determining Time Sensitive Items**

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

**Moved by: Councillor Altobello**

**Seconded by: Councillor Berardinetti**

**“WHEREAS** a ‘green sheet’ is distributed to Council Members at the start of a Council meeting; and

**WHEREAS** some items listed on the ‘green sheet’ are shaded and identified as being time sensitive; and

**WHEREAS** some Members of Council question whether some items are time sensitive or not; and

**WHEREAS** it would be useful to have some clarity on what items are time sensitive;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be requested to submit a report to the Administration Committee on criteria and process for establishing time sensitive items for Council meetings.”

*Advice by Deputy Mayor:*

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

*Procedural Vote:*

The vote to waive referral of Motion J(27) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(27) was adopted, without amendment.

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Miller**

**Seconded by: Councillor Di Giorgio**

**“WHEREAS** the premises known as Mimmo’s located at 2907 Dundas Street West has applied to the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario for a liquor licence; and

**WHEREAS** Subsection 6(2)(h) of the Act provides that an applicant is entitled to be issued a licence to sell liquor except if the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located; and

**WHEREAS** the owners of the premises, having previously applied for a liquor licence in 1998, were refused following a hearing that took place on November 10, 1998, on the basis of ‘strong support for the evidence of the objectors, who have well proved on the balance of probabilities that the granting of a liquor sales licence to Mimmo’s Place Restaurant is contrary to the public interest’; and

**WHEREAS** there has been no indication of any change in circumstances, ownership or any other aspect of the premises or business located therein, since the refusal of the previous application; and

**WHEREAS I**, as Ward Councillor, have received numerous complaints regarding the application, how it may impact negatively on the adjacent residential neighbourhood, and concerns that the required notice of the application was not affixed to the premises for the required time period;

**NOW THEREFORE BE IT RESOLVED THAT** City Council advise the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario that the request for a liquor licence at 2907 Dundas Street West is not in the public interest having regard to the needs and wishes of the Municipality, and request the issuance of a proposal by the Alcohol and Gaming Commission of Ontario to refuse the application;

**AND BE IT FURTHER RESOLVED THAT** if the Alcohol and Gaming Commission intends to hold a hearing on this application, as in the case of the previous application, a public hearing be conducted during the evening hours at a location in the neighbourhood;

**AND BE IT FURTHER RESOLVED THAT** City Council request the City Solicitor to attend the hearing and oppose the 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(28) to the Humber York Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(28) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(28), a copy of the Decision of the Alcohol and Gaming Commission of Ontario, dated February 22, 1999, respecting a liquor licence application by Mimmo's Place Restaurant, 2907 Dundas Street West, a copy of which is on file in the office of the City Clerk.

*Vote:*

Motion J(28) was adopted, without amendment.

**9.104 Proposed Settlement of Appeal to Ontario Municipal Board - Applications to Amend former Etobicoke Official Plan and Zoning Code by Mystic Pointe 3 Holdings Inc., Manitoba Street, East of Grand Avenue (Ward 6 - Etobicoke Lakeshore)**

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Jones**

**Seconded by: Councillor Milczyn**

**"WHEREAS** consideration by Council, of a confidential report respecting an application by Mystic Pointe 3 Holdings Inc., to amend the Official Plan and Zoning Code of the former City of Etobicoke, is required on an urgent basis to provide staff with instructions in relation to a hearing before the Ontario Municipal Board in relation to this matter;

**NOW THEREFORE BE IT RESOLVED THAT** Council consider and adopt the recommendations embodied in the attached confidential report dated November 25, 2002, from the City Solicitor."

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

*Procedural Vote:*

The vote to waive referral of Motion J(29) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(29), a confidential report (November 25, 2002) from the City Solicitor.

*Motion:*

Councillor Jones moved that Motion J(29) be adopted, subject to adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the applicant be required to satisfy the requirements of the Toronto and Region Conservation Authority prior to the enactment of the bills.”

*Votes:*

The motion by Councillor Jones carried.

Motion J(29), as amended, carried.

Council, by its adoption of the Motion, as amended, adopted, without amendment, the confidential report dated November 25, 2002, from the City Solicitor, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor/client privilege, save and except the following recommendations embodied therein:

“It is recommended that City Council:

- (1) subject to conditions set out in this report, adopt the Official Plan Amendment conditionally approved by Council on February 13, 14 and 15, 2002, revised to provide for 893 units rather than 793 units in Phase 2, resulting in a project unit count of 1,469 rather than 1,369 units, but with no increase in gross floor area;
- (2) subject to conditions set out in this report, approve the Zoning Code amendment conditionally approved by Council on February 13, 14 and 15, 2002, revised to provide for 893 units rather than 793 units in Phase 2, resulting in a project unit count of 1,469 rather than 1,369 units, but with no

increase in gross floor area, and including a correction of the lot coverage from 35 percent to 69 percent east of Legion Road and certain clerical revisions;

- (3) determine that no further notice be given with regard to the Zoning Code amendments pursuant to subsection 34(17) of the Planning Act;
- (4) authorize the execution of an Amending Development Agreement on the basis set out in this report;
- (5) authorize the City Solicitor to attend before the Ontario Municipal Board in support of the amendments described in these recommendations; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**9.105 Agreement to Secure Federal Funding for a Feasibility Study for a Waterfront Museum Strategy**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Pantalone**

**Seconded by: Councillor Minnan-Wong**

“**WHEREAS** at its meeting held on December 4, 5 and 6, 2001, Council adopted Clause No. 1 of Report No. 12 of The Economic Development and Parks Committee, entitled ‘Waterfront Heritage and Culture Infrastructure Plan’, and, in so doing, authorized the Commissioner of Economic Development, Culture and Tourism to make an application to the federal Cultural Spaces Canada program for funding to undertake a strategic assessment of the opportunity to create a cultural centre/museum strategy as a major tourist attraction and as a forum to showcase Toronto to Canadians and the world; and

**WHEREAS**, under the Cultural Spaces Canada program, the Minister of Canadian Heritage has approved a financial contribution of \$90,000.00 to the City to assist in the preparation of a feasibility study for a museum strategy for Toronto’s Waterfront; and

**WHEREAS**, as a condition of receiving the contribution, the City must enter into an agreement with the Minister to account for the use of the funds received and other related matters; and



**WHEREAS** \$81,000.00 of the contribution is earmarked by the Minister for expenses incurred in the fiscal year ending March 31, 2003, and therefore it is urgent that authority be granted to enter into the agreement so that the City can access these funds;

**NOW THEREFORE BE IT RESOLVED THAT** Council authorize the Commissioner of Economic Development, Culture and Tourism to enter into any agreements necessary to secure access to the federal contribution under the Cultural Spaces Canada program, provided that the agreements are satisfactory to the Commissioner and the City Solicitor.”

*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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(30) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(30) was adopted, without amendment.

#### 9.106 **Plan of Subdivision regarding 21, 24 Fleeceline Road (Ward 2)**

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(31), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Jones

**Seconded by:** Councillor Milczyn

“**WHEREAS** the City Council of the former City of Etobicoke approved a plan of subdivision for 21, 24 Fleeceline Road under Clause No. 153 of Report No. 15 of The Planning and Development Committee, 1996, as amended by Council Resolution No. 234, dated August 16, 1996; and

**WHEREAS** the developer and former City of Etobicoke entered into a Subdivision Agreement with respect to the subject lands; and

**WHEREAS** City staff require direction from City Council with respect to certain

lands to be taken title to by the City, and the release of financial security; and

**WHEREAS** the developer is anxious to resolve its obligations under the Subdivision Agreement and obtain the release of a portion of its financial securities;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report dated November 25, 2002, from the Commissioner of Works and Emergency 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(31) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(31) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(31), a report (November 25, 2002) from the Commissioner of Works and Emergency Services, entitled “21, 24 Fleeceline Road Queensland Developments (570480 Ontario Limited and Aw-Rite Mini Storage Inc.) Plan of Subdivision, Ward 2” (See Attachment No. 14, Page 261).

*Motion:*

Councillor Milczyn moved that Motion J(31) be adopted subject to adding to the end of the first Operative Paragraph, the words “subject to adding thereto the following new Recommendation No. (3) and renumbering the original Recommendation No. (3) accordingly:

- ‘(3) the \$25,000.00 public art contribution be utilized within the immediate vicinity of the subdivision;’ ”,

so that such Operative Paragraph now reads as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** City Council consider the attached report dated November 25, 2002, from the Commissioner of Works and Emergency Services and that such report be adopted, subject to adding thereto the following new Recommendation No. (3) and renumbering the original Recommendation No. (3) accordingly:

- ‘(3) the \$25,000.00 public art contribution be utilized within the immediate vicinity of the subdivision;’ ”

*Votes:*

The motion by Councillor Milczyn carried.

Motion J(31), as amended, carried.

Council, by its adoption of the Motion, as amended, adopted the report dated November 25, 2002, from the Commissioner of Works and Emergency Services, embodying the following recommendations, as amended:

“It is recommended that:

- (1) the City take title to Blocks 153, 154 and 155 on Plan 66M-2318 in accordance with the provisions of this report;
- (2) the financial security held under the Subdivision Agreement be released in accordance with the Subdivision Agreement and the provisions of this report;
- (3) the \$25,000.00 public art contribution be utilized within the immediate vicinity of the subdivision; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

#### 9.107 **Changes to the Proposed New Electricity Legislation**

Councillor Ashton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Ashton**

**Seconded by: Councillor Miller**

“**BE IT RESOLVED THAT** the Chief Financial Officer and Treasurer be directed to support and work together with the Association of Municipalities of Ontario, in order to influence and cause the necessary changes to be made to the proposed new electricity legislation (Bill 210) and subsequent related regulations, that would best serve the interests of municipalities.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) 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(32) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(32) was adopted, without amendment.

**9.108 Application for Variance – 27 and 29 Colwood Road, Etobicoke**

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(33), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Lindsay Luby**

**Seconded by: Councillor Hall**

**“WHEREAS** John Culmone, of Culmone and Associates, submitted applications to the Committee of Adjustment (A212/02E and A213/02E) for variances to the Etobicoke Zoning Code to permit the development of two, two-storey single family detached dwellings at 27 and 29 Colwood Road respectively; and

**WHEREAS** the Committee of Adjustment, on September 24, 2002, refused the variance applications; and

**WHEREAS** the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be authorized to attend the Ontario Municipal Board in support of the decision of the Committee of Adjustment.”

*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(33) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(33) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(33) was adopted, without amendment.

**9.109 Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(34), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Miller**

**Seconded by: Councillor Johnston**

**“WHEREAS** the City Solicitor and the Chief Administrative Officer have prepared a joint report regarding the Toronto Computer Leasing Inquiry and the Toronto External Consultants Inquiry; and

**WHEREAS** the hearing of the Toronto Computer Leasing Inquiry is scheduled to commence on December 2, 2002 and further Council instructions are required as staff and outside counsel prepare for the Inquiry;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached joint report dated November 26, 2002 and that such joint report be adopted.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) 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(34) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(34), a joint report (November 26, 2002) from the City Solicitor and the Chief Administrative Officer, entitled “Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry” (See Attachment No. 15, Page 264).

*Vote:*

Motion J(34) was adopted, without amendment, and in so doing, Council adopted, without amendment, the joint report dated November 26, 2002, from the City Solicitor and the Chief Administrative Officer, embodying the following recommendations:

“It is recommended that City Council:

- (1) approve funding for legal representation for current City employees who will be called as witnesses at the Inquiries, based on the terms set out in this report;
- (2) instruct the City’s outside counsel that they may make specific submissions on allegations of misconduct against various persons, if appropriate, based on the evidence presented at the hearing; and
- (3) direct that the City’s outside counsel obtain their day-to-day instructions from the Chief Administrative Officer and City Solicitor on matters pertaining to the Inquiry between Council’s November 2002 meeting and the February 2003 meeting.”

#### 9.110 OMB Hearing Regarding 76 Brumwell Street

Councillor Moeser moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(35), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Moeser**

**Seconded by: Councillor Hall**

“**WHEREAS** at its meeting held on October 1, 2 and 3, 2002, City Council adopted the recommendations of the Scarborough Community Council as contained 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)’, and thereby directed the City Solicitor to oppose at the OMB the subdivision and related appeals by the owner of 76 Brumwell Street; and

**WHEREAS** the OMB has scheduled a hearing, commencing on December 9, 2002; and

**WHEREAS** the applicant has now submitted a revised plan of subdivision which deletes certain lands as requested by City Council; and

**WHEREAS** the City Solicitor wishes to report upon the revised plan and obtain further directions in respect of the OMB hearing; and

**WHEREAS** it is appropriate to consider the report of the City Solicitor at this meeting as it is time sensitive regarding the December 9, 2002, OMB hearing; and

**WHEREAS** it is appropriate to consider the report of the City Solicitor in-camera as it relates to litigation and solicitor-client privilege;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the confidential report dated November 26, 2002 from the City Solicitor 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(35) 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(35) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(35), a confidential report (November 26, 2002) from the City Solicitor, entitled “OMB Hearing Regarding 76 Brumwell Street Centennial Community (Ward 44 - Scarborough East)”, such report now public in its entirety (See Attachment No. 16, Page 271).

*Vote:*

Motion J(35) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated November 26, 2002, from the City Solicitor, such report now public in its entirety, and embodying the following recommendations:

“It is recommended that:

- (1) the City Solicitor be authorized to advise the OMB that City Council supports the approval of the draft plan of subdivision (revised to November 13, 2002) subject to the redline changes required to satisfy Works and Emergency Services, the conditions in Appendix D, and a subdivision agreement satisfactory to the City Solicitor; and
- (2) the City Solicitor also be authorized to advise the OMB that City Council supports the associated zoning by-law amendment for a reduction in minimum lot area from 696 square metres to 600 square metres.”

**9.111 Terms of Reference and Selection Criteria for Citizen Appointments to the Toronto Atmospheric Fund Board of Directors**

Councillor Soknacki moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(36), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Soknacki**

**Seconded by: Councillor Lindsay Luby**

**“WHEREAS** at its meeting held May 21, 22 and 23, 2002, City Council adopted a Motion decreasing the number of Toronto Atmospheric Fund directors from 11 to 10, adding a Member of the Council of the City of Toronto, in lieu of a City staff member, and adding two additional citizen members to the Board, for a total of six citizen members; and

**WHEREAS** at its meeting held May 21, 22 and 23, 2002, City Council, in accordance with Clause No. 1 of Report No. 3 of The Striking Committee, appointed Councillor Sandra Bussin to the Board of the Toronto Atmospheric Fund as the fourth Councillor on the Board, commencing June 21, 2002 and expiring November 30, 2003; and

**WHEREAS** the Toronto Atmospheric Fund has engaged through the City’s procurement process an investment advisory and executive search firm to identify and screen potential citizen candidates for its Investment Committee and Board who possess expertise relevant to the Fund’s operation; and

**WHEREAS** the Toronto Atmospheric Fund has established a Nominations Committee composed of the four Councillors who sit on the Board to interview and screen candidates for the Board and its committees, which is chaired by Councillor Sandra Bussin; and

**WHEREAS** three of six citizen positions on the Board of the Toronto Atmospheric Fund are vacant:

**NOW THEREFORE BE IT RESOLVED THAT** Council endorse the attached Toronto Atmospheric Fund Nominations Committee Terms of Reference and Selection Criteria for appointment of citizen candidates approved by the TAF Board September 18, 2002; and the relevant provisions of the City’s Policy for Citizen Appointments through the Nominating Committee be waived to permit the Board of the Toronto Atmospheric Fund to recommend a slate of citizen candidates and alternates to the Nominating Committee of City Council for consideration for appointment by City Council to the Fund’s Board;

**AND BE IT FURTHER RESOLVED THAT** the additional citizen members be appointed for a term of office commencing March 1, 2003 and expiring November 30,



2003;

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

City Council also had before it, during consideration of Motion J(36), a copy of the Toronto Atmospheric Fund’s Nominations Committee Terms of Reference (See Attachment No. 17, Page 282).

*Vote:*

Motion J(36) was adopted, without amendment.

#### 9.112 **Tax Relief for Commercial and Industrial Properties that were Vacant in 2000**

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

**Moved by:**                    **Councillor Sutherland**

**Seconded by:**                **Councillor Berardinetti**

“**WHEREAS** for taxation years 1998 to 2000, commercial and industrial properties that experienced vacancies during the year were required under provincial legislation to apply in writing to the Municipal Property Assessment Corporation (MPAC) in order to have vacant portions returned on the Assessment Roll for the following taxation year with a special classification that would allow a reduced tax rate to apply, provided that the building, or portion of building, was vacant for the entire three months of July, August and September of the preceding year; and

**WHEREAS** the Provincial Government enacted new legislation in December 2000, effective January 2001, that implemented a new regime whereby all commercial and

industrial properties are returned on the Assessment Roll and taxed each year as fully occupied, regardless of whether there are vacant units in the building, and that property tax relief for vacant commercial and industrial buildings is provided to property owners through rebates issued by municipalities that reflect the actual periods of vacancy experienced within the year; and

**WHEREAS** the new legislation enacted in December 2000 did not provide for a transition to the new vacancy regime, and as a result, commercial and industrial buildings that were vacant in July, August and September of 2000 were caught in the transition from the old legislation to the new legislation and were therefore not eligible for any tax relief for their 2000 vacancies; and

**WHEREAS** providing tax relief for commercial and industrial buildings that were vacant in 2000 is estimated to cost between \$25 and \$40 million;

**NOW THEREFORE BE IT RESOLVED THAT** the Provincial Government be requested to implement and fully fund a tax relief or vacancy rebate program for commercial and industrial buildings or portions thereof that were vacant for the entire three months of July, August and September, 2000, and that would have otherwise qualified to receive a tax reduction to reflect those vacancies but did not due to the change in legislation.”

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

*Vote:*

Motion J(37) was adopted, without amendment.

**9.113 Canada-Ontario Infrastructure Program (COIP) – Federal funding for the Toronto Transit Commission Capital Program**

Councillor Shiner moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(38), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Shiner**

**Seconded by: Councillor Disero**

**“WHEREAS** Council approved the 2002 TTC capital budget at \$229.437 million, excluding the Sheppard Subway project on March 4, 2002; and

**WHEREAS** the Council approved 2002 TTC capital budget of \$229.437 million, excluding the Sheppard Subway project, assumed a one-third funding split between the senior levels of government such that the Province of Ontario and the Government of Canada were asked to fund \$76.5 million respectively in 2002, and that actual expenditures in 2002, excluding the Sheppard Subway, will be \$186.4 million; and

**WHEREAS** the Province of Ontario has provided \$62.2 million of capital funding for the 2002 TTC capital budget at \$229.437 million, excluding the Sheppard Subway project on October 17, 2002, but has yet to provide \$14.2 million from the GTIP program; and

**WHEREAS** the Government of Canada announced on April 26, 2002, funding of \$76.5 million for the 2002 TTC capital program consisting of \$62.3 million immediately and \$14.3 million to follow contingent upon a matching \$14.3 million from the Province of Ontario Golden Horseshoe Transit Investment Program (‘GTIP’); and

**WHEREAS** the Chief Financial Officer and Treasurer and the Chief General Manager of the TTC are currently negotiating a funding agreement with the Province to receive \$62.3 million of federal funding for the 2002 TTC capital program; and

**WHEREAS** authority is required to enter into the above-mentioned funding agreement and any further funding agreements that may be required to receive the additional funding from the provincial and/or federal governments for the 2002 TTC capital program; and

**NOW THEREFORE BE IT RESOLVED THAT** Council consider the attached report dated November 28, 2002, from the Chief Financial Officer and Treasurer seeking authority to enter into the necessary agreements with the TTC and the federal and/or provincial governments to secure funding for the 2002 TTC capital program and that such report be adopted;

**AND BE IT FURTHER RESOLVED THAT** Council request the Chief Administrative Officer and the Chief Financial Officer and Treasurer together with the Chief General Manager of the TTC to continue their efforts to secure the additional \$14.3 million from the Province of Ontario and the Government of Canada, respectively and to include these amounts as a carry forward in addition to the 2003 TTC capital budget funding request to the provincial and federal governments.”

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

City Council also had before it, during consideration of Motion J(38), a report (November 28, 2002) from the Chief Financial Officer and Treasurer, entitled "Canada-Ontario Infrastructure Program (COIP) - Federal Funding for TTC Capital Program" (See Attachment No. 18, Page 287).

*Vote:*

Motion J(38) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated November 28, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendations:

"It is recommended that:

- (1) the City of Toronto enter into a funding agreement with the Province of Ontario and the TTC to receive \$62.3 million in federal funding under the Canada-Ontario Infrastructure Program, in a form satisfactory to the City Solicitor, and that the Chief Financial Officer and Treasurer and the City Clerk be authorized to execute the agreement on behalf of the City;
- (2) the Chief Financial Officer and Treasurer and the Chief General Manager of the TTC include the additional \$14.2 million of funding as announced for 2002 by both levels of senior government respectively as a carry forward in addition to the 2003 capital budget funding request from the provincial and federal governments;
- (3) the City of Toronto enter into any further funding agreements with the TTC and the Province of Ontario and/or the Government of Canada required to receive any additional funding from either level of government for the 2002 TTC capital program, in a form satisfactory to the City Solicitor, and that the Chief Financial Officer and Treasurer and the City Clerk be authorized to execute any such further agreements on behalf of the City;
- (4) the City and TTC staff continue to work with the Province of Ontario and the Government of Canada to achieve a long-term capital subsidy agreement for

the TTC; and

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

9.114 **To Amend the Definition of Ravine in Chapter 165**

Councillor Altobello 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(39), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Altobello**

**Seconded by: Councillor Rae**

“**WHEREAS** Article III, Development Approvals in Site Plan Control Areas, of Chapter 165 of the former City of Toronto Municipal Code, defines a ravine as ‘an area designated as a ravine by Article I of Chapter 276, Ravines’; and

**WHEREAS** Chapter 658, Ravine Protection, of the City of Toronto Municipal Code, repeals and replaces Chapter 276, Ravines; and

**WHEREAS** it is necessary to define the term ravine in Chapter 165 in accordance with the definition contained in Chapter 658, Ravine Protection, in order to ensure that ravines are subject to site plan control;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be authorized to introduce the necessary bill in Council to amend the definition of ravine in Chapter 165 of the former City of Toronto Municipal Code.”

*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(39) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(39) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(39) was adopted, without amendment.

**9.115 Contribution to Juno Beach Centre**

Councillor Korwin-Kuczynski 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(40), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Korwin-Kuczynski**

**Seconded by: Deputy Mayor Ootes**

**“WHEREAS** the Juno Beach Centre, a memorial to Canadian soldiers who heroically landed in Normandy on D-Day, June 6, 1944 during the Second World War, is schedule to open in 2003 on the 59<sup>th</sup> Anniversary of the invasion; and

**WHEREAS** the Juno Beach Centre will be built at Courseulles-sur-Mer on the Normandy Coast in France which served as the headquarters for Canadian troops following the invasion and was the site first visited by Charles De Gaulle, then leader of the Free French, British Prime Minister Winston Churchill and King George VI; and

**WHEREAS** provincial and municipal governments across Canada have been making contributions to secure the necessary funding to complete the \$8.0 million project to honour the many Canadians who made the ultimate sacrifice for freedom and to pay tribute to Canadian veterans who painfully remember that fateful day;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto make a \$10,000.00 contribution towards the completion of the Juno Beach Centre, in memory of the many fallen heroes who were citizens of, or stationed with regiments in the City of Toronto, such contribution to be funded from any under-expenditures in the Economic Development, Culture and Tourism program.”

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

*Motion:*

Councillor Ashton moved that Motion J(40) be adopted, subject to adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on the feasibility of establishing a bank account for donations to the Juno Beach Centre, and the options for promoting it to the general public.”

*Votes:*

The motion by Councillor Ashton carried.

Adoption of Motion J(40), as amended:

Yes - 37	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 0	

Carried, without dissent.

**9.116 Intention to Designate the Property at 15 Judson Street**

Councillor Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(41), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Jones**

**Seconded by: Councillor Minnan-Wong**

“**WHEREAS** the property at 15 Judson Street (Mimico Station No. 3) is included on the City of Toronto Inventory of Heritage Properties; and

**WHEREAS** the City of Toronto Inventory of Heritage Properties is a list which identifies Toronto’s architectural, historical and archaeological heritage and the inclusion of a property on the inventory is a statement that the City and the Toronto Preservation Board consider these properties worthy of designation under the Ontario Heritage Act; and

**WHEREAS** the City is currently in receipt of building permit application No. 02190603 for the property at 15 Judson Street to permit the demolition of the Mimico Station No. 3;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto state its intention to designate the property at 15 Judson Street (Mimico Railway Station No. 3) pursuant to Part IV of the Ontario Heritage Act for architectural and historical reasons.”

*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(41) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(41) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(41) was adopted, without amendment.

- 9.117 Deputy Mayor Ootes proposed to Council that consideration of the following matters remaining on the Order Paper for this meeting of Council be deferred to the next regular meeting of City Council scheduled to be held on :

REPORT NO. 14 OF THE ADMINISTRATION COMMITTEE

- |              |   |  |
|--------------|---|--|
| Clause No. 1 | - | “Union Station Request for Proposals, Status Report on Negotiations with Union Pearson Group (Ward 28 - Toronto Centre - Rosedale)”. |
| Clause No. 4 | - | “Establishing a City Lobbyist Registry Similar to Provincial   |



and Federal Systems: Implementation Issues, Costs and Requirements”.

- Clause No. 32 - “Improving the Quality of Property Assessment Services Delivered to Ontario Municipalities and Ratepayers”.

REPORT NO. 10 OF THE COMMUNITY SERVICES COMMITTEE

- Clause No. 5 - “City of Toronto Termite Research Program - Consolidated Grants Allocation Report: Disbursement Confirmation”.

REPORT NO. 10 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

- Clause No. 9 - “Results: Film and Television Investment Attraction (All Wards)”.

REPORT NO. 15 OF THE POLICY AND FINANCE COMMITTEE

- Clause No. 25 - “Interest/Penalty Issue Associated with the Apportionment of Taxes”.

REPORT NO. 12 OF THE WORKS COMMITTEE

- Clause No. 7 - “Changes in the Membership of the Task Force to Bring Back the Don”.

Council concurred in the proposal by Deputy Mayor Ootes.

**BILLS AND BY-LAWS**

- 9.118 On November 26, 2002, at 9:59 a.m., Councillor Shiner, seconded by Councillor Miller, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 1000	By-law No. 943-2002	To authorize the issue of instalment debentures to the amount of \$150,000,000.00 for the purposes of the City of Toronto.
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- 9.119 On November 26, 2002, at 7:32 p.m., Councillor Augimeri, seconded by Councillor Minnan-Wong, 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. 1084	By-law No. 944-2002	To confirm the proceedings of the Council at its meeting held on the 26th day of November, 2002,
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the vote upon which was taken as follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shiner, Walker
No - 1	
Councillors:	Moeser

Carried by a majority of 27.

- 9.120 On November 28, 2002, at 9:40 a.m., Councillor Minnan-Wong, seconded by Councillor Mihevc, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 1085	By-law No. 945-2002	To confirm the proceedings of the Council at its meeting held on the 26th and 27th days of November, 2002, with the exception of those matters related to the Toronto Port Authority.
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9.121 On November 28, 2002, at 9:40 a.m., Councillor Minnan-Wong, seconded by Councillor Mihevc, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 1086	By-law No. 946-2002	To confirm the proceedings of the Council at its meeting held on the 26th and 27th days of November, 2002, with respect to those matters related to the Toronto Port Authority.
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9.122 On November 28, 2002, at 6:05 p.m., Councillor Lindsay Luby, seconded by Councillor Duguid, 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. 932	By-law No. 947-2002	To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting firefighters' pensions and other benefits.
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Bill No. 933	By-law No. 948-2002	To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting firefighters' pensions and other benefits.
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Bill No. 934	By-law No. 949-2002	To establish an Art Acquisition Reserve Fund, to close the Art Acquisition Reserve Fund (Etobicoke) and the Art Acquisition Reserve Fund (North York), and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add and delete these reserve funds.
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Bill No. 935	By-law No. 950-2002	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
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Bill No. 936	By-law No. 951-2002	To adopt Amendment No. 226 of the Official Plan for the former City of Toronto respecting lands known as 412 Jarvis Street.
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Bill No. 937	By-law No. 952-2002	To amend Chapter 400 of the Toronto
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		Municipal Code, the Traffic and Parking Code, a by-law of the former City of Toronto, respecting the designation of a private roadway at 150 George as a fire route.
Bill No. 939	By-law No. 953-2002	To designate an area on both sides of St. Clair Avenue West from Humewood Drive and Christie Street on the West to East of Bathurst Street on the East as an improvement area.
Bill No. 940	By-law No. 954-2002	To designate an area on both sides of Church Street from Gloucester Street to Wood Street as an improvement area.
Bill No. 941	By-law No. 955-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 942	By-law No. 956-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 943	By-law No. 957-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 944	By-law No. 958-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 945	By-law No. 959-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 946	By-law No. 960-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 947	By-law No. 961-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 948	By-law No. 962-2002	To amend By-law No. 31001 of the former City of North York, as

		amended.
Bill No. 949	By-law No. 963-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 950	By-law No. 964-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 951	By-law No. 965-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 952	By-law No. 966-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 953	By-law No. 967-2002	To amend City of York Municipal Code Ch. 997, "School Bus Loading Zone", respecting Bala Avenue and Cornell Avenue.
Bill No. 954	By-law No. 968-2002	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. 955	By-law No. 969-2002	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. 956	By-law No. 970-2002	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. 957	By-law No. 971-2002	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. 958	By-law No. 972-2002	To amend City of York Municipal Code Ch. 997, "School Bus Loading Zone", respecting Pine Street and

		McDonald Avenue.
Bill No. 959	By-law No. 973-2002	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. 960	By-law No. 974-2002	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. 961	By-law No. 975-2002	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. 962	By-law No. 976-2002	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. 963	By-law No. 977-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 964	By-law No. 978-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 965	By-law No. 979-2002	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 966	By-law No. 980-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boulton Drive.
Bill No. 967	By-law No. 981-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 968	By-law No. 982-2002	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 969	By-law No. 983-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 970	By-law No. 984-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 971	By-law No. 985-2002	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. <i>*amended*</i>
Bill No. 972	By-law No. 986-2002	To designate the property at 550 Bayview Avenue (Don Valley Brick Works) as being of architectural and historical value or interest.
Bill No. 973	By-law No. 987-2002	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 Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 974	By-law No. 988-2002	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 975	By-law No. 989-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 976	By-law No. 990-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 977	By-law No. 991-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Warden Avenue, at Metropolitan Road.

Bill No. 978	By-law No. 992-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Lebovic Avenue.
Bill No. 979	By-law No. 993-2002	To adopt Amendment No. 1094 of the Official Plan for the former City of Scarborough.
Bill No. 980	By-law No. 994-2002	To amend Scarborough Zoning By-law No. 12466, as amended, with respect to the L'Amoreaux Community.
Bill No. 981	By-law No. 995-2002	To amend Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the Marshalling Yard Employment District.
Bill No. 982	By-law No. 996-2002	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the Tapscott Employment District.
Bill No. 983	By-law No. 997-2002	To amend Scarborough Zoning By-law No. 14402, as amended, with respect to the Malvern Community Zoning By-law.
Bill No. 984	By-law No. 998-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ellis Park Road and The Palisades.
Bill No. 985	By-law No. 999-2002	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 146 Stayner Avenue.
Bill No. 986	By-law No. 1000-2002	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. 987	By-law No. 1001-2002	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". <i>*amended*</i>



Bill No. 988	By-law No. 1002-2002	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". <i>*amended*</i>
Bill No. 989	By-law No. 1003-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 990	By-law No. 1004-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 991	By-law No. 1005-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 992	By-law No. 1006-2002	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 993	By-law No. 1007-2002	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. 994	By-law No. 1008-2002	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. 995	By-law No. 1009-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Birchview Crescent, Colbeck Street, Edna Avenue, Hillside Avenue, Indian Road, Lansdowne Avenue, Pelham Avenue, Primrose Avenue and Silverthorn Avenue. <i>*amended*</i>
Bill No. 996	By-law No. 1010-2002	To establish the dates and times of advance votes for the 2003 municipal election.
Bill No. 997	By-law No. 1011-2002	To authorize the payment of rebates for

		contributions to candidates for an office on the municipal council in the 2003 municipal election.
Bill No. 998	By-law No. 1012-2002	To amend City of Toronto Municipal Code Chapter 441, Fees, by amending Section 441-11, entitled Planning Application Fees.
Bill No. 999	By-law No. 1013-2002	To amend Chapter 227, Reserves and Reserve Funds, of the Municipal Code of the City of Toronto to reflect City Council's policy governing land transactions among City agencies, boards, commissions and departments, including the allocation of net proceeds from the sale of City-owned real property.
Bill No. 1001	By-law No. 1014-2002	To establish a Community and Neighbourhood Services Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1002	By-law No. 1015-2002	To establish a Corporate Services Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1003	By-law No. 1016-2002	To establish an Economic Development, Culture and Tourism Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1004	By-law No. 1017-2002	To establish a Toronto Police Services Board Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.

Bill No. 1005	By-law No. 1018-2002	To establish a Toronto Public Library Board Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1006	By-law No. 1019-2002	To establish a Toronto Transit Commission Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1007	By-law No. 1020-2002	To establish an Urban Development Services Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1008	By-law No. 1021-2002	To establish a Works and Emergency Services Land Acquisition Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 1010	By-law No. 1022-2002	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, to establish bicycle lanes on Fort York Boulevard.
Bill No. 1011	By-law No. 1023-2002	To amend Article I, Building Permits, of Municipal Code Chapter 363, Building Construction and Demolition, to cap the initial payment of permit fees.
Bill No. 1012	By-law No. 1024-2002	To exempt lands at the intersection of McLevin Avenue and Tapscott Road from Part Lot Control.
Bill No. 1013	By-law No. 1025-2002	To exempt lands municipally known as 101-123 Bartley Drive from Part Lot Control.
Bill No. 1014	By-law No. 1026-2002	To amend By-law No. 104-2002 to extend the expiration of Part Lot

		Control exemption for the lands known municipally as 15 Dallner Road.
Bill No. 1015	By-law No. 1027-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1016	By-law No. 1028-2002	To authorize the alteration of Hawksbury Drive from Bayview Mews Lane to a point 175 metres south.
Bill No. 1017	By-law No. 1029-2002	To amend Chapter 910, Parking Machines, of the Municipal Code of the City of Toronto, to replace parking meters with parking machines on certain streets within the City of Toronto.
Bill No. 1018	By-law No. 1030-2002	To amend Chapter 910, Parking Machines, of the Municipal Code of the City of Toronto to adjust the hours of operation for parking machines on certain portions of Shuter Street.
Bill No. 1019	By-law No. 1031-2002	To amend Municipal Code Chapter 223, Remuneration for Council Members, to reflect the termination of the one third expense allowance under the <u>Municipal Act, 2001</u> .
Bill No. 1020	By-law No. 1032-2002	To amend By-law No. 612-2002 being a by-law to exempt lands municipally known as 19A, 19B, 21A, 21B, 23 and 25 Brian Drive, 16, 18 – 27 (inclusive) and 29 Doubletree Road and 46, 48, 50, 52, 54 and 56 Wilkinson Drive from Part Lot Control.
Bill No. 1021	By-law No. 1033-2002	To authorize the alteration of Oriole Parkway between Imperial Street and Oxtown Avenue by narrowing the road, construction of a median and realignment of curbs; construction of traffic channelization island at Oxtown Avenue; and, removal of traffic

		channelization island at Chaplin Crescent.
Bill No. 1024	By-law No. 1034-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1025	By-law No. 1035-2002	To adopt Amendment No. 247 of the Official Plan for the former City of Toronto with respect to lands known as 973 Lansdowne Avenue.
Bill No. 1026	By-law No. 1036-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 973 Lansdowne Avenue.
Bill No. 1027	By-law No. 1037-2002	To adopt Amendment No. 528 of the Official Plan for the City of North York in respect of lands municipally known as 1020 to 1034 Sheppard Avenue West.
Bill No. 1028	By-law No. 1038-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 1020 to 1034 Sheppard Avenue West.
Bill No. 1029	By-law No. 1039-2002	To amend further By-law No. 197, a by-law “To provide for parking meters on roads in the Borough of East York” being a by-law of the former Borough of East York Roads.

Bill No. 1030	By-law No. 1040-2002	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. 1031	By-law No. 1041-2002	To amend further Metropolitan By-law No. 107-86 respecting parking meters on former Metropolitan Roads.
Bill No. 1032	By-law No. 1042-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting parking meters on various streets in the City of Toronto.
Bill No. 1033	By-law No. 1043-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Givins Street.
Bill No. 1034	By-law No. 1044-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bedford Road, Robinson Street, Shaw Street and Simcoe Street.
Bill No. 1035	By-law No. 1045-2002	To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York.
Bill No. 1036	By-law No. 1046-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boothroyd Avenue, Colborne Street and Mill Street.
Bill No. 1037	By-law No. 1047-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1038	By-law No. 1048-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1039	By-law No. 1049-2002	To amend the former City of Toronto

		Municipal Code Ch. 400, Traffic and Parking, respecting Auburn Avenue, Garden Avenue, Geoffrey Street and Parkdale Road.
Bill No. 1040	By-law No. 1050-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Proudfoot Avenue and Strathallan Boulevard.
Bill No. 1041	By-law No. 1051-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Oriole Parkway and Oxtown Avenue.
Bill No. 1042	By-law No. 1052-2002	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. 1043	By-law No. 1053-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 1044	By-law No. 1054-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Marion Street.
Bill No. 1045	By-law No. 1055-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Metcalfe Street.
Bill No. 1046	By-law No. 1056-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Page Street.
Bill No. 1047	By-law No. 1057-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 25 Highview Avenue and 188-208 Downsview Avenue.

Bill No. 1050	By-law No. 1058-2002	To exempt lands municipally known in the year 2000 as 150 Bartley Drive from Part Lot Control.
Bill No. 1051	By-law No. 1059-2002	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. 1052	By-law No. 1060-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1053	By-law No. 1061-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 1054	By-law No. 1062-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting The Esplanade.
Bill No. 1055	By-law No. 1063-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Wolverleigh Boulevard and Glebeholme Boulevard.
Bill No. 1056	By-law No. 1064-2002	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. 1057	By-law No. 1065-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands municipally known as 64 Colgate Avenue.
Bill No. 1058	By-law No. 1066-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 64 Colgate Avenue.



Bill No. 1059	By-law No. 1067-2002	To layout and dedicate certain land at the rear of premises 357 to 399 Bartlett Avenue North and 448 to 492 Salem Avenue North for public lane purposes.
Bill No. 1060	By-law No. 1068-2002	To layout and dedicate certain land for public lane purposes to form part of Jackson Place.
Bill No. 1061	By-law No. 1069-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane north of Queen Street East extending from Rainsford Road to Woodbine Avenue.
Bill No. 1062	By-law No. 1070-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane extending southerly from Niagara Street between premises 73 and 79 Niagara Street.
Bill No. 1063	By-law No. 1071-2002	To name the public lane north of Eglinton Avenue West between Parkhill Road and Fairleigh Crescent as "Citizens Lane".
Bill No. 1064	By-law No. 1072-2002	To name the private lane at 15 Trent Avenue as "Ice Cream Lane".
Bill No. 1065	By-law No. 1073-2002	To name the private street known as Edgewood Avenue and the extension at 134 Edgewood Avenue as "Edgewood Avenue".
Bill No. 1066	By-law No. 1074-2002	To name two private streets at 311, 325 and 341 Bremner Boulevard as "Navy Wharf Court" and "Mariner Terrace", respectively.
Bill No. 1067	By-law No. 1075-2002	To amend Chapters 304 and 324 of the Etobicoke Zoning Code with respect to lands located at 123 Rexdale Boulevard.
Bill No. 1068	By-law No. 1076-2002	To amend Article VI, City Auditor,

Chapter 169, Officials, City, of the City of Toronto Municipal Code to establish the position of an independent Auditor General, to delineate certain duties and responsibilities of the Auditor General and to make consequential amendments to Article I, Chief Administrative Officer, Chapter 169 Officials, City; Chapter 19, Business Improvement Areas; Chapter 71, Financial Control; Article II, Heritage Toronto, Chapter 103, Heritage; Chapter 179, Parking Authority; Article III, Acquisition of Non-Governmental Records, Chapter 219, Records, Corporate, and Article II, Yonge-Dundas Square Board of Management, Chapter 636, Public Squares, of the Municipal Code.

Bill No. 1069	By-law No. 1077-2002	To exempt the property municipally known as 964 The Queensway from Part Lot Control.
Bill No. 1070	By-law No. 1078-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Petrolia Road and to form a new public highway The Pond Road.
Bill No. 1071	By-law No. 1079-2002	To adopt Amendment No. 499 of the Official Plan for the City of North York in respect of Emery Village Secondary Plan.
Bill No. 1072	By-law No. 1080-2002	To amend the definition of ravine in Chapter 165, Development of Land.
Bill No. 1073	By-law No. 1081-2002	To delete § 658-12B, Exemption, from City of Toronto Municipal Code Chapter 658, Ravine Protection and to replace Schedule A at the end of Chapter 658.

the vote upon which was taken as follows:

Yes - 40
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Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

9.123 On November 28, 2002, at 6:12 p.m., Councillor Duguid, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce Bill No. 938, which carried.

*Motion:*

Councillor Sutherland moved that consideration of Bill No. 938 be deferred to the special meeting of City Council to be held immediately following this meeting.

*Vote on Deferral:*

Adoption of motion by Councillor Sutherland:

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

Lost by a majority of 5.

*Vote on Bill No. 938:*

Upon the question, "Shall this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law?", as follows:

Bill No. 938	By-law No. 1082-2002	To adopt a new Official Plan for the City of Toronto and repeal the Official Plans for the former municipalities of Metropolitan Toronto, Etobicoke, York, North York, Toronto, East York and Scarborough,
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the vote was taken as follows:

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

Carried by a majority of 24.

9.124 On November 28, 2002, at 6:13 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. 1087	By-law No. 1083-2002	To confirm the proceedings of the Council at its meeting held on the 26th, 27th and 28th days of November, 2002,
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the vote upon which was taken as follows:

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

Carried by a majority of 29.

**SPECIAL MEETING - NOVEMBER 28 AND 29, 2002:**

9.125 On November 28, 2002, at 10:08 p.m., Councillor Lindsay Luby, seconded by Councillor Mammoliti, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1088	By-law No. 1084-2002	To confirm the proceedings of the Council at its Special Meeting held on the 28th day of November, 2002.
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the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 11	
Councillors:	Altobello, Ashton, Bussin, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Rae

Carried by a majority of 18.

9.126 On November 29, 2002, at 1:14 a.m., Councillor Moscoe, seconded by Councillor Holyday, 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. 1009	By-law No. 1085-2002	To authorize the entering into of an agreement for the provision of Municipal Capital Facilities, namely a Municipal Housing Project Facility at 30 Darrell Avenue.
Bill No. 1049	By-law No. 1086-2002	To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services, respecting water rates.
Bill No. 1074	By-law No. 1087-2002	To adopt Amendment No. 107-2002 to the Official Plan for the former City of Etobicoke to adopt a new Secondary Plan in respect of Etobicoke Centre.
Bill No. 1075	By-law No. 1088-2002	To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the "Etobicoke Centre Secondary Plan Area".
Bill No. 1076	By-law No. 1089-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as Nos. 76 to 98 Charles Street West, No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.
Bill No. 1077	By-law No. 1090-2002	To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as Nos. 76 to 98 Charles Street West, No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.
Bill No. 1078	By-law No. 1091-2002	To amend Scarborough Zoning By-law No. 24982, as amended, with respect to the Employment Districts (Progress).

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Bill No. 1079	By-law No. 1092-2002	To amend Municipal Code Chapter 223, Remuneration for Council Members, to provide for payment of severance remuneration to the personal representative of the former Ward 16 (Scarborough Highland Creek) Councillor.
Bill No. 1080	By-law No. 1093-2002	To adopt Amendment No. 530 of the Official Plan for the former City of North York in respect of lands municipally known as 1015, 1019 and 1181 Sheppard Avenue East.
Bill No. 1081	By-law No. 1094-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 1015, 1019 and 1181 Sheppard Avenue East.
Bill No. 1082	By-law No. 1095-2002	To exempt the lands at 138 and 140 Spears Street from interim control on lands bounded by Hilldale Road, Cripps Avenue, Spears Street and Hillborn Avenue.
Bill No. 1083	By-law No. 1096-2002	To adopt a new City of Toronto Municipal Code Chapter 162, Notice, Public,

the vote upon which was taken as follows:

Yes - 26	
Councillors:	Altobello, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Tziretas
No - 4	
Councillors:	Johnston, Minnan-Wong, Shiner, Walker

Carried by a majority of 22.

9.127 On November 29, 2002, at 1:16 a.m., Councillor Moscoe, seconded by Councillor Holyday, 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. 1022	By-law No. 1097-2002	To adopt Amendment No. 244 of the Official Plan for the former City of Toronto respecting lands known as 267R and 275 Ontario Street, 393 Dundas Street East and 431 Dundas Street East.
Bill No. 1023	By-law No. 1098-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 267R and 275 Ontario Street and to amend By-law No. 198-89 with respect to the lands known as 393 Dundas Street East and 431 Dundas Street East.

9.128 On November 29, 2002, at 1:17 a.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. 1048	By-law No. 1099-2002	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto and to amend amending By-law No. 604-2001,
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the vote upon which was taken as follows:

Yes - 21	
Councillors:	Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Tziretas
No - 2	
Councillors:	Minnan-Wong, Walker

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

9.129 On November 29, 2002, at 1:18 a.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. 1089                      By-law No. 1100-2002                      To confirm the proceedings of the Council at its Special Meeting held on the 28th and 29th days of November, 2002,

the vote upon which was taken as follows:

Yes - 22 Councillors:    Altobello, Augimeri, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Pantalone, Rae, Shaw, Tziretas
No - 2 Councillors:    Sutherland, Walker

Carried by a majority of 20.

**OFFICIAL RECOGNITIONS:**

9.130 **Condolence Motions**

Councillor Ford, seconded by Councillor Lindsay Luby, moved that:

**“WHEREAS** the Members of City Council are deeply saddened to learn that Andrew and Bonnie Pask tragically lost their son, Aidan Michael Harry, on October 29<sup>th</sup>; and

**WHEREAS** Andrew Pask serves the City of Toronto as Executive Assistant to Councillor Rob Ford, and Andrew is well known to Councillors and staff as hard working, courteous, and friendly;

**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 Andrew and Bonnie Pask.”

Councillor Ford, seconded by Councillor Berardinetti, moved that:

**“WHEREAS** the Members of City Council are deeply saddened to learn that William Merrill Campbell passed away, on November 14<sup>th</sup> at 97 years of age; and

**WHEREAS** William Merrill Campbell retired in 1975 after employment in the municipal service for 28 years; and

**WHEREAS** William Merrill Campbell spent the last 16 years of his employment as the Commissioner of Finance and City Treasurer of the former City of Toronto, where he was responsible for introducing the interim tax billing system, as well as bringing international acclaim to the City for his accomplishments in establishing a comprehensive and sophisticated computer system; and

**WHEREAS** William Merrill Campbell is the great-uncle of Councillor Rob Ford;

**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 Campbell family.”

Councillor Milczyn, seconded by Councillor Holyday, moved that:

“**WHEREAS** Mrs. Elizabeth (Betty) Sinclair, passed away on Tuesday, November 5, 2002; and

**WHEREAS** Mrs. Sinclair was a respected member of the former City of Etobicoke Community; and

**WHEREAS** Mrs. Sinclair provided valuable assistance to her husband, Bruce Sinclair, who was Mayor of Etobicoke from 1984 to 1994 and City Councillor from 1997 to 2000; and

**WHEREAS** Mrs. Sinclair worked tirelessly as a child advocate to ensure the rights and interests of children in the Etobicoke Community were respected; and

**WHEREAS** Mrs. Sinclair worked as a social worker and psychotherapist with the adoption services of the York Region Children’s Aid Society and Peel Region Children’s Aid;

**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, Bruce Sinclair, and her children, Colin, Marian and John, and their family members.”

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 Aidan Pask, William Merrill Campbell and Elizabeth Sinclair.

9.131 **Presentations/Introductions/Announcements:**

**November 26, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of St. Joseph's Catholic School, present at the meeting.

Councillor Mammoliti, during the morning session of the meeting, with the permission of Council, made a video presentation with respect to the Emery Village Project, a redevelopment project underway in the Finch Avenue West and Weston Road area of the City.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Western Collegiate Institute, present at the meeting.

**November 27, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Howard Public School, present at the meeting.

**November 28, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Marc Garneau Collegiate Institute, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Glen Ravine Public School, present at the meeting.

Councillor Miller, during the morning session of the meeting, with the permission of Council, expressed, on behalf of City Council, congratulations to Councillor Moscoe on the occasion of his birthday.

Councillor McConnell and Councillor Korwin-Kuczynski, during the morning session of the meeting, with the permission of Council, addressed Council with respect to the Food Action Awards. The awards honour those who've helped to ensure food security for members of our community. The Food Action Committee presented awards to 34 volunteers for their outstanding contributions in this regard, and also chose the people of Toronto to receive a Special Honorary Award for their tremendous response to the Daily Bread Food Bank's last food drive. Ms. Sue Cox, Executive Director of the Food Bank, was invited to address Council, and together with Councillors McConnell and Korwin-Kuczynski, presented a plaque to Mayor Lastman, on behalf of the people of Toronto.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Humberside Collegiate Institute, present at the meeting.

Councillor Nunziata, during the afternoon session of the meeting, with the permission of Council, introduced Mr. Andrew Bergmann, visiting from Brisbane, Australia, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced journalism students from Ryerson University, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced Mr. Dick O'Brien, Chair of the Toronto and Region Conservation Authority and former City Councillor, present at the meeting.

#### 9.132 MOTIONS TO VARY PROCEDURE

*Vary the order of proceedings of Council:*

##### **November 26, 2002:**

Deputy Mayor Ootes, at 9:52 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(10), moved by Mayor Lastman, seconded by Councillor Shiner, respecting the Issuance of Debentures, which carried.

##### **Toronto City Centre Airport:**

- (a) Deputy Mayor Ootes, at 10:28 a.m., proposed that Council vary the order of its proceedings to consider Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", today at 2:00 p.m.
- (b) Councillor Miller, at 10:29 a.m., moved that Council consider Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", on Wednesday, November 27, 2002, at 2:30 p.m.
- (c) Councillor Shiner, at 10:30 a.m., moved that all votes respecting Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", be taken on Wednesday, November 27, 2002, or upon completion of Council's debate on the matter, whichever occurs later.
- (d) Councillor Flint, at 10:31 a.m., moved that Council consider Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport", on Thursday, November 28, 2002.

*Votes:*

Adoption of motion (a) by Deputy Mayor Ootes:

Yes - 18
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Councillors:	Di Giorgio, Duguid, Feldman, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Ootes, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Filion, Flint, Ford, Hall, Jones, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae, Shaw

Lost by a majority of 4.

Adoption of motion (b) by Councillor Miller:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Ford, Hall, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Rae, Shaw, Silva
No - 15	
Councillors:	Ashton, Feldman, Filion, Flint, Holyday, Jones, Li Preti, McConnell, Minnan-Wong, Moeser, Pantalone, Shiner, Soknacki, Sutherland, Tziretas

Carried by a majority of 10.

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

- (e) Mayor Lastman, at 10:38 a.m., moved that Council consider the forthcoming joint report to be submitted by the City Solicitor and the Commissioner of Urban Development Services, respecting the Toronto Port Authority Litigation, during the morning session on Wednesday, November 27, 2002, prior to its 2:30 p.m. consideration of the rest of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed "Toronto City Centre Airport".

*Vote:*

Adoption of motion (e) by Mayor Lastman:

Yes - 26	
Mayor:	Lastman

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

Carried by a majority of 13.

**Establishment of the Toronto Water Board:**

- (a) Councillor Jones, at 10:40 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Joint Report No. 3 of The Policy and Finance Committee and The Works Committee, headed “Establishment of the Toronto Water Board”, on Wednesday, November 27, 2002, at 9:30 a.m.
- (b) Councillor Augimeri, in amendment, moved that all votes respecting Clause No. 1 of Joint Report No. 3 of The Policy and Finance Committee and The Works Committee, headed “Establishment of the Toronto Water Board”, be taken on the afternoon of Wednesday, November 27, 2002, or upon completion of Council’s debate on the matter, whichever occurs later.

*Votes:*

Motion (b) by Councillor Augimeri carried.

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

Yes - 18	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Duguid, Filion, Flint, Jones, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Shaw, Walker
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki, Sutherland, Tziretas

Lost by a majority of 4.

**November 29, 2002:**

Councillor Sutherland, at 12:33 a.m., moved that Council vary the order of its proceedings to now consider Clause No. 20 of Report No. 9 of The Midtown Community Council, headed “Further Report - Application to Amend the Official Plan and Zoning By-law

No. 7625 - 20 Graydon Hall Drive - D. Shafran Investments - TD CMB 2002 0008(Don Valley East - Ward 34)”, the vote upon which was taken as follows:

Yes - 22 Councillors: Altobello, Di Giorgio, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 5 Councillors: Bussin, Disero, Johnston, Mihevc, Miller

Carried by a majority of 17.

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

**November 26, 2002:**

Acting Chair Lindsay Luby, at 12:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to allow for the conclusion of Councillor Mammoliti’s presentation respecting the Emery Village Project, which was carried, more than two-thirds of Members present having voted in the affirmative.

Acting Chair Lindsay Luby, at 7:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Clause No. 11 of Report No. 12 of The Works Committee, headed “Increase in Purchase Order Upset Limit for Front Street Extension Environmental Assessment and Preliminary Design Study”, the vote upon which was taken as follows:

Yes - 23 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Bussin, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae
No - 6 Councillors: Cho, Chow, Kelly, Layton, Moeser, Walker

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

**November 27, 2002:**

Deputy Mayor Ootes, at 12:28 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 complete its consideration of the referral

motion made with respect to Clause No. 32 of Report No. 12 of The Policy and Finance Committee, headed “2003 Water and Wastewater Rate Increase and Rate Projections for 2003-2007”, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Minnan-Wong, at 7:23 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, in order to complete its consideration of that portion of Clause No. 2 of Joint Report No. 2 of The Planning and Transportation Committee and The Economic Development and Parks Committee, headed “Toronto City Centre Airport”, pertaining to the confidential joint report dated November 26, 2002, from the City Solicitor and the Commissioner of Urban Development Services, entitled “Toronto Port Authority Litigation”, the vote upon which was taken as follows:

Yes - 17	
Councillors:	Ashton, Balkissoon, Duguid, Flint, Ford, Hall, Holyday, Johnston, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Silva, Soknacki
No - 18	
Mayor:	Lastman
Councillors:	Berardinetti, Bussin, Chow, Di Giorgio, Feldman, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shiner, Sutherland, Tziretas

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

**November 28, 2002:**

Deputy Mayor Ootes, at 5:57 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, in order to allow Members an opportunity to release items remaining on the Order Paper, and to complete consideration of the bills prepared for this meeting, which carried, more than two-thirds of Members present having voted in the affirmative.



Deputy Mayor Ootes, at 6:14 p.m., proposed that Council now recess and immediately reconvene, in accordance with the following Notice of Special Meeting:

“In accordance with §27-5 of Chapter 27 of the City of Toronto Municipal Code, the Mayor has called a Special meeting of Council to be held on Thursday, November 28, 2002, in the Council Chamber, Toronto City Hall, for the following purposes, such meeting to commence at 6:00 p.m. and adjourn at the conclusion of such matters:

- (1) to complete consideration of Joint Planning and Transportation Committee and Economic Development and Parks Committee Report No. 2, Clause No. 2, headed “Toronto City Centre Airport”;
- (2) to complete consideration of Policy and Finance Committee Report No. 15, Clause No. 33, headed “Toronto Port Authority 2001 and 2002 Recommended Capital Budgets”;
- (3) to complete consideration of any unfinished business from the regular meeting of Council held on November 26, 27 and 28, 2002, deemed to be critical and time sensitive, having regard for the significance and financial implications of these matters;
- (4) to introduce and enact General Bills; and
- (5) to introduce and enact a confirming by-law for this Special Meeting.”

Council concurred in the proposal by Deputy Mayor Ootes.

Councillor Moscoe, at 6:14 p.m., moved that Council now recess for 15 minutes, the vote upon which was taken as follows:

Yes - 16 Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Feldman, Flint, Johnston, Li Preti, McConnell, Moeser, Moscoe, Ootes, Shaw, Tziretas
No - 22 Mayor: Councillors:	Lastman Ashton, Augimeri, Bussin, Duguid, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Nunziata, Pantalone, Shiner, Silva, Soknacki, Sutherland

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

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Councillor Minnan-Wong, seconded by Councillor Shiner, moved that the absence of Councillor Pitfield from the regular meeting of Council be excused, which carried.

Councillor Duguid, seconded by Councillor Lindsay Luby, moved that the absence of Councillors Filion, Layton and Pitfield from the Special meeting of Council be excused, which carried.

November 26, 2002	9:40 a.m. to 12:40 p.m.*	Roll Call 11:30 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 7:35 p.m.*	Roll Call 4:35 p.m.	Roll Call 6:05 p.m.
Lastman	x	-	-	x	-	-
Altobello	x	-	x	x	x	-
Ashton	x	-	-	x	x	x
Augimeri	x	x	-	x	x	x
Balkissoon	x	x	x	x	-	x
Berardinetti	x	-	x	x	x	-
Bussin	x	-	-	x	-	x
Cho	x	-	-	x	-	x
Chow	x	x	-	x	x	x
Di Giorgio	x	x	-	x	x	x
Disero	x	-	x	x	x	x
Duguid	x	x	x	x	x	-
Feldman	x	-	x	x	-	-
Filion	x	x	-	-	-	-
Flint	x	x	x	x	x	x
Ford	x	x	-	x	x	x
Hall	x	x	-	x	x	x
Holyday	x	x	x	x	x	x
Johnston	-	-	-	-	-	-
Jones	x	x	x	x	x	-
Kelly	x	x	-	x	x	x
					x	x

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November 26, 2002	9:40 a.m. to 12:40 p.m.*	Roll Call 11:30 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 7:35 p.m.*	Roll Call 4:35 p.m.	Roll Call 6:05 p.m.
Korwin-Kuczynski	x	-	x	x		
Layton	-	-	-	x	x	x
Li Preti	x	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	-	-	x	-	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	-	x	x	x
Milczyn	x	-	-	x	x	x
Miller	x	x	x	x	x	x
Minnan-Wong	x	x	x	x	-	x
Moeser	x	x	-	-	-	-
Moscoe	x	-	x	x	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	-	-	-	-	-	-
Rae	x	x	x	x	-	-
Shaw	x	x	x	x	x	x
Shiner	x	-	x	x	-	-
Silva	x	-	x	x	x	x
Soknacki	x	x	x	x	-	-
Sutherland	x	-	x	x	x	-
Tziretas	x	x	-	x	x	x
Walker	x	x	-	x	x	x
Total	42	27	26	42	31	30

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

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November 27, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:40 p.m.*	Roll Call 11:53 p.m.	Roll Call 2:10 p.m.	2:10 p.m. to 3:00 p.m.*	Ctte. of the Whole In-Camera 3:15 p.m.	6:55 p.m. to 7:30 p.m.*
Lastman	x	x	-	x	x	x	x
Altobello	x	x	-	x	x	x	-
Ashton	-	x	x	-	x	x	x
Augimeri	-	-	x	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	x
Chow	x	x	x	-	x	x	x
Di Giorgio	x	x	x	x	x	x	x
Disero	-	-	-	-	-	-	-
Duguid	x	x	x	x	x	x	x
Feldman	-	x	x	-	x	x	x
Filion	-	x	x	-	x	x	x
Flint	x	x	x	-	x	x	x
Ford	x	x	-	-	x	x	x
Hall	x	x	x	-	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	-	x	x	-	x	x	x
Jones	x	x	x	-	x	x	x
Kelly	-	x	-	-	x	x	x
Korwin-Kuczynski	x	x	x	x	x	x	x
Layton	-	-	-	x	x	x	x
Li Preti	-	-	-	x	x	x	x
Lindsay Luby	x	x	x	-	x	x	x
Mammoliti	-	x	x	x	x	x	x

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November 27, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:40 p.m.*	Roll Call 11:53 p.m.	Roll Call 2:10 p.m.	2:10 p.m. to 3:00 p.m.*	Ctte. of the Whole In-Camera 3:15 p.m.	6:55 p.m. to 7:30 p.m.*
McConnell	x	x	x	-	x	x	x
Mihevc	x	x	x	x	x	x	x
Milczyn	x	x	-	-	x	x	x
Miller	-	x	x	x	x	x	x
Minnan-Wong	x	x	-	x	x	x	x
Moeser	-	x	-	x	x	x	-
Moscoe	-	x	x	x	x	x	x
Nunziata	x	x	x	x	x	x	x
Ootes	x	x	x	x	x	x	x
Pantalone	x	x	-	x	x	x	x
Pitfield	-	-	-	-	-	-	-
Rae	x	x	x	x	x	x	x
Shaw	-	x	x	-	x	x	-
Shiner	-	x	-	-	x	x	x
Silva	x	x	-	x	x	x	x
Soknacki	-	x	-	x	x	x	x
Sutherland	x	x	x	x	x	x	x
Tziretas	x	x	x	-	x	x	x
Walker	x	x	x	x	-	-	-
Total	25	38	27	24	42	42	42

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

November 28, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:20 p.m.*	Roll Call 3:50 p.m.
Lastman	x	x	-	x	x	x
Altobello	x	x	x	x	x	x
						x

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November 28, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:20 p.m.*	Roll Call 3:50 p.m.
Ashton	x	x	x	x	x	
Augimeri	-	x	x	x	x	x
Balkissoon	x	x	x	-	x	x
Berardinetti	-	x	x	x	x	-
Bussin	x	x	x	x	x	x
Cho	x	x	x	x	x	x
Chow	-	x	x	x	x	x
Di Giorgio	x	x	x	x	x	x
Disero	x	x	-	x	x	-
Duguid	x	x	x	x	x	-
Feldman	x	x	x	x	x	-
Filion	-	x	x	x	x	-
Flint	x	x	-	x	x	x
Ford	-	x	x	-	x	-
Hall	-	x	x	-	x	x
Holyday	x	x	x	-	x	x
Johnston	-	x	x	-	x	x
Jones	-	x	x	x	x	x
Kelly	-	x	x	x	x	x
Korwin-Kuczynski	-	x	x	x	x	x
Layton	-	x	-	-	x	-
Li Preti	x	x	-	-	-	x
Lindsay Luby	x	x	-	x	x	x
Mammoliti	-	x	x	x	x	x
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	x	x	-
Milczyn	-	x	x	x	x	x

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November 28, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:20 p.m.*	Roll Call 3:50 p.m.
Miller	-	x	x	x	x	x
Minnan-Wong	x	x	x	x	x	x
Moeser	-	x	x	x	x	-
Moscoe	x	x	-	-	x	x
Nunziata	x	x	x	x	x	-
Ootes	x	x	x	x	x	x
Pantalone	-	x	-	x	x	-
Pitfield	-	-	-	-	-	-
Rae	x	x	x	x	x	-
Shaw	-	x	x	-	x	x
Shiner	-	x	x	x	x	-
Silva	x	x	x	x	x	x
Soknacki	-	x	-	x	x	-
Sutherland	x	x	x	-	x	x
Tziretas	-	x	x	-	x	x
Walker	x	x	-	x	x	-
Total	24	44	36	33	43	29

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

Special Meeting November 28 and 29, 2002	6:20 p.m. to 10:15 p.m.*	Roll Call 6:36 p.m.	Roll Call 6:51 p.m.	Roll Call 7:11 p.m.	Roll Call 10:18 p.m.	10:26 p.m. to 1:25 a.m.*
Lastman	x	x	x	-	x	x
Altobello	x	-	x	x	x	x
Ashton	x	-	-	x	x	x
Augimeri	x	-	-	x	x	x
Balkissoon	x	x	-	x	x	x
Berardinetti	-	-	-	x	x	-

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Special Meeting November 28 and 29, 2002	6:20 p.m. to 10:15 p.m.*	Roll Call 6:36 p.m.	Roll Call 6:51 p.m.	Roll Call 7:11 p.m.	Roll Call 10:18 p.m.	10:26 p.m. to 1:25 a.m.*
Bussin	x	x	x	x	x	x
Cho	x	x	x	x	x	x
Chow	x	-	x	x	x	x
Di Giorgio	x	-	x	x	x	x
Disero	x	-	-	-	-	x
Duguid	x	x	x	-	x	x
Feldman	x	x	x	x	x	x
Filion	-	-	-	-	-	-
Flint	x	x	x	x	x	x
Ford	x	x	-	-	x	x
Hall	x	-	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	x	x	x	x	x	x
Jones	x	-	x	x	x	x
Kelly	x	x	-	-	x	x
Korwin-Kuczynski	x	x	-	-	x	x
Layton	-	-	-	-	-	-
Li Preti	x	x	x	-	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	x	x	x
McConnell	x	x	-	x	x	x
Mihevc	x	x	x	-	x	x
Milczyn	x	x	x	x	x	x
Miller	x	x	-	-	x	x
Minnan-Wong	x	-	-	-	x	x
Moeser	x	-	x	x	x	x



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Special Meeting November 28 and 29, 2002	6:20 p.m. to 10:15 p.m.*	Roll Call 6:36 p.m.	Roll Call 6:51 p.m.	Roll Call 7:11 p.m.	Roll Call 10:18 p.m.	10:26 p.m. to 1:25 a.m.*
Moscoe	x	-	x	x	x	x
Nunziata	x	x	-	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	-	x	x	x	x
Pitfield	-	-	-	-	-	-
Rae	x	-	-	-	x	x
Shaw	x	-	-	-	x	x
Shiner	x	-	-	-	x	x
Silva	x	x	x	x	x	x
Soknacki	x	-	x	x	x	x
Sutherland	x	x	x	-	x	x
Tziretas	x	x	x	x	x	x
Walker	x	-	-	-	-	x
Total	41	24	24	27	38	41

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

**MEL LASTMAN,**  
Mayor

**ULLI S. WATKISS,**  
City Clerk

**ATTACHMENT NO. 1**

Enquiry dated October 21, 2002, from Councillor Walker, to Mayor Lastman, regarding the investigation by the Ontario Provincial Police into the alleged contravention of the Ontario Municipal Elections Act (See Minute No. 9.3, Page 1):

- (1) Is the Mayor aware of the decision of the Ontario Provincial Police to abandon its investigation into allegations of breaches of the Ontario Municipal Elections Act by the Mayor's former campaign fundraiser, Mr. Jeffrey Lyons?
- (2) If so, how and when was the Mayor notified of this decision?
- (3) As a Member of the Toronto Police Services Board, can the Mayor please advise Members of Council on:
  - (a) what actions were taken by the Toronto Police Service and/or the Toronto Police Services Board on this matter; and
  - (b) whether the Toronto Police Service and/or the Toronto Police Services Board notified the Ontario Provincial Police of any such action on this matter and if so when?
- (4) Can the Mayor advise Members of Council on the action he intends to take on behalf of Council to have this investigation proceed?

**ATTACHMENT NO. 2**

Answer dated October 24, 2002, from Mayor Lastman, to the Enquiry dated October 21, 2002, from Councillor Walker, regarding the investigation by the Ontario Provincial Police into the alleged contravention of the Ontario Municipal Elections Act (See Minute No. 9.3, Page 1):

Answer to No. 1:

Based on what I have read in the press, the Ontario Provincial Police investigation into an alleged breach of the Ontario Municipal Elections Act by Mr. Jeffrey Lyons is ongoing.

Answer to No. 2:

See answer to No. 1.

Answer to No. 3:

See answer to No. 2.

Answer to No. 4:

See answer to No. 3.

**ATTACHMENT NO. 3 [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. 9.75, Page 117):

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:

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**ATTACHMENT NO. 4 [Notice of Motion J(7)]**

Joint report dated November 14, 2002, from the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, entitled “New Ravine By-law Amendments” (See Minute No. 9.82, Page 127):

Purpose:

The purpose of this report is to respond to the request of Council at its meeting held on October 3, 2002, to report on and make recommendations based on the outcome of community meetings concerning the Ravine By-law.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that:

- (1) the City Solicitor be authorized to amend the City of Toronto Municipal Code Chapter 658, Ravine Protection, by deleting Section 658-12-B “Despite Schedule A this chapter shall not apply to the areas known as Hoggs Hollow Special Policy Area and Warren Park Ravine or to table lands associated with private golf courses”, and replace the maps of Schedule A; and
- (2) the City Solicitor be authorized to introduce the necessary Bill in Council to give effect thereto.

Background:

City Council at its meeting held on October 1, 2 and 3, 2002, adopted a joint report from the Commissioners of Urban Development Services, Economic Development, Culture and Tourism and Works and Emergency Services dated August 19, 2002, which recommended that:

“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;”.

In adopting the above mentioned report, Council amended the Clause by adding to the above recommendation 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.”

Council also added the following recommendation:

“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.”

This report responds to that request.

Comments:

Warren Park Ravine and Hogg’s Hollow Community Meetings

Staff met with the Warren Park Ravine ratepayers on Tuesday, October 15, 2002 and the Hogg’s Hollow community on Tuesday October 22, 2002 to discuss the new Ravine By-law. These communities share a distinction from most other areas of ravine protection in the City in that the entire neighbourhood is encompassed by the Ravine By-law. At both meetings the majority of the participants strongly supported the new Ravine By-law and welcomed its application to their properties.

Some participants were concerned that the Ravine By-law could be used to prevent development on private property. The Ravine By-law does not regulate development rights. The Ravine By-law can only regulate the destruction and injury of trees, the dumping of fill or refuse or changes to grade.

Residents of Warren Park Ravine were also concerned about maintaining the natural quality of their neighbourhood. The discussion focused on use of the Ravine By-law as a tool to control the dumping of litter in ravine areas and to restrict future development applications of a scale comparable to the recently built Loblaws store. Residents also questioned how the Ravine By-law would affect pruning and tree removal in their own yards and were informed that permits are not required in a number of situations specified by the By-law including pruning or removal of ornamental trees, a hazardous tree, and pruning to maintain the health of a tree.

The residents of Hogg’s Hollow were particularly concerned about redevelopment in their neighbourhood and the loss of trees and development activity on the edge of ravines causing problems for neighbouring property owners. Urban Forestry staff responded to many questions about how to best manage the natural features, how to control erosion, what trees to plant, and what to remove. When a ravine permit application is received, Urban Forestry Services staff will review it to ensure

protection of natural features and may suggest best management practices and alternative solutions, if appropriate.

Most of the residents attending the meetings of both Hogg's Hollow and the Warren Park Ravine supported the application of the by-law in their neighbourhood and recognized that it could help to protect trees and the ravine feature.

The City Solicitor was consulted in the preparation of this report.

Conclusion:

The Hogg's Hollow and Warren Park Ravines areas were originally included in the Ravine By-law. At Council's request, these areas were excluded pending community meetings since, in both instances, these communities are entirely within the ravine area and subject to the Ravine By-law. Having held the community meetings as requested, it is recommended that these areas now be subject to the Ravine Protection By-law.

Contacts:

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**ATTACHMENT NO. 5 [Notice of Motion J(8)]**

Communication dated October 1, 2001, from Councillor Michael Walker, addressed to the Chair and Members of the Policy and Finance Committee, entitled "Protection from Terrorism" (See Minute No. 9.83, Page 129):

The recent tragic destruction of the World Trade Centre in New York, on Sept 11<sup>th</sup>, should serve as a wake up call to all major cities with "standout" structures, utilities and concentrations of high rise buildings.

Up to now we have all taken it for granted that such acts of terrorism could not happen. But now all that has changed with the death of 6,000 innocent people on that sunny autumn morning in the bustling centre of Manhattan.

I would like to formalize a framework for City Council and those officials who are charged with the protection of the City and its people so that the impact of any possible acts of terrorism is minimized.

**Buildings:** There is no doubt that our high rise buildings are designed by professional engineers to be structurally sound and under design parameters as required by the Ontario Building Code. Buildings are not designed to withstand the intense heat generated by the impact and explosion of tens of thousands of litres of aviation fuel. The Trade Centre disaster has shown that those above the point of impact had little chance of escape and the intense heat of over 1,000° C gradually weakened and buckled the structural steel, resulting in the collapse of the structures. The 110-storey north tower was struck first and remained standing for 90 minutes while the south 110-storey tower collapsed 62 minutes after its impact.

**Planning:** There must be a re-thinking of city planning. There is no need to construct buildings over 25 or 30 stories. European cities have not adopted our North American "reach for the sky" system and their city planning has worked well. Buildings - either commercial or residential - should not stick out as potential "targets". City Council should direct our planners to report on this suggestion to the first meeting of Council in 2002.

**Air Supply:** The location, design and operation/management of all heating, ventilation and air conditioning (HVAC) systems for all structures - especially buildings over four stories - should be reviewed by building specialists with input from the Building Owners and Managers Association (BOMA).

**Water Supply:** City Council should be briefed by Works Department officials on the security of our filtration plants, pumping stations, reservoirs and distribution systems and any extra precautions needed to ensure that our water supply is not poisoned.

**Subway System:** Recent attempts to use poison gas in the Tokyo subway system

should act as an added warning to increase our safety programs for the subway system.

**Pickering Nuclear Power Station:** Although there have been no terrorist attacks on any of the world's 400 plus nuclear power plants (NPPs), the US has begun to tighten security around their 103 plants. Here, at our doorstep, in Pickering, the 4,120 MW nuclear power plant - the oldest such plant in Canada - is well past its middle age with enormous amounts of spent fuel stored on site. To date there has been no decision on the final storage arrangements for the spent fuel. Since the mid 1970s, it has been piling up and there seems to be no end in sight.

**Power Grid:** Power lines have been targets for terrorists in the past - not in Canada - but in other less stable countries. But the fear is that attacks on the power grid may soon become a fact of life and an easy target for terrorists. Are we prepared?

**Biological War:** It is impossible to "second guess" where terrorists would strike or what biological weapons they would use. But there is always the possibility that these weapons may be available in many forms to some terrorists. Anthrax, Pneumonic Plague, Botulism and even deadly virus like smallpox could be available to those who plan terrorism.

The most expeditious way to prepare a defense against terrorist acts is to set up a working group to begin planning on how to defuse, foil and combat terrorist acts.

As a first step, I suggest the following -

- (a) City Council set up a Buildings and Systems Protection Committee to include the Buildings Commissioner and a representative of the Fire Chief, Police Chief, Works Commissioner, Medical Officer of Health, the TTC, Ambulance and Emergency Services and at least one member of City Council.
- (b) The terms of reference should include the matters referred to and expanded to include other items to be added by members of City Council.
- (c) The City of Pickering, Ontario Power Generation, Toronto Hydro, Enbridge Consumers Gas, the Ontario Building Code Commission, the Toronto Building Owners and Managers Association (BOMA) be invited to participate on the Committee.
- (d) The provincial and federal governments be invited to participate in the deliberations of the Committee.

**ATTACHMENT NO. 6 [Notice of Motion J(8)]**

Communication dated October 10, 2001, from the Councillor Michael Walker, addressed to the Chair and Members of the Policy and Finance Committee, entitled “Amendment - Protection from Terrorism” (See Minute No. 9.83, Page 129):

Further to my October 1, 2001 letter, entitled “Protection from Terrorism”, to the Chair and Members of the Planning and Transportation Committee, I have been informed that it should have been addressed to your Committee and that the Administrator has done so. I would like to add a further paragraph to that October 1, 2001 letter concerning a personal safety device to aid victims of fire to limit smoke inhalation.

Amendment:

Emergency Response Procedures: Coupled with crisis prevention is post-event emergency measures. The City should be proactive with planning and augmenting its emergency tactics to further facilitate the removal of citizens from compromised structures. One aspect of planning for such an evacuation is protecting the citizens’ ability to breathe while enveloped by smoke. The device, “Evac-U8 Smoke Hood” (see attachment to hard copy for photo), is a Canadian-designed personal air-filter solution to aid the flight of residents or employees of buildings, chiefly high-rise buildings. Every hotel room, every office desk, et cetera, or any site that has fire hazard potential should be required to be equipped with this device and other such safety devices (i.e. flash light), regardless of the height or floor plan of the structure, to ensure safe evacuation.

(A copy of the Toronto Star article, October 6, 2001, entitled “Breathing Space”, which was attached to the foregoing communication, is on file in the office of the City Clerk.)

**ATTACHMENT NO. 7 [Notice of Motion J(9)]**

Report dated November 19, 2002, from the Commissioner of Economic Development, Culture and Tourism, entitled "Board of Directors for New Toronto Economic Development Corporation" (See Minute No. 9.84, Page 132):

Purpose:

To recommend, on behalf of the Selection Committee appointed by Council, the slate of citizens for appointment to the Board of Directors of Toronto Economic Development Corporation (TEDCO).

Financial Implications and Impact Statement:

There are no financial implications related to the adoption of the report.

Recommendations:

It is recommended that:

- (1) the slate of citizen nominees including the Chair contained in Attachment No. 1, which was circulated under separate confidential cover to Members of Council, be appointed to the Toronto Economic Development Corporation (TEDCO) as of December 1, 2002 for a 3 year term or until their successors are appointed;
- (2) annual remuneration for the citizen appointees be set at \$2,000.00 per meeting for the Chair and \$500.00 per meeting for citizen board members plus expenses, subject to the following:
  - (a) the review of the remuneration for citizen appointees by the Chief Administrative Officer for all City ABCs and corporations;
  - (b) the comprehensive board evaluation process for all City corporate boards (to be developed by the CAO's Office) be applied to TEDCO board members including a 360 degree evaluation prior to the reappointment or recruitment of the board members in 2005;
- (3) the Commissioner of Economic Development, Culture and Tourism brief the new board members on the alignment of TEDCO's new mandate to the Council approved Economic Development Strategy and specifically opportunities for redevelopment of brownfield areas for employment generating uses across the City; and
- (4) the appropriate officials be authorized to take the necessary action to give

effect thereto.

Background:

Council Reference:

On June 18, 19, and 20, 2002, Council approved a joint report from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism which recommended a new mandate, board structure, reporting relationship, and shareholder direction for the City of Toronto Economic Development Corporation (TEDCO). Council approved the recommendation that the new Board be comprised of six (6) citizens, the Mayor or designate, Chair of the Economic Development and Parks Committee, two members of Council from the Economic Development and Parks Committee and the Commissioner of Economic Development, Culture and Tourism or his designate as an ex-officio non-voting member.

Council also authorized a Selection Committee to nominate the slate of citizens for appointment by Council with the assistance of a search consultant engaged by the Commissioner of Economic Development, Culture and Tourism. The Selection Committee is comprised of the Mayor's designate, the Chief Administrative Officer, the Commissioner of Economic Development, Culture and Tourism and two members of Council. One member of Council who is a member of the Board of TEDCO and recommended by the TEDCO Board was Councillor Michael Feldman. The other member of Council was the Chair of the Economic Development and Parks Committee, Councillor Denzil Minnan-Wong. Further, Council requested that the Toronto Board of Trade and the Labour Council of Metro Toronto and York Region nominate two of the six citizen members.

This report presents the citizen nominations recommended by the Selection Committee directly to Council as requested.

Comments:

Selection Process:

As directed, staff of the Economic Development, Culture and Tourism Department issued a request for proposals to assist the City in the search for qualified citizens to serve on the Board of Directors for the new Toronto Economic Development Corporation (TEDCO). DHR Canada Inc. was selected from ten responses based on their related experience, ability to meet the timeline, and price.

DHR Canada Inc. was engaged to recruit candidates who met the qualifications set out by Council and assist the Selection Committee in the nomination process. DHR Canada Inc. developed a long list of possible candidates and matched candidates against criteria to provide a list of 28 qualified and available candidates. Based on

qualifications, experience, and personal interviews, the Selection Committee unanimously agreed on the nomination for Chair and the five other citizen nominees which included two nominated by the Toronto Board of Trade and the Labour Council of Metro Toronto and York Region.

Qualifications:

The Shareholder Direction approved by Council outlines the desired qualifications of the Board of Directors as a whole as follows:

- (a) Experience or knowledge with respect to:
  - (i) legal aspects of real-estate development, property management and brownfield redevelopment;
  - (ii) business and financial management;
  - (iii) commercial real estate;
  - (iv) industrial land development;
  - (v) environmental brownfield clean up expertise;
- (b) commercial sensitivity and acumen;
- (c) independence of judgement; and
- (d) personal integrity.

The slate of nominees set out in Confidential Attachment No. 1 to this report brings a wealth of business, environmental, legal, and management acumen and experience. They are individually and collectively experienced board members and well equipped to lead the implementation of the new mandate into a period of increasing demand for redevelopment and brownfield regeneration across the City of Toronto. Attachment No. 2 was the Backgrounder used by the Selection Committee to guide the process.

Remuneration:

Part of the task of DHR Canada Inc. was to recommend an appropriate level of remuneration for citizen members of the Board of Directors. Unlike agencies of the City, the new Toronto Economic Development Corporation will be a corporation incorporated under the Ontario Business Corporations Act.

DHR Canada Inc. conducted a comparative review of remuneration for directors in similar type organizations and recommended a mid-range level of remuneration. The range of remuneration was between \$400.00 to \$1,000.00 per meeting for citizen board members. Many organizations contacted indicated that their board remuneration was under review and expected to be increased.

It is anticipated that approximately 10 board meetings per year will be required. Therefore, staff is recommending that until the CAO's Office completes its review of remuneration for City boards that the rate of \$500.00 per meeting for citizen board

members and \$2,000.00 per meeting for the Chair be approved for the TEDCO board. The current rate is \$1,000.00 for the Chair and \$200.00 per citizen appointee per meeting, which is considerably below the average range for other similar boards.

Conclusions:

This report presents the nominations of the Selection Committee for citizen members of the Board of Directors of Toronto Economic Development Corporation (TEDCO). It is recommended that these members be appointed for a term of three years eligible for reappointment based on a 360-degree review.

Contact:

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List of Attachments:

- No. 1 - (Confidential) Toronto Economic Development Corporation (TEDCO)  
Citizen Board Members
- No. 2 - Backgrounder on TEDCO and selection process
- No. 3 - Toronto and York Region Labour Council - nomination letter

(Attachment No. 1 is to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains personal information about identifiable individuals, save and except the following names of appointees embodied therein:

- James Villeneuve (Chair);
- Stanley R. Budd;
- C. Arthur Downes;
- Cynthia L. Robins;
- David McFadden, Nominee from the Toronto Board of Trade; and
- Ucal Powell, Nominee from the Toronto and York Region Labour Council.)

(A copy of Attachments Nos. 2 and 3 to the foregoing report, is on file in the office of the City Clerk.)

**ATTACHMENT NO. 8 [Notice of Motion J(10)]**

Report dated November 21, 2002, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures" (See Minute No. 9.85, Page 135):

Purpose:

This report requests that the necessary Bills be introduced in Council at its meeting on November 26, 2002, to give effect to the issuance of debentures.

Financial Implications and Impact Statement:

The level of debt issuance undertaken, \$150 million on November 18, 2002, in the Canadian domestic market, is required to finance previously approved capital expenditures of the City of Toronto. The debt charges associated with this issue have been included in the City's 2002 operating budget and will also be included in the 2003 budget on an annualized basis.

Recommendations:

It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on November 26, 2002, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.

Background:

By-law No. 52-2002, as adopted by Council on February 13, 14 and 15, 2002, authorizes the Mayor and Treasurer to enter into agreements for the issue and sale of debentures during the year 2001 to provide an aggregate amount not exceeding \$500,000,000.00 for purposes of the City and including the purposes of any former municipality, the former municipality of Metropolitan Toronto and a board of education.

Any such agreement must be reported to Council not later than the second regular meeting of Council after the agreement is signed and Council is required to pass all necessary money by-laws required to carry out the agreement.



Comments:

Acting in accordance with the aforementioned authorities and the unanimous advice of our investment syndicate lead managers (CIBC World Markets Inc., Scotia Capital Inc., RBC Capital Markets Inc.), negotiations were completed on November 18, 2002, for a public issue of debentures in the Canadian domestic market.

This transaction was the City's first debenture issue in 2002 and received an excellent reception in a stable market. The instalment debentures were issued with a par value of \$150 million for maturities ranging from 1 to 10 years with interest rates between 3.05 percent to 5.45 percent. The overall net average cost of financing is 4.996 percent. The structure and pricing of the transaction represented the lowest cost of funds available relative to other potential structures, markets and currencies as provided by legislation.

Delivery of the debentures and the receipt of proceeds will occur on November 29, 2002. The issue will be book-based only with no physical certificates as were previous debenture issues. This process continues to generate savings for the City related to the printing, registration and distribution of the securities.

Conclusion:

As the capital projects to be financed with the proceeds of this issue were previously approved, it is now appropriate to approve the issuance of debentures to permanently finance these undertakings, given current capital market conditions.

Contact Names and Telephone Numbers:

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**ATTACHMENT NO. 9 [Notice of Motion J(14)]**

Confidential report dated November 20, 2002, from the Commissioner of Corporate Services, entitled "Preliminary Evaluation of Proposals for the Provision of Telecommunications Infrastructure for the City of Toronto (Request for Proposals No. 9155-02-07293)", such report now public in its entirety (See Minute No. 9.89, Page 140):

Purpose:

The purpose of this report is to advise City Council on the outcome of the preliminary evaluation of proposals for the provision of telecommunications infrastructure (RFP No. 9155-02-07293) and to seek direction from Council on a series of next steps for the issuance of a new RFP for the provision of telecommunication services.

It is essential that staff obtain Council direction as soon as possible with respect to this matter so as to allow a new RFP process to proceed according to the original deadline for implementation. Given the lack of delegated authority to deal with the outcome of the initial evaluation as discussed below, staff have reached the conclusion that Council authority is required to proceed. In recognition of the significant City interests involved, this matter has therefore been brought directly to Council for consideration.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council authorize staff to cancel the Request for Proposals for the Provision of Telecommunications Infrastructure for the City of Toronto (RFP No. 9155-02-07293);
- (2) City staff be directed to provide written notice to the Proponents who submitted proposals in response to the RFP No. 9155-02-07293 returning their proposals and indicating that the process has been cancelled, the reasons why their proposal was judged deficient, and an indication of the next steps to be taken by the City in relation to the issuance of a new RFP for the provision of telecommunications infrastructure;
- (3) City staff be directed to issue a new RFP as soon as practicable for the provision of telecommunications infrastructure;
- (4) the scope of work, terms and conditions of the new RFP will remain

substantially unchanged, with only necessary modifications to the schedule of events, and the addition of four addendums which were used to clarify the requirements from the earlier RFP as a new appendix;

- (5) the period for responding to the new RFP be shortened to 5 weeks;
- (6) the new RFP be re-issued only to the 22 vendors who attended the mandatory information conference for the previous RFP; and
- (7) the appropriate City officials be authorized and directed to taken the necessary action to give effect thereto.

Background:

At its meeting held on February 12, 13 and 14, 2002, Council directed staff to release a Request for Proposals (RFP) to collect current market and costing information on the options available for the provision of telecommunications services and to report with a recommended course of action.

Staff developed a comprehensive RFP to identify and review options for providing both voice and data services to City departments and business units over a five-year term. The RFP was released on July 31, 2002, to 137 companies and was also posted on the City's web site. The original submission date of September 25, 2002, was later extended until October 23, 2002, at the request of the Proponents. The City received four proposals (i.e., Bell Canada, EDS Canada Inc., Telus Communications Inc. and Toronto Hydro Telecom Inc.) in response to the RFP.

In addition to the City's standard RFP requirements, the RFP outlined the criteria and the process to be used for evaluating the proposals. The RFP also indicated that only completed proposals containing all required documents submitted in accordance with the requirements of the RFP would be evaluated. The evaluation would be conducted by evaluation teams made up of appropriate City staff, and other technical experts as may be required by the City. The evaluation of technical and financial requirements would be undertaken by separate evaluation teams. Only proposals meeting the mandatory and rated requirements of the evaluation process would have their financial proposal evaluated. The evaluation teams would review, analyze and rate the proposals on the basis of information provided by the Proponent at the time of submission in accordance with the proposal evaluation form.

Comments:

On November 8, 2002, an evaluation team comprised of representatives from the Contract Management Office, Legal Services, Telecommunications Office and an independent subject matter expert, met to review each proposal in relation to Phase 1 – Verification of Completeness of Submissions as outlined in the RFP. After

reviewing all of the proposals for completeness, the evaluation team came to the conclusion that each of the Proponents had failed to provide all of the mandatory information, were incomplete, and therefore ineligible to proceed to the next phase of the evaluation process. The RFP was drafted in a manner that made it very clear that a failure to include all of mandatory inclusions would result in the proposal being removed from further consideration by the City. This requirement was included in the RFP to ensure that the evaluation process would be conducted in a fair and above-board manner without the need to make any arbitrary exceptions. The deficiencies noted varied from Proponent to Proponent, but generally concerned the financial security aspects of the RFP (i.e., a failure to provide the required bid bond, agreement to provide a letter of credit or a valid certificate of insurance). Given the general uncertainty in the telecommunications sector, staff felt it necessary to protect the City's interest during this RFP process by including specific financial security requirements.

On November 12, 2002, the evaluation team met with representatives from the Purchasing and Material Management Division to review the results of the verification of completeness phase. Purchasing and Material Management Division concurred with the view of the evaluation team that all of the Proponents had failed to provide all of the mandatory documents, and therefore they were unable to proceed to the next evaluation phase. Given that none of the Proponents were eligible to proceed to the next phase, staff concluded that the process should be halted without reviewing any of the technical or financial information. Therefore, staff are currently unaware of the technical or financial details of any of the proposals, which will be returned to the Proponents in accordance with the above recommendations.

Under the City's Purchasing By-law (Chapter 195-4 Duties and Responsibilities of Purchasing Agent), a Purchasing Agent can cancel any request when requested by the department head who initiated the request and where the proposal is greater than the amount approved by Council, or when in the opinion of the department head: (a) a change in the scope of work or specifications is required and therefore a new call or request should be issued; or (b) the goods or services to be provided by the call or request no longer meets the department's requirements. This chapter does not address a situation where all Proponents fail to comply with a preliminary mandatory process requirement, effectively resulting in a situation where there are no qualified respondents to the RFP whose proposals can be evaluated under the terms of the RFP and as a result the RFP has to be cancelled and re-issued with the scope of work, terms and conditions remaining unchanged. Staff therefore had no option but to report to Council on an urgent basis to seek authority to cancel this RFP process and proceed to re-issue a new RFP as soon as practicable.

Given the tight timeframes involved and the significant amount of time which all potential Proponents have already had to review the technical and financial details of the RFP, staff recommend that the new RFP should be re-issued to the 22 companies who attended the mandatory information conference for the earlier RFP, and the

period for response should be shortened to 5 weeks (over Christmas and New Year period). While staff consider it unlikely that other Proponents (other than the four original Proponents) will respond to the new RFP, staff believe that the new RFP should be re-issued to the 22 companies who attended the mandatory information conference for the earlier RFP. In this way, the City has not foreclosed the possibility that new or additional proposals might be submitted by companies who have shown some previous interest in responding to the earlier RFP. Staff believe that this approach is reasonable under the circumstances because issuing the new RFP to the original group (i.e. 137 potential respondents) would require that the response period to be lengthened to as long as 10 – 12 weeks. A lengthy response period would impact on the City's ability to meet the original implementation deadline. Therefore, the new RFP would remain unchanged with the following exceptions:

- (1) Modifications to the schedule of events, pertaining to the release of the new RFP. The schedule of events, e.g., date of release, deadline for submissions, completion of evaluation of proposals, the execution of agreement, would all need to be modified to accommodate the re-release of the RFP; and
- (2) Elimination of the mandatory information conference and site visit. The previous mandatory information conference was attended by 22 potential respondents, of which only four submitted proposals. It therefore appears that a further meeting is unnecessary. Staff are recommending that the four addendums which were used to clarify the requirements from the earlier RFP be included as an appendix in the new RFP.

In recognition of the significant City interests involved with this matter, staff believe that the new process must be started as quickly as possible, so as to meet the original implementation timelines as closely as possible. The Christmas and New Year period, and Council's focus on budget issues during the months of January and February 2003, will all impact on the proposed schedule of events. When considered, all of these factors will likely result in a delay of approximately three months, with the following new timelines:

Event	Approximate Date
Release of New RFP	December 16, 2002
Submission of Receipt Confirmation Form	December 20, 2002
Deadline for Submission of Proposals	January 13, 2003
Interviews of Short-listed Proponents	February 10, 2003
Completion of Evaluation of proposals	February 24, 2003
Report to Administration Committee (I&T Subcommittee)	March 25, 2003
Report to City Council	April 14 – 16, 2003
Execute Agreement	May 2003
Transition	May – December 2003
Implementation	January 2004

Conclusions:

This report is intended to seek authority to cancel the current RFP process and re-issue a new RFP on the basis as set out herein. This approach is recommended as the fairest way to deal with the results of the current process while ensuring that the interests of the City are preserved.

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**ATTACHMENT NO. 10 [Notice of Motion J(17)]**

Joint report dated November 22, 2002, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled "Supply and Delivery of Liquid Chlorine Quotation Request No. 6606-02-3407" (See Minute No. 9.92, Page 146):

Purpose:

The purpose of this report is to advise of the results of the Request for Quotation issued for the supply and delivery of liquid chlorine, supplied in 907.2 kg. containers and for liquid chlorine supplied in 82 tonne railway tank cars, used by Water and Wastewater Services as a disinfecting agent in drinking water at the R.C. Harris, R.L. Clark, F.J. Horgan, and the Island Filtration Plants, and for chlorination of final effluent at the Ashbridges Bay, Highland Creek and the Humber Wastewater Treatment Plants, as required by the Works and Emergency Services Department in accordance with specifications and to request the authority to award contracts to the recommended bidders.

Financial Implications and Impact Statement:

Funds in the amount of \$2,050,500.00 have been provided for the purchase of liquid chlorine in the Preliminary 2003 Operating Budget for Water Production and Wastewater Treatment Services. An interim authority of 30 percent of the approved 2002 net operating budget is being provided for this expenditure. The balance of funds will be provided pending approval of the 2003 Operating Budget. Funds required for the years 2004 and 2005 will be included in the 2004 and 2005 Operation Budget submissions.

The total estimated funds required for a three year contract during the period January 1, 2003 to December 31, 2005 for liquid chlorine shipped in 907.2 kg containers is \$5,393,941.47 including applicable tax. The total estimated funds required for liquid chlorine shipped in railway tank cars during the period January 1, 2003 to December 31, 2003 is \$212,662.50 including applicable tax.

The estimated values of the contract prior to issuing the Request for Quotation were \$1,604,848.00 per year (\$4,814,544.00 for three years) for liquid chlorine in 907.2 kg. containers and \$200,000.00 per year for liquid chlorine in railway tank cars.

Recommendations:

It is recommended that:

- (1) the quotation submitted by Brenntag Canada Inc., in the amount of \$674.30 per tonne excluding GST, for the supply and delivery of approximately 2,492 tonnes of liquid chlorine annually, in 907.2 kg. containers for the period from January 1, 2003 to December 31, 2005 at an estimated value of \$5,393,941.47 including applicable tax be accepted, being the lowest quotation received;

- (2) the quotation submitted by PPG Canada Inc. in the amount of \$375.00 per tonne excluding GST, for the supply and delivery of approximately 530 tonnes of liquid chlorine, in 82 tonne railway tank cars for the period from January 1, 2003 to December 31, 2003 at an estimated value of \$212,662.50 including applicable tax be accepted, being the lowest quotation received; and
- (3) the appropriate City officials be directed to take the necessary action to give effect thereto.

Background:

Liquid chlorine in 907.2 kg containers is used as a disinfecting agent by Water and Wastewater Services in the production of drinking water at the City's four water filtration plants (R.C. Harris, R.L. Clark, F.J. Horgan and Island), and disinfecting of final effluent at two wastewater treatment plants (Highland Creek and Humber). Liquid chlorine in 82 tonne railway tank cars is used at the Ashbridges Bay Treatment Plant, for disinfecting of its final effluent.

Eleven (11) firms on the City's bidder's list were invited to submit bids and this requirement was advertised on the City of Toronto's Internet website for the supply and delivery of liquid chlorine, supplied in 907.2 kg. containers and liquid chlorine supplied in 82 tonne railway tank cars, used by Water and Wastewater Services as outlined above. Bidders were requested to provide quotations for a one-year period, January 1, 2003 to December 31, 2003, with optional pricing for an additional two (2) one-year periods. Firm prices were also requested for the three year period from January 1, 2003 to December 31, 2005, and the five year period from January 1, 2003 to December 31, 2007.

Two firms, Brenntag Canada Inc. and Cleartech Industries Inc., submitted bids as summarized below for the supply and delivery of liquid chlorine in 907.2 kg. containers.

Two firms, PPG Canada Inc. and PCI Chemicals Canada Company, submitted bids as summarized below for the supply and delivery of liquid chlorine in 82 tonne capacity railway tank cars.

Comments:

Two (2) bids, as summarized below, were received for the supply and delivery of approximately 2,492 tonnes annually of liquid chlorine in 907.2 kg. containers in accordance with specifications, as required by the Works and Emergency Services Department, Quotation Request No. 6606-02-3407:



<u>Firm Name</u>	<u>Period</u>	<u>Price per Tonne Excluding Tax*</u>
Brenntag Canada Inc.	One year – January 1 to December 31, 2003	\$689.30
	Optional Year – 2004	\$689.30
	Optional Year – 2005	\$689.30
	Firm price for 3 Years – January 1, 2003 to December 31, 2005	\$674.30
	Firm price for 5 Years – January 1, 2003 to December 31, 2007	No Bid

<u>Firm Name</u>	<u>Period</u>	<u>Price per Tonne Excluding Tax*</u>
Cleartech Industries Inc.	One Year – January 1 to December 31, 2003	\$860.00
	Optional Year – 2004	No Bid
	Optional Year – 2005	No Bid
	Firm price for 3 Years – January 1, 2003 to December 31, 2005	No Bid
	Firm price for 5 Years – January 1, 2003 to December 31, 2007	No Bid

\* Above prices are subject to 7 percent Goods and Services Tax, Ontario Retail Sales Tax exempt.

Brenntag Canada Inc. which acquired HCI Stanchem, has been one of the firms supplying liquid chlorine and other chemicals to the City and former Metro Toronto as the result of a competitive bidding process since at least 1985. Legal Services has advised that while there are a number of outstanding Competition Act charges pending against HCI Stanchem, some relating to issues surrounding the supply of liquid chlorine to the City and the former Metro Toronto, pursuant to the Canadian Charter of Rights and Freedoms, the company and its charged personnel are presumed innocent of the charges until proven guilty in a court of law. The City cannot deny the award of the contract to Brenntag Canada Inc. for reason only that there are charges pending against HCI Stanchem. A report setting out possible action the City can take to recover overpayments it may have made to HCI Stanchem, if any, during the period of the Competition Act charges will be before the Audit Committee on November 22, 2002. Legal Services has further advised that awarding a contract to Brenntag Canada Inc. will not jeopardize any further litigation over past contract price fixing issues.

Brenntag Canada Inc. is the lowest bidder for the supply of liquid chlorine in 907.2 kg. containers for the period from January 1, 2003 to December 31, 2003 and the only bidder for the two option years, 2004 and 2005, as well as the only bidder for the three year period from January 1, 2003 to December 31, 2005. No bids were received for the five year period from January 1, 2003 to December 31, 2007.

Awarding a contract to the lowest bidder, Brenntag Canada Inc., for the supply and delivery of approximately 2,492 tonnes annually of liquid chlorine in 907.2 kg. containers, for the period from January 1, 2003 to December 31, 2003 with the option to renew for two additional one year periods at the unit price of \$689.30 per tonne excluding GST for each year would result in a contract with a total value of \$5,513,391.27 including applicable tax.

Awarding a contract to the lowest bidder, Brenntag Canada Inc., for the supply and delivery of approximately 2,492 tonnes annually of liquid chlorine in 907.2 kg. containers, for the period from January 1, 2003 to December 31, 2005, at the unit price of \$674.30 per tonne excluding GST would result in a contract with a total value of approximately \$5,393,941.47 including applicable tax. Awarding the contract for a full 3 year period (January 1, 2003 to December 31, 2005) would result in a savings of \$119,989.80 when compared to the one year contract with the option to renew for two additional one year periods. It is recommended that a contract be awarded to Brenntag Canada Inc. for a full three year period from January 1, 2003 to December 31, 2005 as that would result the lowest total cost to the City.

Two (2) bids, as summarized below, were received for the supply and delivery of approximately 530 tonnes of liquid chlorine to be shipped in 82 tonne in railway tank cars in accordance with specifications as required by the Works and Emergency Services Department, Quotation Request No. 6606-02-3407:

<u>Firm Name</u>	<u>Period</u>	<u>Price Per Tonne Excluding Tax*</u>
PPG Canada Inc.	One Year – January 1 to December 31, 2003	\$375.00
	Optional Year – 2004	No Bid
	Optional Year – 2005	No Bid
	Firm for 3 Years – January 1, 2003 to December 31, 2005	No Bid
	Firm for 5 Years – January 1, 2003 to December 31, 2007	No Bid

PCI Chemicals	One Year – January 1 to December 31, 2003	\$550.00
Canada Inc.	Optional Year – 2004	\$600.00
	Optional Year – 2005	\$600.00
	Firm for 3 Years – January 1, 2003 to December 31, 2005	\$600.00
	Firm for 5 Years – January 1, 2003 to December 31, 2007	\$650.00

\* Above prices are subject to 7 percent Goods and services Tax, Ontario Retail Sales Tax exempt.

It is recommended that the quotation submitted by PPG Canada Inc. in the amount of \$375.00 per tonne excluding GST, for the supply and delivery of approximately 530 tonnes of liquid chlorine in 82 tonne railway tank cars for the period of January 1, 2003 to December 31, 2003 be accepted, being the lowest quotation received and an agreement between the City and PPG Canada Inc. be entered into with a total value estimated at \$212,662.50 including applicable tax.

A comparison of this year's pricing for liquid chlorine against pricing received for last year is as follows:

Liquid Chlorine in 907.2 kg. Containers

2002 Price Per Tonne Excluding all Taxes	2003 Price Per Tonne Excluding all taxes	Price Difference Per Tonne	Percentage Difference
\$624.50	\$674.30	\$49.80	8 %

Liquid Chlorine in Railway Tank Cars

2002 Price Per Tonne Excluding all Taxes	2003 Price Per Tonne Excluding all taxes	Price Difference Per Tonne	Percentage Difference
\$300.00	\$375.00	\$75.00	25 %

The increase in price for this commodity is attributed to a decrease in supply for the North American market caused by the closure of seven (7) manufacturing plants and an increase in demand for chlorine based products used in the housing industry and in the automotive industry.

Shippers of liquid chlorine in railway tank cars received increases in rail rates and fuel surcharges. Due to concerns for security, shippers of liquid chlorine in railway tank cars experienced increased insurance costs and expenses for the upgrade of railway tank cars. These additional expenses are reflected in the higher percentage increase for liquid chlorine shipped in railway tank cars compared to liquid chlorine shipped in 907.2 kg. containers.

The Fair Wage and Labour Trades Office has reported favourably on the firms recommended.

Conclusions:

This report requests that the quotation submitted by Brenntag Canada Inc. be accepted for the supply and delivery of approximately 2,492 tonnes annually of liquid chlorine, supplied in 907.2 kg. containers, to be used as a disinfecting agent in drinking water at the R.C. Harris, R.L. Clark, F.J. Horgan, and the Island Filtration Plants, and for chlorination of final effluent at the Ashbridges Bay, Highland Creek and the Humber Wastewater Treatment Plants, for the period from January 1, 2003 to December 31, 2005, in accordance with specifications, required by the Works and Emergency Services Department, being the lowest quotation received and that an agreement between the City and Brenntag Canada Inc. be entered into with a total value estimated at \$5,393,941.47 including applicable tax. Brenntag Canada Inc. which acquired HCI Stanchem, has been one of the firms supplying liquid chlorine and other chemicals to the City and former Metro Toronto as the result of a competition bidding process since at least 1985.

Legal Services has advised that while there are a number of outstanding Competition Act charges pending against HCI Stanchem, some relating to issues surrounding the supply of liquid chlorine to the City and the former Metro Toronto, pursuant to the Canadian Charter of Rights and Freedoms, the company and its charged personnel are presumed innocent of the charges until proven guilty in a court of law. The City cannot deny the award of the contract to Brenntag Canada Inc. for reason only that there are charges pending against HCI Stanchem. A report setting out possible action the City can take to recover overpayments it may have made to HCI Stanchem, if any, during the period of the Competition Act charges will be before the Audit Committee on November 22, 2002. Legal Services has further advised that awarding a contract to Brenntag Canada Inc. will not jeopardize any further litigation over past contract price fixing issues.

It is also recommended to award a contract for the period from January 1, 2003 to December 31, 2003 for the supply and delivery of approximately 530 tonnes of liquid chlorine in 82 tonne railway tank cars to be used for disinfecting of final effluent at Ashbridges Bay Treatment Plant to PPG Canada Inc., being the lowest quotation received and than an agreement between the City and PPG Canada Inc. be entered in to with a total value estimated at \$212,662.50 including applicable tax.

These agreements are to be on the terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer and in a form satisfactory to the City Solicitor.

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**ATTACHMENT NO. 11 [Notice of Motion J(20)]**

Communication dated November 7, 2002, addressed to the Tenant Defence Sub-Committee, from Councillor Michael Walker, St. Paul's (See Minute No. 9.95, Page 151):

I am writing to request that the Tenant Defence Sub-Committee endorse the attached Notice of Motion to Toronto City Council, for consideration at its meeting on November 26, 2002.

As you will see from the Motion and as we are all too aware, rents have increased by astounding levels since the implementation of the so-called Tenant Protection Act in 1997. Council has been consistent in its approach to addressing the affordable housing crisis and in protecting the supply of affordable rental units. Given the legislation however, this fight is becoming increasingly difficult.

Under the current legislation, Toronto's tenants face a huge increase based on the looming hydro rate increases. Many tenants are paying for rent increases caused by the spike in energy prices in the winter of 2000 even though prices subsequently fell to historic rates.

The Notice of Motion advocates that Council petition the provincial government to freeze rents for two years until such time as new, fair landlord-tenant legislation can be written. I ask the Sub-Committee to endorse this Notice of Motion and that a communication be sent by the Sub-Committee Clerk to City Council conveying this action.

(Communication dated November 26, 2002,  
addressed to City Council, from the City Clerk)

**Recommendation:**

The Tenant Defence Sub-Committee, on November 22, 2002, endorsed the Notice of Motion submitted by Councillor Michael Walker, respecting a request to the Provincial Government for a two-year rent freeze.

**Background:**

At its meeting on November 22, 2002, the Tenant Defence Sub-Committee gave consideration to a communication (November 7, 2002) from Councillor Michael Walker, advising that he would be submitting a Notice of Motion to Toronto City Council, for consideration on November 26, 27 and 28, 2002, recommending that City Council petition the Provincial Government to freeze rents for two years until there has been a fair review of the Tenant Protection Act and a leveling of the playing field in landlord-tenant relations, and that City Council continue to lobby the Provincial Government and the Opposition parties to adopt and publicly endorse this two-year

rent freeze; and requesting the Tenant Defence Sub-Committee to endorse the Notice of Motion and advise City Council of such action.

Michael Prue, M.P.P. Beaches-East York, appeared before the Tenant Defence Sub-Committee in connection with the foregoing matter.

**ATTACHMENT NO. 12 [Notice of Motion J(23)]**

Report dated November 20, 2002, from the Commissioner of Corporate Services, entitled "Calcorp Inc. Option to Purchase Part of Viking Road Request for Extension (Ward 5 - Etobicoke-Lakeshore)" (See Minute No. 9.98, Page 157):

Purpose:

To authorize a further extension of the option to purchase agreement (the "Option Agreement") between the City and Calcorp Inc., dated November, 1997, as amended, pursuant to which the City granted Calcorp Inc. an option to purchase part of Viking Road.

Financial Implications and Impact Statement:

When the option is exercised by Calcorp Inc., the City will receive revenue in the approximate amount of \$690,000.00 from the sale of the lands.

Recommendations:

It is recommended that:

- (1) the Option Agreement, as amended, be extended until July 4, 2003;
- (2) the City Solicitor be authorized and directed to complete the transaction and pay any City costs incidental to the closing and be further authorized to amend 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.

Background:

At its meeting held on September 22, 1997, the Council of the former City of Etobicoke amended and adopted Clause 240-A-97 of the Sixteenth Report of the Administration Committee, 1997, and authorized the appropriate City officials to take all steps necessary to enter into an option agreement with Calcorp Inc. whereby Calcorp Inc. would have an option to purchase Viking Road (in two separate transactions if Calcorp Inc. so chose) on an "as-is basis", for a total price of \$400,000.00, with interest to accrue at the prime rate from the date of acceptance until the completion of the sale, subject to Calcorp Inc. acquiring title to all of the lands abutting Viking Road, the necessary road closing process being completed, and the reservation of any easements required for municipal services or public utilities. The sale was also to be conditional upon the necessary zoning by-law for the proposed redevelopment of the properties south of Viking Road being approved. The option



was for an initial period of 18 months, with Calcorp Inc. having the right, which Calcorp Inc. did exercise, to extend the option period for up to five further 30-day periods.

As a result of delays in determining a mechanism and timing for sanitary sewer expansion in the area, City Council, at its meeting of December 14, 15 and 16, 1999, adopted Clause 11 of Etobicoke Community Council Report No. 14, which provided for a further 12 month extension to the Option Agreement until December 4, 2000.

At its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 10, 11 and 12, 2000, City Council adopted Notice of Motion J(35) and thereby adopted the report (September 22, 2000) from the Commissioner of Corporate Services, which recommended that the Option Agreement be extended until July 4, 2001, on the same terms and conditions as the original option, save and except for any further rights of extension.

At its meeting held on June 26, 27 and 28, 2001, City Council adopted Notice of Motion J(7) and thereby adopted the report (June 22, 2001) from the Commissioner of Corporate Services, which recommended that the lands be declared surplus pursuant to Section 193(4) of the Municipal Act and that the Option Agreement be extended until July 4, 2002, with Calcorp Inc. having the option to further extend the Option Agreement until January 4, 2003, on the terms and conditions set out in the body of the report.

Comments:

By letter dated June 6, 2002, Calcorp Inc. notified the City of its intention to extend the Option Agreement to January 4, 2003. By letter dated August 26, 2002, Calcorp Inc. requested that the City proceed with securing all the necessary approvals required for the closing of the second half of Viking Road.

Before a municipality can enact a by-law closing a public highway, the Municipal Act requires that notice of the proposed by-law be published once a week for four successive weeks and that the municipality hear any person who claims that the person's lands will be prejudicially affected by the by-law. The Public Notice was prepared and forwarded to the Toronto Sun for publication and a public hearing was scheduled for the November 13, 2002 meeting of Etobicoke Community Council.

It came to City staff's attention that the Toronto Sun failed to publish notice of the proposed by-law on October 28, 2002 and November 4, 2002 and accordingly, the requisite statutory notice was not published once a week for four successive weeks as required by the Municipal Act. Therefore the public hearing was cancelled with the intention of rescheduling the matter before the January 21, 2003, meeting of the Etobicoke Community Council, after the requisite notice has been published.

The City and CalcCorp Inc. have mutually agreed to extend the Option Agreement until July 4, 2003 so that the road closing process can be completed, all other terms and conditions remaining the same.

Conclusions:

It is considered reasonable to further extend the Option Agreement until July 4, 2003.

Contact:

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Report No.: cc02-233

(A copy of Appendix "A", headed "Site Sketch of Viking Road", which was appended to the forgoing report, is on file in the office of the City Clerk.)

**ATTACHMENT NO. 13 [Notice of Motion J(24)]**

Joint report dated November 19, 2002, from the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, entitled “Proposed Amendments to the Ontario Heritage Act” (See Minute No. 9.99, Page 159):

Purpose:

To seek authority to ask the Province to make additional amendments to the Ontario Heritage Act to correct deficiencies that are not addressed in Bill 179 (Government Efficiency Bill, 2002).

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the Provincial Government be asked to amend the Ontario Heritage Act as outlined in this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Government of Ontario has introduced Bill 179 in the Legislature. The Bill includes proposed amendments to the Ontario Heritage Act (the “Act”). No consultation with the City has occurred with respect to the proposed amendments and consequently staff have not had the opportunity to suggest needed amendments that might have been included in the Bill.

Comments:

Bill 179 fails to address two deficiencies in the Act which should be corrected.

Under section 30 of the Act, once a notice of intention to pass a by-law to designate a property has been published and served on the owner and the Ontario Heritage Foundation, any permits previously issued by the municipality that allow the alteration or demolition of the property are void, provided the alteration or demolition has not been completed.

The intent of this section is clearly to allow municipalities to save historic buildings

for which building and demolition permits have recently been issued under the Building Code Act or other applicable laws. However, section 1 of the Act expressly defines “permit” as a “permit issued under this Act”. Section 30 should be amended to clarify that permits issued under any statute or by-law that permit alteration or demolition are void once notice of intention to designate has been published and served. Council should also have the option of exempting permits from being voided in individual cases to avoid unintended consequences.

Section 39 of the Act permits a municipal council to make grants or loans to owners of designated property for the purposes of paying for the costs of alterations to the property, on such terms and conditions as the council may prescribe. City Council relies on this authority to make grants from the Toronto Heritage Grant Fund to assist in the restoration and preservation of designated properties.

While it is reasonable to assume that the Legislature intended that municipalities would be able to make grants under this section to businesses that own heritage properties, the issue is clouded by the prohibition against bonusing found in section 111 of the Municipal Act (soon to be section 106 of the Municipal Act, 2001). Section 39 should be amended to make it clear that the prohibition found in section 111/106 does not apply to grants or loans made under section 39.

Conclusions:

Bill 179 received second reading in the Legislature on November 7, 2002, and was considered by the Standing Committee on Justice and Social Policy on November 18, 2002. The government has taken steps to limit debate of the Bill and the opportunity to amend it appears to be closed.

However, the City’s Managing Director of Culture has been invited to a heritage roundtable with the Minister of Culture on November 28 that may provide a new opportunity to suggest further amendments to the Ontario Heritage Act. Council should ask the Provincial Government to amend the Act as proposed in this report to correct long-standing deficiencies in the legislation.

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**ATTACHMENT NO. 14 [Notice of Motion J(31)]**

Report dated November 25, 2002, from the Commissioner of Works and Emergency Services, entitled "21, 24 Fleeceline Road Queensland Developments (570480 Ontario Limited and Aw-Rite Mini Storage Inc.) Plan of Subdivision, Ward 2" (See Minute No. 9.106, Page 169):

Purpose:

To obtain direction from City Council with respect to the conveyance of lands to the City and the release of financial security.

Financial Implications and Impact Statement:

There are no financial impacts.

Recommendations:

It is recommended that:

- (1) the City take title to Blocks 153, 154 and 155 on Plan 66M-2318 in accordance with the provisions of this report;
- (2) the financial security held under the Subdivision Agreement be released in accordance with the Subdivision Agreement and the provisions of this report; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The subject property was developed in the late 1990s as a 152-unit freehold townhouse development. The lands were divided by way of a plan of subdivision which was approved by the Council of the former City of Etobicoke under Clause 153 of Report 15 of the Planning and Development Committee, 1996, as amended by Council Resolution No. 234, dated August 16, 1996, as draft plan approved with amendments by the Municipality of Metropolitan Toronto Planning Department on September 18, 1996. The developer entered into a Subdivision Agreement which was registered against title to the lands and which provided for the servicing of the lands and the conveyance of certain lands to the City, including a parkland strip (Block 153 on Plan 66M-2318), a strip of land at the north boundary of the site containing a berm and an acoustical wall (Block 155 on Plan 66M-2318), and a strip of steeply sloped lands along the eastern boundary of the site adjacent to Bonar Creek and the proposed Legion Road extension. Various obligations of the developer were financially

secured under the Subdivision Agreement. The developer has now requested release of the financial security remaining under the Subdivision Agreement.

Comments:

In reviewing the developer's request for the release of the remaining securities, staff determined that a number of matters were outstanding under the Subdivision Agreement, including:

- (1) the conveyance to the City of Blocks 153, 154 and 155 on the Plan of Subdivision;
- (2) confirmation from the developer's environmental consultant that Blocks 153, 154 and 155 have been remediated in accordance with the Site Specific Risk Assessment carried out by the developer for the lands;
- (3) the planting of vegetation on Block 155; and
- (4) the payment of \$25,000.00 to the City for Public Art purposes.

While Blocks 153 and 155 do not meet the MOE Guidelines for soil quality for residential/parkland purposes, they were subject to a Site Specific Risk Assessment ("SSRA") which was acceptable to the MOE with respect to the townhouse development. The SSRA concluded that the placement of 1.0 metre of clean fill over the contaminated lands provided an appropriate mitigation measure. With respect to Block 154, the SSRA concluded that remediation of those lands was impractical, since they are heavily treed and very steep. Rather, the SSRA recommends isolating the slope through the construction of a 1.0 metre high chain link fence on top of a concrete curb. Staff is of the opinion that the City should now take title to Blocks 153, 154 and 155 provided the developer's environmental consultant submits certification that one metre of clean fill has been placed on Blocks 153 and 155, to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the Commissioner of Economic Development, Culture and Tourism, and the owner constructs the 1.0 metre chain link fence on Block 154.

The developer is obligated to plant Block 155, the berm lands, with crown vetch which is a maintenance free form of grass. Works and Emergency Services' staff will deduct the cost of planting the grass from the financial securities currently held. The amount is to be to the satisfaction of the Commissioner of Works and Emergency Services. Staff will also deduct from the financial security the remaining \$25,000.00 contribution which the developer agreed to make to the City for Public Art purposes.

In summary, the City will retain sufficient funds from the developer's securities to allow City staff to perform the commitments left unfulfilled by the developer. These commitments are: removing the weeds and planting grass on the berm and making a

contribution to Public Art. Staff will also retain sufficient securities until the chain link fence is constructed and accepted.

Conclusions:

This report has been prepared in consultation with staff from Urban Development Services, Legal, and Economic Development, Culture and Tourism. Staff has also met with the developer, who is agreeable to the provisions of this report. Accordingly, staff recommends that the City take title to Blocks 153, 154 and 155, and the financial security be released, in accordance with this report.

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**ATTACHMENT NO. 15 [Notice of Motion J(34)]**

Joint report dated November 26, 2002, from the City Solicitor and the Chief Administrative Officer, entitled "Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry" (See Minute No. 9.109, Page 173):

Purpose:

To advise City Council on the status of the Toronto Computer Leasing Inquiry ("TCLI") and the Toronto External Contracts Inquiry ("TECI") and to obtain further instructions with respect to certain issues relating to the Inquiries.

Financial Implications and Impact Statement:

If the recommendations in this report are adopted, funding will need to be provided to current City employees who will be called as witnesses at the Inquiry. Funds of approximately \$50,000.00 have already been earmarked for this purpose based on the June 14, 2002 joint report from the City Solicitor and Chief Administrative Officer to the Audit Committee, approved by Council at its meeting held on June 18, 19 and 20, 2002. It is estimated that the total funding costs for current City employees who will be called as witnesses will be approximately \$450,000.00 which exceeds the previously approved amount by \$400,000.00.

The Chief Financial Officer and Treasurer has reviewed these financial implications and advises that funds are available in a computer leasing liability account.

Recommendations:

It is recommended that City Council:

- (1) approve funding for legal representation for current City employees who will be called as witnesses at the Inquiries, based on the terms set out in this report;
- (2) instruct the City's outside counsel that they may make specific submissions on allegations of misconduct against various persons, if appropriate, based on the evidence presented at the hearing; and
- (3) direct that the City's outside counsel obtain their day-to-day instructions from the Chief Administrative Officer and City Solicitor on matters pertaining to the Inquiry between Council's November 2002 meeting and the February 2003 meeting.

Background:



There have been numerous reports submitted to City Council dealing with various matters related to the TCLI and TECL. As staff and outside counsel prepare for the resumption of the Inquiry on December 2, 2002, it was determined that further Council instructions are required.

Comments:

Status of the TCLI

Based on information received from Commission Counsel, we understand that the TCLI is scheduled to begin hearings on December 2, 2002. Commission Counsel have provided us with the following list of the anticipated witnesses to be called at the TCLI. This list is not necessarily complete, nor will witnesses necessarily be called in the order listed below.

1. Mayor Mel Lastman
2. Michael Garrett
3. Councillor Bas Balkissoon
4. Peter Wolfrain
5. Rob Ashbourne
6. Irene Payne
7. Dash Domi
8. Vince Nigro
9. Rob Simone
10. Scott Marentette
11. Gord Barrett
12. Frank Carnevale
13. Jeff Lyons
14. Brendan Power
15. Lou Pagano
16. Dave Beattie
17. Nadir Rabadi
18. Don Altman
19. Len Brittain
20. Dan O'Neil
21. Mark Fecenko
22. Brian Loreto
23. Jim Andrew
24. Rob Wilkinson
25. Jim Hart
26. Line Marks
27. Kathryn Bulko
28. Paula Leggieri
29. Lee Ann Currie

30. Janis Cowie
31. Duncan Card
32. Larry Griffiths
33. Tom Jakobek
34. Lana Viinamae
35. Ken Colley
36. Al Shultz
37. Councillor David Miller
38. Councillor Lorenzo Berardinetti
39. Joan Anderton
40. Wanda Liczyk
41. James Ridge
42. Jeff Griffiths

#### Section 5 Notices

We understand that Commission Counsel have recently served numerous notices, pursuant to subsection 5(2) of the Public Inquiries Act. This subsection provides that:

“No finding of misconduct on the part of any person shall be made against the person in any report of a commission after an inquiry unless that person has had reasonable notice of the substance of the alleged misconduct and was allowed full opportunity during the inquiry to be heard in person or by counsel.”

In general, it is common for Commission Counsel to issue these notices in order to alert individuals that the Commission may criticize an individual or may make a finding of misconduct against an individual in its report. Commission counsel may send out notices to many individuals in order to minimize any risk that they have failed to provide appropriate notice. The notice does not mean that the Commission will make a finding of misconduct against the individuals. The notices are confidential. Anyone who receives a notice is under no obligation to disclose this fact to the City or its employees.

We understand that, due to the low threshold that has been established, Commission Counsel have likely sent the notice to a number of current City employees who will be called as witnesses at the Inquiry. Understandably, this has created significant upset and concern amongst City employees.

We have stressed to employees that the objective of the Inquiry is to have a full public hearing into the many issues identified in the inquiry's terms of reference. We have also emphasized that it is essential that all current employees co-operate freely and fully, and with complete candor, with the Commissioner and her counsel. As City Council is aware, the most senior individuals who were directly involved in the issues that are the subject of the inquiry are no longer employees of the City.

Funding for Legal Fees for Current City Employees Who Will be Called as Witnesses

As a result of these developments, we believe several current employees will wish to retain their own counsel to assist them at the Inquiry to ensure their interests are fully protected. We believe it is appropriate to clarify the funding that will be available for current City employees who do wish to retain their own legal counsel to represent them at the Inquiry when they are presenting their evidence.

In an earlier report from the City Solicitor to City Council, dated June 10, 2002, titled "Preliminary Budget of the Toronto Computer Leasing Inquiry and MFP Litigation Budget", it was recommended that funding be provided to current City employees who wish to retain their own counsel if they were called as a witness at the Inquiry, up to a maximum of \$5,000.00. It appears that some, but not all, current City employees who will be called as witnesses, may wish to retain their own counsel to provide legal assistance to them. We have informed City employees that the firm of Paliare Roland Rosenberg Rothstein LLP, who have been retained by the City to act on its behalf at the Inquiry, cannot represent individual City employees. Even though the Paliare Roland firm cannot represent individual employees, they may be able to assist employees who will be required to give evidence at the Inquiry or their counsel. For example, Paliare Roland can assist employees with the review of documents and the identification of key issues before they are giving evidence at the Inquiry. Nevertheless, certain City employees will likely wish to retain their own counsel.

Rather than fix a maximum amount, in our view it is appropriate to provide funding to employees based on principles similar to those for individuals with standing at the TCLI. If an employee does retain outside legal counsel, that counsel will likely be involved in assisting in reviewing documents, attending meetings with Commission Counsel and in attending with their client at the Inquiry while they give evidence. The Rules of Procedure established for the TCLI and TECI provide that witnesses are entitled to have their own counsel present while they testify and that counsel for a witness will have standing for the purposes of that witness' testimony. The Rules also provide that witnesses are entitled, but not required, to have counsel present while Commission counsel interview them.

We recommend that funding be provided to current City employees for their own legal counsel, if desired, based on the following principles:

- (i) The total amount of funding available will be based on the number of hearing days in which the employee is giving evidence or in which the employee's interests are directly affected. ('Funded Days').
- (ii) The City will provide funding at a rate of \$200.00 per hour for senior counsel and \$110.00 per hour for any junior lawyer to attend at the Inquiry. The City will also provide funding for the use of students and law clerks at the rate of

\$75.00 per hour. These amounts are the same as that being provided to the individuals with standing. The firm may only claim for hours spent attending the Inquiry on Funded Days, to a maximum of ten hours per Funded Day. The City will pay only for one lawyer to attend on a Funded Day, meetings with Commission Counsel or interviews with Commission Counsel.

- (iii) The same hourly rates will apply for preparation time. The firm may claim up to one hour of preparation time for every hour spent attending the Inquiry on Funded Days ('Preparation Time'). The City is not concerned when this preparation takes place. However, the Preparation Time will not exceed the total number of hours spent in attendance at the Inquiry on Funded Days.
- (iv) In addition to the Preparation Time, the firm shall be entitled to up to 20 hours of senior counsel time and 30 hours of junior counsel time for document review. Counsel should undertake to make the most efficient use of their resources, using law clerks, students and junior counsel where it is more efficient and cost effective to do so.
- (v) The City will pay for one lawyer to attend when their client is being interviewed by Commission counsel.
- (vi) The City will pay reasonable disbursements. The photocopy rate the City is prepared to pay is \$0.15 a page.
- (vii) Accounts should be subject to assessment. The City will appoint a third party to review any disputes regarding fees.
- (viii) The firm will forward to the City a detailed bill which should identify the date and time spent by each lawyer or student, a description of the work performed and a detailed listing of any disbursements.

The total amount that may be recovered for legal fees will be limited by application of the principles set out above. While this will add to the cost of the Inquiry, it is anticipated that the funding for staff's counsel will be limited due to the short period of time staff will be expected to testify. It is unknown how many staff will retain their own lawyer but it is estimated that this could cost an additional \$450,000.00. Further, Council should be aware that in some cases, City employees will end up paying personally a portion of the legal fees that exceed or are not covered by the principles set out above. Some employees will do so in order to respond to the allegations of misconduct contained in any notice given to them and to protect their reputations.

#### Outside Counsel's Role at the TCLI and TECI

In a report from the Chief Administrative Officer and City Solicitor dated June 10, 2002, there was a discussion regarding the role of the City at the Inquiry if standing

was sought. The report commented and recommended that the City's role should involve the following:

- (i) assisting where appropriate or necessary in ensuring that all relevant information is presented to the Inquiry;
- (ii) assisting where necessary and appropriate in ensuring that the Commissioner is aware of all internal administrative procedures, both past and present at the City that may bear on the issues being addressed by the Inquiry;
- (iii) ensuring that the City's litigation position with MFP and Aztec are protected to the extent possible and appropriate; and
- (iv) responding to any requests from the Inquiry Commissioner or Commission Counsel to assist in respect of the Inquiry.

These roles are currently being performed by our outside counsel and will continue to be performed by them. In addition, the earlier report recommended that the City not take a specific position at the Inquiry on allegations of misconduct against specific persons. The City's outside counsel has requested that they not be restricted in this regard. Depending on the nature of the evidence that is presented at the Hearing, our outside counsel may wish to make final submissions regarding the possible misconduct of various parties or persons. This may be important as Commission Counsel have indicated they may not make final submissions to the Commissioner and leave that up to the various counsel for the parties who have standing at the Inquiry. Accordingly, it is recommended that our outside counsel be instructed that they can make specific submissions on allegations of misconduct against various persons, if appropriate based on the evidence presented at the hearing, except for current City employees unless the evidence shows fraud, criminal misconduct or bad faith on the part of current employees.

The City's outside counsel receive their day-to-day instructions from the Chief Administrative Officer and City Solicitor. We will continue to provide regular reports to City Council on matters relating to the inquiry. However, as the next City Council meeting is not until February 2003, the City's outside counsel may need to get instructions from time to time on urgent matters from the City's Chief Administrative Officer and City Solicitor on matters pertaining to the Inquiry.

#### TECI

At its meeting on October 1, 2 and 3, 2002, City Council decided to extend the terms of reference of the TCLI by establishing a second public inquiry known as the Toronto External Contracts Inquiry or TECI. The Commissioner has retained additional counsel to assist her with the TECI. It is anticipated that the Hearing

portion for the TECI will immediately follow the Hearing portion of the TCLI and that the Commissioner will present one report dealing with both Inquiries. We are still waiting for a budget from the Commission regarding the TECI. Until we receive that we are not able to report to the Policy and Finance Committee on the matter.

The Commissioner held a hearing on standing on November 5, 2002. Full standing at the TECI has been granted to the City, Ball Hsu and Associates Inc., Mr. Ball Hsu, Dell Computer Corporation and Ms. Wanda Liczyk. Special standing has been granted to the Canadian Union of Public Employees, Local 79. In addition, the Commissioner granted standing to Ball Hsu Associates Inc., Mr. Ball Hsu and Dell Computer Corporation for the TCLI which will commence on December 2, 2002.

The Legal Division is in the process of collecting and producing documents relating to the TECI. We propose to follow the same procedure that was done on the TCLI regarding privileged documents. Accordingly, we will be identifying any privileged documents and then producing them to Commission counsel on the basis that they can be reviewed by them, but this does not amount to a waiver of the privilege that attaches to those documents. If any of the documents which are identified as privileged, are ones which the Commission wishes to have produced in the Inquiry, we will have an opportunity to review the privilege issues with Commission Counsel.

It is hoped that any issues of privilege will be resolved. So far there has not been any disagreement between us and Commission Counsel on issues of privilege. Accordingly, the Director of Litigation of the Legal Division, in consultation with the City's outside solicitors will be dealing with the document production issues including identifying any privileged documents.

Conclusions:

It is recommended that City Council approve the recommendations set out at the beginning of this report.

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**ATTACHMENT NO. 16 [Notice of Motion J(35)]**

Confidential report dated November 26, 2002, from the City Solicitor, entitled "OMB Hearing Regarding 76 Brumwell Street Centennial Community (Ward 44 - Scarborough East)", such report now public in its entirety (See Minute No. 9.110, Page 174):

Purpose:

To report upon a potential OMB settlement regarding 76 Brumwell Street.

Financial Implications and Impact Statement:

No immediate financial implications.

Recommendations:

If Council supports the revised plan of subdivision described in this report, it is recommended that:

- (1) the City Solicitor be authorized to advise the OMB that City Council supports the approval of the draft plan of subdivision (revised to November 13, 2002) subject to: the redline changes required to satisfy Works and Emergency Services, the conditions in Appendix D, and a subdivision agreement satisfactory to the City Solicitor; and
- (2) the City Solicitor also be authorized to advise the OMB that City Council supports the associated zoning by-law amendment for a reduction in minimum lot area from 696 square metres to 600 square metres.

Background:

This report pertains to an OMB appeal by the owner of 76 Brumwell St., Candituft, for approval of a plan of subdivision containing 24 lots, as shown on Appendix A. Candituft also applied for associated amendments to the zoning by-law and Metropolitan Official Plan. At its meeting held on October 1, 2, and 3, 2002, City Council directed City staff to request the applicant to modify the subdivision by deleting the lands from 10 metres (33 feet) above the top-of-bank to the south lot limit and to negotiate for the purchase of these lands. Council also directed the City Solicitor to oppose the applications at the OMB in the event the applicant refused this request. The OMB appeal is scheduled for December 9, 2002.

Comments:

Real Estate Services have now reached an agreement in principle with Candifuft to purchase the lands that Council directed be deleted from the plan of subdivision; and, the applicant has submitted a revised plan of subdivision, as shown on Appendix B, which deletes these lands.

The Director of Community Planning, East District, supports the revised plan of subdivision provided that Blocks B and C are transferred into public ownership. The Director's comments are attached as Appendix C and the recommended conditions are attached as Appendix D. The revised plan, (1) shows a shorter street terminating in a cul-de-sac and having a width of 20 metres; (2) contains 7 lots with minimum lot frontages of 15.0 metres and lot areas ranging from 614 to 790 square metres; and (3) provides for a park conveyance of 425 square metres, which represents 5 percent of the site less the lands being sold to the City. With this revised plan the applicant will no longer require an amendment to the Metropolitan Official Plan and will require only one amendment to the zoning by-law, being a reduction in minimum lot area from 696 square metres to 600 square metres.

I am therefore requesting confirmation that Council wishes to support the revised plan before the OMB.

Conclusions:

If Council wishes to support the revised plan of subdivision before the OMB, subject to the conditions listed in Appendix D, it would be appropriate for Council to adopt Recommendations Nos. (1) and (2) of this report.

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### Appendix C

Planning Comments on 76 Brumwell Street for Legal Report  
TF SUB 2001 0002 and TF ZBL 2001 0018  
Toronto City Council Meeting – November 26, 27 and 28, 2002

The applicant has consulted extensively with staff, as well as with other commenting agencies, prior to submission of the revised plan of subdivision. The applicant has subsequently demonstrated considerable willingness to modify this plan to meet City objectives. The Open Space block (Block C (0.48 hectares or 1.18 acres)) and Buffer block (Block B (0.14 hectares or 0.35 acres)), have been reserved by the owner for acquisition by the City so that basic ecosystem functions occurring within the Adam's Creek corridor can be protected and regenerated. The applicant has also reserved a Park Block (Block A (425 square metres or 4,575 square feet) to be dedicated to the City to satisfy the City's parkland contribution requirements.

Commenting agencies that were circulated the revised applications supported approval of this newest plan of subdivision and implementing Zoning By-law amendment, subject to various conditions of draft approval of the subdivision.

#### Works

Works and Emergency Services staff have indicated that the applicant will be required to submit a Stage 2 Stormwater Management Report at the time of engineering drawing submissions and that a storm sewer, sanitary sewer and watermain to service all lots within the subdivision will be required to City standards and specifications to the satisfaction of the Commissioner of Works and Emergency Services.

Works staff have also indicated that the applicant will be required to fully construct and deed to the City, Street "A" to the City's requirements including the City's requirements for the proposed cul-de-sac with a radii of 18.3 metre radius at the west terminus of Street "A".

#### Parks

Based on the parkland dedication by-law of the former City of Scarborough, which still remains in full force and effect, a 5 percent parkland dedication is required as per Section 42 and Section 51 of the Planning Act. Parks staff have requested that Block A (proposed park block) is to be dedicated in its natural state, subject to any clean up of hazard trees in and around the edge of the adjacent wooded area. This park would provide connections to the greenspace system, which is important to the character of the community.

The conveyance of the parkland would be conditional upon the completion of a Phase I Environmental Assessment on the proposed park block to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Parks staff also require a grading plan for lands within 10 metres (33 feet) of the edge of the parkland site to be completed to the satisfaction of the Commissioner of Economic Development, Culture and Tourism since the ongoing viability of the woodlot can be affected by modifications in the drainage patterns with elevation changes along and near the edges of the vegetated areas.

The provision of trees within and along the abutting public boulevard areas is a condition of draft approval.

#### Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority are satisfied with the information provided by the applicant on the limits of the proposed development and the buffers provided from the stable top-of-bank and have indicated that they have no objections to the plan of subdivision provided Blocks B and C are conveyed to a public agency.

#### Ministry of Natural Resources

The plan of subdivision was provided to the Ministry of Natural Resources. Like the TRCA, they have not raised any objections to the plan as revised by the applicant so long as the proposed open space block and buffer lands will ultimately be held in public ownership.

#### Ministry of Culture and the City of Toronto's Heritage Preservation Services

The Ministry of Culture and the City's Heritage Preservation Services staff have requested that an archaeological assessment of the site be provided prior to the registration of the plan of subdivision. This requirement has been addressed through a proposed condition of approval.

#### Toronto District School Board

The Toronto District School Board (TDSB) has expressed a concern regarding the lack of capacity to accommodate students in the middle and secondary schools generated from this plan of subdivision, as well as other plans of subdivision in the surrounding community. The TDSB has not requested that a school site be provided for on the subject property, but that notice signs be posted on the site advising prospective purchasers that sufficient accommodation may not exist at local schools, and as such, alternative accommodations will be provided by the TDSB. As well, the TDSB has requested that a clause be included in all agreements of purchase and sale, advising purchasers that children may have to attend existing school facilities outside of the immediate neighbourhood. These requests have been addressed by way of conditions of approval.

### Neighbourhood

The proposed residential form is compatible with the existing residential character of this part of the Centennial Community. The plan provides for the integration and future residential development of the lands to the north and south of Street A.

Staff have reviewed the proposed lot areas in relation to lots located east of Brumwell Street and north of Yulewood Gate and found that the proposed development is consistent with the lots located within the area.

The character of the proposed development will fit well into the existing community fabric. The proposed parkland contribution will permit significant parts of the existing wooded areas to be preserved. Planning staff support the proposed amendment to the Zoning By-law and the revised draft plan of subdivision prepared by PMG Planning Consultants, dated November 13, 2002, provided that Blocks B and C as shown on the plan are transferred in public ownership.

## Appendix D

## Attachment \_\_\_\_\_

Conditions of Draft Plan of Subdivision Approval  
Candituft Developments Limited  
76 Brumwell Street and Rear Lands  
Lot 1 and Part of Lot 2, Plan 4010  
Plan of Subdivision Application TF SUB 2001 0002  
Cross-Reference Application TF ZBL 2001 0018 AND TF OPA 2002 0002  
(Plan Prepared By PMG Planning Consultants  
Dated November 6, 2001 and Revised to November 13, 2002)

1. The Owner shall enter into a financially secured Subdivision Agreement with the City of Toronto that shall, among other things, provide for the Owner to:
  - (i) obtain all necessary permits;
  - (ii) cause all works to be carried out in accordance with the approved detailed design engineering submissions;
  - (iii) maintain all works completed by the Owner, satisfactory to the City of Toronto, for a period of time as prescribed in the Agreement;
  - (iv) construct an 1.8 metre (6 feet), black, chain-link fencing prior to the issuance of building permits along the rear of the lots abutting Block A satisfactory to the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism;
  - (v) provide a restrictive covenant on all lots abutting Block A and B prohibiting the installation of any form of screening or fencing along their abutting property lines other than the standard fencing required by the City;
  - (vi) provide a restrictive covenant on all lots abutting Block A and B prohibiting the construction of gates and private accesses to the park;
  - (vii) provide an amount equal to 3 percent of the cost of servicing to be paid to the City for Engineering and Inspection fees;
  - (viii) provide a payment of \$300.00 to the City for maintenance for each installed hydrant; and
  - (ix) provide a payment of \$40.00 to the City for each lot for Geodetic

Surveys and Aerial Mapping.

2. The Owner shall make satisfactory arrangements with the City of Toronto regarding the final location and right-of-way width and turning circle radii satisfactory to the Commissioner of Works and Emergency Services.
3. Engineering drawings to include, configurations of intersections, introduction of separate turning lanes, turning radii, lane widths, among other items, shall be provided, at no cost to the City of Toronto, satisfactory to the Commissioner of Works and Emergency Services.
4. The Owner shall obtain building elevation, access and streetscape approval from the Works and Emergency Services Department prior to the construction of the plan of subdivision.
5. The Owner shall name road allowances included in this draft plan satisfactory to the Commissioner of Works and Emergency Services.
6. The Owner shall agree that the subject land is to be zoned in accordance with the uses proposed on the draft plan prior to the registration of the plan.
7. The Owner shall provide and implement a Stage 2 Storm Water Management Report in support of detailed engineering servicing drawings satisfactory to the Works and Emergency Services Department.
8. The Owner shall make the necessary red-line revisions to the plan of subdivision regarding corner roundings, sight line and 0.3 metre (1 foot) reserves satisfactory to the Commissioner of Works and Emergency Services in consultation with the Commissioner of Urban Development Services.
9. The Owner shall prepare the final plan of subdivision in metric units related to the Ontario Co-ordinate System and shall submit a digital copy of the plan to the Commissioner of Works and Emergency Services.
10. The Owner shall provide a detailed planting plan and restoration plan to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, in consultation with the Commissioner of Works and Emergency Services, prior to or in conjunction with engineering design approvals for the development of the plan of subdivision.
11. Prior to the registration of the plan of subdivision, the Owner shall enter into an agreement with the City of Toronto regarding the conveyance of Blocks B and C.
12. The Owner shall provide grading plans for all areas adjacent the Blocks B

- and C which would include, among other things, recommendations dealing with grading, fencing and access to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the Commissioner of Economic Development, Culture and Tourism.
13. The Owner shall provide a copy of the subdivision agreement to the Toronto and Region Conservation Authority.
  14. The Owner shall enter into an agreement with an electricity service provider, such as the Toronto Hydro Corporation, for the installation of an underground electricity and street lighting system to service the plan of subdivision, satisfactory to the City of Toronto.
  15. The Owner shall make satisfactory arrangements, financial and otherwise, with a telecommunications provider, such as Bell Canada, for the delivery of telecommunication services to the plan of subdivision, satisfactory to the City of Toronto.
  16. The Owner shall make satisfactory arrangements, financial and otherwise, with a gas provider such as Enbridge Consumers Gas, for the delivery of gas services to the plan of subdivision, satisfactory to the City of Toronto.
  17. The Owner shall make satisfactory arrangements, financial and otherwise with Canada Post Corporation for the provision of postal service to the plan of subdivision, satisfactory to the City of Toronto.
  18. The Owner shall be required to implement the recommendations of the Noise Control Feasibility Study, Proposed Residential Subdivision, Lot 1, Registered Plan 4010 and Part of Lot 2, Registered Plan 4010, Report No. WA01-81 prepared by SS Wilson Associates dated January 23, 2002 and further revised by faxed addendum dated February 4, 2002, satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.
  19. The Owner shall include in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and/or attenuation measures, advising that any berm and/or fencing and/or vibration isolation features implemented are not to be tampered with or altered, and that the Owner shall have the sole responsibility for and shall maintain these features.
  20. The Owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources

found to the satisfaction of the Ministry of Culture and the City's Culture Division (Natural Heritage Preservation Services Unit). No grading or other soil disturbances shall take place on the subject property prior to the City's Culture Division (Natural Heritage Preservation Services Unit) and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

21. The Owner agreed to dedicate Block A (Park Block) to the City as per the required parkland contribution. The Commissioner of Economic Development, Culture and Tourism will determine the final location, configuration, design, development and programming of the parkland to be conveyed to the City.
22. The lands to be dedicated as parkland to the City of Toronto are to be free and clear, above and below grade, of all easements, encumbrances and encroachments.
23. Prior to plan registration, the Owner shall be responsible for an environmental assessment of the lands to be dedicated as parkland to the City and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure the parkland dedication lands, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. A qualified environmental consultant acceptable to the Commissioner of Economic Development, Culture and Tourism shall prepare the environmental assessment.
24. The Owner shall be responsible for the base park improvements of the parkland. Base park improvements include the following:
  - (i) city standard fencing, installed prior to plan registration, as soon as possible after the abutting lots have been cleared;
  - (ii) all necessary drainage systems;

all work is to be completed to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

25. Prior to the issuance of the first building permit, the Owner shall provide a planting plan or a landscape plan that indicates the species, size, and location of all proposed boulevard trees and other plantings, as these relate to the location of any roads, sidewalks, driveways, streetlines, and utilities. The planting plan or a landscape plan shall be to the satisfaction of the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Works and Emergency Services and

the Commissioner of Urban Development Services.

26. The Owner shall plant the boulevard tree plantings as per the approved planting plan or landscape plan. The Owner acknowledges that there shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the Developer (and their agents). At the end of that period, upon acceptance, the City shall accept maintenance responsibilities, and return the Letter of Credit.
27. The Owner shall make satisfactory arrangements regarding street tree plantings and associated plantings with the Commissioner of Economic Development, Culture and Tourism, as per the approved planting plans or landscape plans. Such tree shall be 50 mm caliper size class in wire baskets and/or balled and burlap. There shall be a two-year maintenance period, with annual inspection involving Urban Forestry and the Owner and/or the Developer (and their agents). At the end of that period, the City shall accept maintenance responsibilities and return the Letter of Credit issued.
28. The Owner agrees that no wording shall be included in any agreement of purchase and sale that states or creates an expectation that there will be a tree in front of each property.
29. The Owner shall contact the Commissioner of Economic Development, Culture and Tourism regarding the requirements of the Tree Protection and Conservation By-law No. 25150 prior to the removal of trees from the development site which are over 30 centimetres (12 inches) in diameter. Trees, which may be affected, could be located on the property, any adjacent City lands or on any property within 3 metres of the subject site. Prior to registration of the plan of subdivision a detailed plan must be provided which indicates the location of existing trees that meet the criteria of the By-law. The Owner shall agree that a Certified or Registered Consulting Arborist or Registered Professional Forester must prepare an Arborist Report to the satisfaction of the Commissioner of Economic Development, Culture and Tourism after reviewing all lot grading and house-siting plans.
30. Prior to the issuance of the first building permit, the owner shall provide a Letter of Credit for 120 percent of the value of the boulevard trees and other plantings.
31. Prior to plan registration, the owner will post a Letter of Credit as security for the installation of the base park improvements, and the fencing equal to 120 percent of the value of the base park improvements, and fencing.
32. The Owner shall agree, in the subdivision agreement, to include in all offers of



purchase and sale or lease, the following warning clause for a period of 10 years after registration of plan of subdivision:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed from home to school, but will meet the bus at designated locations in or outside of the area.”

33. Owner shall enter into an agreement with the Toronto District School Board to erect and maintain signs, at points of egress and ingress of the development site, advising that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

For information regarding designated school(s), please call (416) 397-2833.”

34. Owner shall pay all outstanding review and administrative fees as deemed necessary by the Toronto and Region Conservation Authority prior to the registration of the plan.

(A copy of the following, which were attached to the foregoing report, are on file in the office of the City Clerk:

- Appendix A, headed “Proposed Plan of Subdivision (Revision No. 1), 76 Brumwell Street”; and
- Appendix B, headed “Proposed Plan of Subdivision (Revision No. 2), 76 Brumwell Street”.)

**ATTACHMENT NO. 17 [Notice of Motion J(36)]**

Toronto Atmospheric Fund's Nominations Committee Terms of Reference (See Minute No. 9.111, Page 176):

Toronto Atmospheric Fund's Nominations Committee  
Terms of Reference

1. Board and Committee Appointments

City Council has final authority for appointments to the Toronto Atmospheric Fund's ("TAF") Board. Under By-Law 544-2002 approved June 20, 2002, City Council increased the number of citizen members of the Board from four to six. The TAF Board is awaiting authority from Council to identify, screen, and nominate candidates for the TAF Board. As a result, the CAO has paused the process of making new citizen appointments to TAF's Board, pending a report from the CAO to Council on TAF's governance in October.

Under TAF's By-laws, the Board has final authority for appointment of members of the Board's own various standing committees. Outside experts may sit on these committees, but at minimum two TAF Board members must sit on each committee, one City of Toronto Councillor and one citizen member. Composition and criteria for committee memberships are determined by the committees themselves.

Under the By-laws of the Toronto Atmospheric Fund Foundation ("TAFF"), also known as The Clean Air Partnership, the TAF Board has final authority for appointment of six TAFF directors.

Under the By-laws of CAIT Ventures Inc., ("CVI"), a wholly owned subsidiary of TAF, the TAF Board has final authority for appointment of CVI's directors, until such time there are partners who may invest in CVI alongside TAF. The number of members of CVI's Board is optional.

2. Delegation

The TAF Board delegates parts of its work to its standing committees, but maintains final decision-making in all matters. The TAF Board shall delegate its work with respect to the recruitment, screening, and selection of candidates for the boards of TAF, TAFF, and CVI, as well as TAF's standing committees recruitment of candidates to the Nominations Committee.

3. Nominations Committee

The duties of the Nominations Committee, as outlined below, will be:

- (a) to develop and recommend criteria for the selection of candidates for:
  - six citizen positions for the TAF Board;
  - six positions on the board of the TAFF, also known as The Clean Air Partnership, who may come either from the TAF Board or may be qualified citizens;
  - Membership (number of positions optional) on the board of CAIT Ventures Inc., a wholly owned subsidiary of TAF.

Criteria for the selection of candidates for TAF's various standing committees will be established by the committees themselves. Each committee will be responsible for recruiting, interviewing, and recommending its own candidates.

- (b) screen candidates for the boards noted above, as well as for TAF's standing committees;
- (c) interview candidates when appropriate - it is mandatory that all candidates for the TAF Board be interviewed by the Nominating Committee; and
- (d) make final recommendations to the Board regarding the selection of candidates for the various boards and committees noted above.

4. Composition of the Nominations Committee

- (a) Members of the Nominations Committee shall be approved by the TAF Board on the recommendation of the Nominations Committee.
- (b) The Nominations Committee shall be composed of not less than three members, the majority of whom will be Councillors. All Councillors on TAF's Board will be standing members of the Committee. Members of the Nominations Committee shall only include members of TAF's Council-appointed Board.
- (c) The Executive Director of the Toronto Atmospheric Fund will be an *ex officio*, non-voting Member of the Nominations Committee to provide staff support;

- (d) Members of the Nominations Committee are appointed for terms of three years and may not be appointed for more than two consecutive terms. The initial appointment will be staggered terms of one-to-three years.
- (e) A Chair of the Nominations Committee will be selected by the TAF Board. The Chair must be a member of the TAF Board.

#### 5. Conduct of the Nominations Committee

- (a) The Nominations Committee meets when there are vacancies to fill for the various boards and committees noted above. Meetings are convened by the Chair and a minimum 10 days notice must be provided (unless waived by all Nominations Committee Members). A proposed agenda is distributed at least one week in advance of the meeting. Distribution of meeting materials by e-mail is permitted.
- (b) The quorum for the meeting is a majority of the appointed members of the Committee. Members may participate by conference call. Decisions are carried by a simple majority of the members present. If a majority cannot be reached, then the motion does not pass.
- (c) Members of the Nominations Committee are reimbursed by TAF for reasonable out-of-pocket expenses, such as travel costs, but are not otherwise entitled to any remuneration in connection with TAF-related activities.

#### 6. Board Selection Criteria and Process

TAF's Board, with the assistance of its Nominations Committee, shall screen and recommend citizen candidates for the Board to City Council. The values that will inform the process include: accountability to Council; accessibility and transparency to the community; and quality of expertise and experience in leadership in fields related to TAF's mandate and operations.

Here are the steps for the selection process:

- (a) Selection criteria will be the responsibility of the TAF Board (draft criteria are attached).
- (b) Potential candidates will be recruited through: posting through the City's "Get involved" web page, the TAF web page, targeted organizations whose members would most likely meet selection criteria, and promotion through TAF Board members, volunteers, grant recipients and other partners, and staff.

- (c) Shortlisting of candidates will be done by TAF's Nominations Committee and TAF's Executive Director, who serves as an *ex officio* non-voting member of the Committee. Staff advice in the selection of citizen Board candidates will also be sought from the Chief Financial Officer and the Chief Administrative Officer's Diversity Management and Community Engagement division.
- (d) Candidates will be briefed on a one-to-one basis by TAF staff prior to interviews.
- (e) TAF's Nominations Committee will interview all shortlisted.
- (f) TAF's Nominations Committee will recommend selected candidates to the TAF Board. TAF's Board will forward its approved candidates to the Policy and Finance Committee of Council for final approval.

#### 7. Conflict of Interest

At the beginning of each meeting of the Committee, all Members present shall disclose the particulars of any actual or potential conflicts of interest with respect to the business of the Committee. It is expected that no Member shall incur any personal gain because of their position on the Committee.

#### Selection Criteria TAF Board Candidates

The Toronto Atmospheric Fund (TAF) was established in 1992 with an endowment of \$23 million to assist the City of Toronto in meeting its goal of reducing local greenhouse gas emissions, promoting energy efficiency, nurturing public private partnerships, and fostering "scientific" research. The TAF provides both grants and capital financing in a pilot initiative to the City and the community to carry out its mandate. In 1998, the TAF's mandate was broadened to include all of the new amalgamated city.

Some challenges that face TAF in 2002-2004 include:

- Diversification of TAF's assets, which in 2002 the City handed to two external firms, Philips Hager & North and YMG Management Inc., to manage;
- Implementation of a mandate-related investment vehicle that enables TAF to devote and leverage a portion of its assets to capitalize and accelerate energy efficiency and related projects locally;

- Review of existing grant guidelines, with an aim of developing a new three-year grantmaking plan that improves TAF's ability to incubate effective, lasting programs;
- Further pursuit of fundraising and private sector partnership opportunities to leverage TAF's assets and income in order to better serve the new amalgamated City, especially through TAF's "subsidiary", The Clean Air Partnership;
- Development of rigorous internal grants and financial management systems and procedures to ensure accountability and performance as TAF's activities grow and become more complex.

#### Selection Criteria

The TAF Board has six citizen slots. The TAF will be especially looking for candidates that meet one or more of the following criteria:

- (1) financial management and investment expertise, including experience in portfolio management and strategic investing;
- (2) understanding of strategic energy efficiency and green energy market opportunities;
- (3) experience managing public charities, public or private foundations, community trusts, or other government grant programs;
- (4) marketing expertise, such as knowledge of demographic trends that affect consumer choice, in order to advise in community program design and delivery;
- (5) legal expertise, in order to advise on legal problems and issues related to TAF's activities, when they arise;
- (6) experience and knowledge of environmental affairs from an academic or non-governmental perspective, especially in the areas of air quality and climate change.

**ATTACHMENT NO. 18 [Notice of Motion J(38)]**

Report dated November 28, 2002, from the Chief Financial Officer and Treasurer, entitled "Canada-Ontario Infrastructure Program (COIP) - Federal Funding for TTC Capital Program" (See Minute No. 9.113, Page 179):

Purpose:

To obtain authority from Council to enter into an agreement with the Province of Ontario and the TTC to obtain federal capital funding for the 2002 Transit Commission (TTC) capital program.

Financial Implications and Impact Statement:

The 2002 Council approved TTC Capital Budget of \$229.4 million assumes equal partnership funding levels of \$76.5 million from the Province of Ontario, the Government of Canada and the City of Toronto. Actual expenditures in 2002, excluding the Sheppard Subway, will be \$186.4 million which approximates the two-thirds share of funding received from the Province, \$62.3 million to-date, and the \$62.3 million expected from the Federal Government.

The Federal Government will fund \$62.3 million before December 31, 2002 for the 2002 TTC capital program from the Canada-Ontario Infrastructure Program (COIP). This funding level will match the provincial capital funding for the 2002 TTC capital budget. Also, the additional \$14.2 million of funding announced for 2002 by both levels of government will be carried forward in addition to the 2003 capital budget funding requests from the provincial and federal governments. This total funding will then meet the one-third cash flow funding partnerships in accordance with the 2002 Capital Budget.

Recommendations:

It is recommended that:

- (1) the City of Toronto enter into a funding agreement with the Province of Ontario and the TTC to receive \$62.3 million in federal funding under the Canada-Ontario Infrastructure Program, in a form satisfactory to the City Solicitor, and that the Chief Financial Officer and Treasurer and the City Clerk be authorized to execute the agreement on behalf of the City;
- (2) the Chief Financial Officer and Treasurer and the Chief General Manager of the TTC include the additional \$14.2 million of funding as announced for 2002 by both levels of senior government respectively as a carry forward in addition to the 2003 capital budget funding request from the provincial and federal governments;

- (3) the City of Toronto enter into any further funding agreements with the TTC and the Province of Ontario and/or the Government of Canada required to receive any additional funding from either level of government for the 2002 TTC capital program, in a form satisfactory to the City Solicitor, and that the Chief Financial Officer and Treasurer and the City Clerk be authorized to execute any such further agreements on behalf of the City;
- (4) the City and TTC staff continue to work with the Province of Ontario and the Government of Canada to achieve a long-term capital subsidy agreement for the TTC; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The 2002 Council approved TTC Capital Budget of \$229.4 million assumes equal partnership funding levels of \$76.5 million from the Province of Ontario, the Government of Canada and the City of Toronto. Actual expenditures in 2002, excluding the Sheppard Subway, will be \$186.4 million which approximates the two-thirds share of funding received from the Province (\$62.2 million to-date) and the \$62.3 million from the federal government.

On April 26, 2002, Minister David Collenette announced federal funding of \$76.5 million for the TTC. The funding was to come in two installments - \$62.3 million immediately to match provincial funding and \$14.2 million later in 2002, contingent on the funding of \$14.2 million from the Province of Ontario. All of these capital projects being funded are for the 2002 Council approved TTC Capital Program.

Comments:

Context of Agreements:

To date the City of Toronto has received \$62.2 million from the Province of Ontario for the 2002 TTC capital program under the Ontario Transit Renewal Program. The City of Toronto is working with the TTC on securing an additional \$14.3 million from the Province under the Golden Horseshoe Transit Investment Partnerships (GTIP) Program.

The City of Toronto and the TTC have made application and are finalizing negotiations for an agreement with the Province of Ontario for federal funding under the Canada-Ontario Infrastructure Program. This agreement will provide



\$62.3 million for the TTC 2002 capital program before the end of 2002 based on one-third of eligible expenditures in 2002 totaling \$186.4 million.

Council authority is required for all agreements to be entered into by the City and to authorize officials to sign such agreements on behalf of the City. As this agreement does not involve expenditure of funds, the financial control by-law and/or the purchasing by-law provide no such authority. Similarly, the Council did not authorize entering into this agreement as part of the 2002 TTC capital budget approval.

In order for an expenditure to be eligible under the terms of the Canada-Ontario Infrastructure Program it must:

1. be reasonable;
2. be directly related to the project;
3. be specifically identified in the budget; and
4. have been expensed after October 9, 2001 and no later than March 31, 2004.

The Canada-Ontario Infrastructure Program, as it relates to the TTC, involves the following major components:

1. streetcar rehabilitation/renewal;
2. expansion and modernization of the Scarborough Transit (SRT);
3. Subway Safety and Modernization;
4. Subway Infrastructure;
5. installation of intelligent transportation systems technology;
6. rehabilitation of roads, bridges and tunnels;
7. expansion of public terminals;
8. public access infrastructure;
9. general transit system modernization.

These eligible components under the Canada-Ontario Infrastructure Program are reflected in the TTC's approved 2002 capital budget. As a result, Council approval of the necessary agreements is required at this time in order to secure the federal funding.

Provincial/Federal Capital Funding Update:

An additional \$14.3 million has been applied for by the City/TTC from the Province of Ontario in accordance with the approved 2002 TTC capital budget. The federal funding announced for the TTC capital program was a matching grant of \$62.3 million with an additional \$14.2 million contingent upon the City receiving the remaining \$14.2 million from the Province. The Federal Government, in its press release of April 26, 2002, states "Further funding of \$14 million will be allocated by the Government of Canada once the TTC's request for funding under the Province of Ontario's Golden Horseshoe Transit Investment Partnership (GTIP) program is approved".

The TTC's most recent 2002 capital variance forecast report indicates that \$62.3 million from the provincial and federal governments, respectively, will be sufficient to fund the 2002 capital program on a cash flow basis. At the same time, staff will continue to negotiate full funding from both levels of government based on the 2002 Council approved TTC Capital Budget and future capital commitments for annual sustainable capital funding.

Conclusion:

Given the TTC ten-year capital program of \$3.770 billion, it is critical that long-term sustainable capital funding from all levels of government be committed to meet future TTC capital infrastructure requirements, and these commitments be approved prior to the approval of the 2003 capital budget. By entering into the recommended agreement for the federal funding, the City of Toronto will receive \$62.3 million for the 2002 TTC capital program. The balance of the full funding for the 2002 capital budget will be pursued as a 2002 carry forward request into 2003.

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