

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Report No. 3 of The Administration Committee, Clause No. 1b
Report No. 4 of The Administration Committee, Clauses Nos. 1a, 12a and 22a
Report No. 2 of The Community Services Committee, Clause No. 7c
Report No. 3 of The Community Services Committee, Clause No. 8b
Report No. 4 of The Community Services Committee, Clauses Nos. 4a and 9a
Report No. 6 of The Planning and Transportation Committee, Clauses Nos. 6a and 9a
Report No. 4 of The Policy and Finance Committee, Clauses Nos. 1a, 7a, 19a and 27a
Report No. 3 of The Works Committee, Clauses Nos. 3b and 17b
Report No. 4 of The Works Committee, Clauses Nos. 1a and 16a
Report No. 2 of The Striking Committee, Clause No. 2b

New Reports:

Report No. 5 of The Administration Committee
Report No. 6 of The Administration Committee
Report No. 5 of The Community Services Committee
Report No. 5 of The Economic Development and Parks Committee
Report No. 7 of The Planning and Transportation Committee
Report No. 5 of The Policy and Finance Committee
Report No. 6 of The Policy and Finance Committee
Report No. 5 of The Works Committee
Report No. 5 of The Etobicoke Community Council
Report No. 5 of The Humber York Community Council
Report No. 5 of The Midtown Community Council
Report No. 5 of The North York Community Council
Report No. 5 of The Scarborough Community Council
Report No. 6 of The Toronto East York Community Council
Report No. 2 of The Audit Committee
Report No. 4 of The Board of Health
Report No. 5 of The Nominating Committee
Report No. 3 of The Striking Committee

and Notices of Motions, Enquiries and Answers and an Additional Matter as adopted by the Council of the City of Toronto at its regular meeting held on June 24, 25 and 26, 2003.

Unless otherwise noted in this document, the Clauses contained in the aforementioned Reports were approved in the form presented to Council.

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE ADMINISTRATION COMMITTEE

Clause No. 1b - “Review of the Housing First Policy (All Wards)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSES FROM REPORT NO. 4 OF THE ADMINISTRATION COMMITTEE

Clause No. 1a - “Harmonization of Compensation Related Policies – Non-Union”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 12a - “Alexandra Park Co-operative - Ground Lease Amendments (Ward 20 - Trinity-Spadina)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 22a - “Other Items Considered by the Committee”.
*(j) Amendment to “Appendix B – Status of Allocated Sites”
Review of the Housing First Policy (Ward 9 - York
Centre)*

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 8b - “Update on the Recommendations of the Coroner’s Inquest into the Death of Kimberly Rogers and the Provincial Zero Tolerance Policy for Social Assistance Fraud”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSES FROM REPORT NO. 4 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 4a - **“The Evolution of Ontario Works: Critical Issues for Service Delivery”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 9a - **“Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSE FROM REPORT NO. 6 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 6a - **“Approval of City of Toronto Official Plan File No. 002050”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSES FROM REPORT NO. 4 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 1a - **“City of Toronto Council Governance Review”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, and the City Clerk was requested to consolidate and bring forward the following motions moved by Members of Council during the debate on this Clause:

Moved by Councillor Ashton:

“It is further recommended that the Mayor be requested to submit a report to the first meeting of the Policy and Finance Committee, in March 2004, on a Executive Committee model, including, but not limited to, the composition and mandate.”

Moved by Councillor Chow:

“It is further recommended that the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, be requested to submit a report to the Policy and Finance Committee, in May 2004, prior to the 2005 budget process, on which budget items could be assigned to the Community Councils to provide for a more participatory process.”

Moved by Councillor Holyday:

“It is further recommended that:

- (1) the Provincial Government be requested to reduce the size of Toronto City Council to 22 members, plus the Mayor, through the election of one Member of Council per provincial/federal riding; and
- (2) the Provincial Government be requested to establish an elected Board of Control for the City of Toronto consisting of two members elected at-large in each Community Council area.”

Moved by Councillor Irene Jones:

“That the Clause be amended by deleting from Recommendation (I) of the Policy and Finance Committee, the following Recommendations Nos. (1)(a)(i) and (1)(a)(ii):

- ‘(1) upon commencement of the new Council term:
 - (a) the following responsibilities be added to the current mandate of the Policy and Finance Committee:
 - (i) recommending and overseeing collective bargaining matters; and
 - (ii) recommending and overseeing matters related to the Council-committee governance structure and system;’ ”

Moved by Councillor Mihevc:

“It is further recommended that the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on decentralizing some powers to Community Councils, specifically around decision making authority, and the provincial authority necessary to accomplish this.”

Moved by Councillor Minnan-Wong:

“That the Clause be amended to provide that:

- (1) the Mayor be given the power to appoint:
 - (a) the Chairs of the Standing Committees; and
 - (b) the Chair of the Toronto Transit Commission; and

(2) the following Recommendation be adopted:

‘(1) upon commencement of the new Council term:

(b) the Policy and Finance Committee be composed of the Mayor (Chair), the five Standing Committee Chairs, four Councillors selected from Council as a whole, one of which is the Deputy Mayor and a TTC Commissioner;.’”

Moved by Councillor Moscoe:

“That The Clause be amended by striking out the recommendations of the Policy and Finance Committee and inserting in lieu thereof the following:

‘It is recommended that the report dated April 24, 2003, from the Chief Administrative Officer, as embodied in the Clause, be adopted, subject to deleting Recommendation No. (2).’ ”

Moved by Councillor Walker:

“That:

(1) Part (2) of the motion by Councillor Minnan-Wong be amended by adding thereto the words ‘and the Chairs of the Community Councils’; and

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

‘It is further recommended that:

(a) City Council recommend to the Province that the powers of the Community Councils be changed to provide that the Community Council decisions on all planning matters require a two-thirds vote of City Council to be overturned by City Council; and

(b) the Striking Committee be abolished and the appointment of Members of Council to the Standing Committees be considered by City Council/Committee of the Whole and the selection of the respective Chairs of the Standing Committees be considered by the members of the respective Standing Committees.”

Clause No. 7a - “Debenture Issuance-Restructuring of \$183.75 Million Provincial Loans”.

The Clause was amended:

(1) to provide that the payment be made conditional upon the Provincial Government:

(a) confirming it will pay Toronto its full one-third share of the Toronto Transit Commission 2003 Capital Budget of \$104 million; and

(2) paying the balance outstanding on the City of Toronto's request for \$11.5 million for SARS expenditures; and

(2) adding thereto the following:

"It is further recommended that the Provincial Government be requested to defer the first loan payment instalment of \$10 million, due in 2003, until the end of the debenture term, without interest."

Clause No. 27a - **"Other Items Considered by the Committee".**
(a) Status of Alternative Service Delivery (ASD) Consultation Protocol

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE WORKS COMMITTEE

Clause No. 3b - **"Pay-As-You Throw Program for the Residential Sector".**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 17b - **"Introduction of Photo Radar on City of Toronto Streets and Expressways".**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSE FROM REPORT NO. 4 OF THE WORKS COMMITTEE

Clause No. 1a - **"Security Measures at Water and Wastewater Facilities for Filming".**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE STRIKING COMMITTEE

Clause No. 1a - **"Appointment of a Member of Council to the Toronto Transit Commission".**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, and Council directed that this Clause be considered as the first item of business at such meeting.

REPORT NO. 5 OF THE ADMINISTRATION COMMITTEE

Clause No. 3 - “Results of the Request for Quotation (RFQ) No. 0114-03-0001 for Safety Footwear for Various City of Toronto Departments”.

The Clause was amended by striking out the recommendation of the Administration Committee and reinstating and approving the following original recommendations embodied in the joint report dated March 20, 2003, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, as embodied in the Clause:

“It is recommended that:

- (1) the quotations submitted by Collins Safety O/A 3077225 Canada Inc. and Gordon Contract for the supply and delivery of Safety Footwear used by various City of Toronto departments for the period from July 1, 2003, to June 30, 2005, be accepted as the two lowest acceptable quotations received meeting specifications and service requirements as follows:
 - (a) Collins Safety O/A 3077225 Canada Inc. for approximately \$994,622.00 including all charges and applicable taxes, for the supply of safety footwear by truck service supplemented by their Mississauga store when required; and
 - (b) Gordon Contract for approximately \$1,151,431.00 including all charges and applicable taxes, for the supply of safety footwear by store service in the City of Toronto; and
- (2) the appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.”

Clause No. 8 - “Accrual of Pension Benefits for Elected Officials Over the Age of 69”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 21 - “Surplus Land Declaration and Proposed Closing of the Public Lane Extending Southerly from Lombard Street, then Westerly, in the Block West of Church Street Between Lombard Street and Adelaide Street East (Ward 28 - Toronto Centre-Rosedale)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the following recommendations of the Toronto East York Community Council embodied in the communication dated June 12, 2003, from the City Clerk, Toronto East York Community Council:

'The Toronto East York Community Council recommends that:

- (1) conditional upon Council's approval of the recommendations to the Administration Committee set out in joint report (May 27, 2003) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services, that the public lane extending southerly from Lombard Street, then westerly, in the block west of Church Street between Lombard Street and Adelaide Street East be declared surplus, that:
 - (a) subject to compliance with the requirements of the Municipal Act, 2001, and following Council's approval of a sale of the Lane, the Lane be permanently closed as a public lane;
 - (b) following Council's approval of a sale of the Lane, notice be given to the public of a proposed by-law to permanently close the Lane, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code and the Toronto East York Community Council hear any member of the public who wishes to speak to this matter;
 - (c) following the closure of the Lane, an easement be granted to Bell Canada to protect their existing fibre-optic service located within PART 1 of the Lane; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto.' "

Clause No. 22 - "Disposition of Surplus Property, 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)".

Council adopted the following recommendation:

"It is recommended that Council adopt the report dated June 19, 2003, from the Commissioner of Corporate Services, entitled 'Sale of Surplus Property, 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)', embodying the following recommendations:

'It is recommended that:

- (1) the authority to enter into an agreement with Philmor (Bloor Walk) Development Corp. to purchase the City-owned vacant land forming part of 590 Jarvis Street provided by Council's adoption on December 4, 5 and 6, 2001, of Clause No. 22 of Report No. 18 of The Administration Committee be rescinded;

- (2) the Offer to Purchase from 2026598 Ontario Inc. to purchase the City-owned property known as 590 Jarvis Street in the amount of \$8,750,000.00, 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;
- (3) should, in the opinion of the City Solicitor, the Agreement of Purchase and Sale between the City and 2026598 Ontario Inc. be terminated, the Commissioner of Corporate Services be authorized to approach Concert Real Estate Corporation to invite its best Offer to Purchase and to report to the September 2003 Administration Committee and Council meetings;
- (4) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as she considers reasonable;
- (5) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 27 - “2002 Parking Tag Activity Report”.

The Clause was received.

Clause No. 30 - “Reallocation of Funds for a Tenant Outreach Program”.

The Clause was received.

REPORT NO. 6 OF THE ADMINISTRATION COMMITTEE

Clause No. 1 - “Potential Litigation – The Honourable Coulter A. Osborne”.

Council adopted the following recommendation:

“It is recommended that:

- (a) Council adopt the joint report dated June 20, 2003, from the City Solicitor and the Chief Financial Officer and Treasurer, entitled ‘Union Station RFP, Potential Litigation - The Honourable Coulter A. Osborne’, embodying the following recommendations:

‘It is recommended that:

- (1) City Council agree to indemnify the Honourable Coulter A. Osborne for any reasonable expenses incurred in connection with his review and report on the Union Station RFP prepared for City Council, on terms and conditions satisfactory to the City Solicitor;
 - (2) funds be made available out of the revenues from Union Station or allocated in the Legal Division budget allocation for 2004; and
 - (3) the appropriate City officials be authorized and directed to take the necessary steps to give effect thereto.’ and
- (b) the City Solicitor be requested to report periodically to Council for approval of legal fees, as required.”

Clause No. 2 - **“Other Item Considered by the Committee”.**
(a) Union Station Request for Proposals - Status Report, Negotiations with Union Pearson Group (Ward 28 - Toronto Centre-Rosedale)

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

REPORT NO. 5 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 2 - **“The Child Care Policy Platforms of the Three Provincial Political Parties and Their Implications for Toronto's Child Care System”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 14 - **“Update on the Shelter, Housing and Support Response to SARS”.**

The Clause was amended by deleting the following Recommendation (b) of the Community Services Committee:

- “(b) that the City of Toronto supports the call for a public inquiry into the SARS crisis, with broad public input; and further that, if no action is taken by the Provincial Government, the City work with relevant stakeholders to conduct such an inquiry.”

Clause No. 15 - “Housing and the Moss Park Armoury”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated June 24, 2003, from the Commissioner of Community and Neighbourhood Services, entitled ‘Request to the Federal Government to Declare Moss Park Armoury Surplus and to Allocate the Site for Affordable Housing Purposes, Ward 27 - Toronto Centre-Rosedale’, embodying the following recommendations:

‘It is recommended that:

- (1) the Mayor be requested to write, on behalf of the City, to the Minister of Defence, the Minister Responsible for CMHC and the Minister Responsible for Homelessness, requesting that Moss Park Armoury be declared surplus and that the site be allocated for affordable housing and other purposes;
- (2) City staff be directed to meet with Federal Government officials to facilitate the opportunity to develop the site for affordable housing and other purposes;
- (3) the Commissioner of Community and Neighbourhood Services be directed to report to the first meeting of the Community Services Committee of the new Council on the status of this initiative, together with appropriate recommendations; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 16 - “Response to a Report of the Homeless/Corrections Working Group of the Board of Health’s Tuberculosis Sub-Committee”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the following recommendations of the Board of Health embodied in the communication dated June 17, 2003, from the Secretary, Board of Health:

‘The Board of Health recommends adoption of the report (May 20, 2003) from the Commissioner of Community and Neighbourhood Services and, further, that:

- (1) Council urge the Provincial government to restore rent controls on vacant apartments and housing stock;
- (2) the Commissioner of Community and Neighbourhood Services be requested to report to the Board of Health on the Board’s request that TB patients be given priority on waiting lists for access to housing equivalent to the priority given to patients with terminal illness;

- (3) Community and Neighbourhood Services shelter staff be directed to work with TB staff of Toronto Public Health in reviewing mandatory training requirements and protection for shelter staff; and
- (4) the Commissioner of Community and Neighbourhood Services be requested to work jointly with Toronto Public Health TB staff in a co-ordinated approach to address TB in the homeless population in the City's shelter system.' ”

REPORT NO. 5 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 2 - “Culture Plan for the Creative City (All Wards)”.

The Clause was amended by:

- (1) amending the last sentence of the second paragraph on page 9 of the Culture Plan to now read as follows:

“With 160 clubs showcasing DJs, musicians and comedians, rising stars heard all over the world, and our strength in live theatre, Toronto's music, comedy and theatre scene is certainly among the best in North America.”;

- (2) inserting the following new Recommendation No. (20) and renumbering the remaining recommendations accordingly:

“(20) as part of the development of the Avenue of the Arts, the Culture Division commission at least one major public artwork remembering Toronto's Aboriginal roots;”;

- (3) adding to Recommendation No. (23), now re-numbered as Recommendation No. (24), the words “and the Culture Division work with the First Nations community to explore the creation of an Aboriginal Cultural Centre”, so that such recommendation shall now read as follows:

“(24) the Culture Division develop initiatives to address the gaps in the history it presents, especially to tell the stories of First Nations communities and of the diverse groups who arrived in Toronto during the 20th century, and the Culture Division work with the First Nations community to explore the creation of an Aboriginal Cultural Centre;”;

- (4) adding to Recommendation No. (42), now re-numbered as Recommendation No. (43), the words “and the George Gardiner Museum of Ceramic Art, as a Council-acknowledged Major Cultural Organization, receive equally proportionate funding”, so that such recommendation shall now read as follows:

“(43) the City restore funding within five years to the Major Cultural Organizations (the Art Gallery of Ontario, the Canadian Opera Company, the National Ballet of Canada, the National Ballet School and the Toronto Symphony Orchestra) to at least the level of 1990, adjusted for inflation, and the George Gardiner Museum of Ceramic Art, as a Council-acknowledged Major Cultural Organization, receive equally proportionate funding;” and

(5) adding thereto the following:

“It is further recommended that:

- (a) the Commissioner of Economic Development, Culture and Tourism be requested to incorporate the Chart submitted by Councillor Minnan-Wong, entitled ‘Per Capita Spending on Culture, Summary of Categories’, into the Culture Plan;
- (b) the Chart submitted by Councillor Minnan-Wong be referred to the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Economic Development, Culture and Tourism, to ensure that such Chart contains the latest and most accurate figures, including an indication of per capita spending, when it is incorporated into the Plan; and
- (c) copies of the Culture Plan be made available in all public libraries and an abridged version be made available in all of the City’s cultural facilities.”

Clause No. 4 - “2003 Recreation Grants Program - Appeals Report (All Wards)”.

The Clause was amended by adding thereto the following:

“It is further recommended that the Recreation Grant Application for the Alexandra Park Residents Association be approved, subject to the resolution of the outstanding management agreement issues with the Scadding Court Community Centre to the satisfaction of the Commissioner of Economic Development, Culture and Tourism; and that, if available, the grant amount of \$11,000.00 be funded from unexpended grant funds from all grant programs and as determined by the Interdepartmental Grants Team.”

Clause No. 5 - “Economic Development Sector Initiatives Program (EDSIP) - Appeals Report (All Wards)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated June 20, 2003, from the Commissioner of Economic Development, Culture and Tourism, entitled ‘Further Report on the Allocation of the EDSIP Program Funds Reserved for Appeals (All Wards)’, embodying the following recommendations:

‘It is recommended that:

- (1) the McLuhan Global Network Conferences for the McLuhan Festival of the Future and Centre for Media Studies’ Fashcam project each be allocated \$10,000.00 from the EDSIP appeals fund;
- (2) the Commissioner of Economic Development, Culture and Tourism provide an additional \$10,000.00 sponsorship to the McLuhan Festival of the Future from the Tourism Division’s 2003 Operating Budget; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 7 - “2003 Community Festivals and Special Events Grants Program - Appeals Report (All Wards)”.

Council adopted the following recommendation:

“It is recommended that Council adopt the report dated May 15, 2003, from the Commissioner of Economic Development, Culture and Tourism, as embodied in the Clause.”

Clause No. 10 - “Persian New Year - Sunnybrook Park (Ward 25 Don Valley West)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

REPORT NO. 7 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 4 - “Selected Avenue Studies for 2003 and 2004 – File No. 002050”.

The Clause was amended:

- (1) by amending Recommendation No. (1)(d) of the Planning and Transportation Committee to now read as follows:

“(1)(d) Wilson Avenue between Bathurst Street and Keele Street (North District);”; and
- (2) to provide that the boundary be extended from Etobicoke Creek to Fleccline Road which includes the Village of Mimico.

Clause No. 6 - "Pilot Graffiti Incentive Program with BIAs".

The Clause was amended by adding thereto the following:

"It is further recommended that:

- (1) the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, the Clean Streets Working Group and the Chief of Police, be requested to prepare a comprehensive, City-wide graffiti removal plan for the consideration of the Planning and Transportation Committee in February 2004; and the priorities for graffiti removal City-wide be established by the Planning and Transportation Committee and recommended to City Council;
- (2) the Commissioner of Works and Emergency Services be requested to work on a zero tolerance graffiti removal program and report to the Budget Advisory Committee on appropriate funding;
- (3) the City Solicitor, together with the Toronto Police Service, be requested to submit a report to the Planning and Transportation Committee on enforcement measures that can be taken by the City of Toronto regarding graffiti removal;
- (4) the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report back through the appropriate Standing Committees, by February 2004, on a budget for this City-wide graffiti eradication project, such budget to give consideration to:
 - (a) the creation of a graffiti hot line; and
 - (b) an enforcement fine of \$105.00 (same as the fine for littering);
- (5) the Commissioner of Urban Development Services, in her forthcoming report on a strategy respecting graffiti removal, be requested to give consideration to graffiti removal on mailboxes and newspaper boxes; and
- (6) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on increasing fines for littering, such report to include recommendations respecting enforcement."

Clause No. 7 - "Enforcement Powers Regarding Littering and Graffiti".

Council adopted the following recommendations:

"It is recommended that:

- (1) the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, the Clean Streets Working Group and the Chief of Police, be requested to prepare a comprehensive, City-wide graffiti removal plan for the consideration of the Planning and

Transportation Committee in February 2004; and the priorities for graffiti removal City-wide be established by the Planning and Transportation Committee and recommended to City Council;

- (2) the Commissioner of Works and Emergency Services be requested to work on a zero tolerance graffiti removal program and report to the Budget Advisory Committee on appropriate funding;
- (3) the City Solicitor, together with the Toronto Police Service, be requested to submit a report to the Planning and Transportation Committee on enforcement measures that can be taken by the City of Toronto regarding graffiti removal;
- (4) the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report back through the appropriate Standing Committees, by February 2004, on a budget for this City-wide graffiti eradication project, such budget to give consideration to:
 - (a) the creation of a graffiti hot line; and
 - (b) an enforcement fine of \$105.00 (same as the fine for littering);
- (5) the Commissioner of Urban Development Services, in her forthcoming report on a strategy respecting graffiti removal, be requested to give consideration to graffiti removal on mailboxes and newspaper boxes; and
- (6) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on increasing fines for littering, such report to include recommendations respecting enforcement.”

Clause No. 10 - “Other Items Considered by the Committee”.

The Clause was received as information, subject to striking out and referring Item (e), entitled “Terms of Reference for the Licensing Sub-Committee”, back to the Planning and Transportation Committee for further consideration.

REPORT NO. 5 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 6 - “Exhibition Place Reserve Funds Realignment”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated June 23, 2003, from the Chief Financial Officer and Treasurer, entitled ‘Exhibition Place Reserve Funds Realignment - Revisited’, embodying the following recommendation:

‘It is recommended that the issue of the level and use of the Exhibition Place Capital Improvement Reserve Fund be considered as part of the 2004 Capital Budget process.’ ”

- Clause No. 8** - **“Property Tax Relief - Centre francophone du Toronto metropolitan, 20 Lower Spadina Avenue (Ward 20 - Trinity-Spadina)”**.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

- Clause No. 14** - **“Implementation of the Policy for City-Owned Space Provided at Below-Market Rent”**.

The Clause was amended by adding thereto the following:

“It is further recommended that the Commissioner of Community and Neighbourhood Services direct the inter-departmental Committee established to guide the implementation of the policy for City-owned space provided at below-market rent to write to the organizations that are not Provincially or Federally not-for-profit or charitable not-for-profit and are currently in below-market City of Toronto space, informing them of the new eligibility criteria.”

- Clause No. 17** - **“Bandshell Park Redevelopment Opportunity, Horticulture Building”**.

The Clause was amended by adding thereto the following:

“It is further recommended that all changes to the landscaping and all trees be in consultation with the Ward Councillor and the City’s Tree Advocate.”

- Clause No. 20** - **“Intersection Safety Program to Reduce Red-Light Running”**.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) the intersection of King Street East and Jarvis Street, adjacent to the City’s St. Lawrence Market, be added to the list of intersections under consideration;
- (2) the intersection of King Street East and Jarvis Street be added to the ‘Do Not Block’ Intersection Pilot Program;
- (3) prior to further extensions of the Red Light Camera Program beyond November 2004, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee that outlines the cost effectiveness of the program on a per ticket basis and explores optional operational models, including alternative financing options for capital expenditures; and

- (4) in the event the Province of Ontario and the City of Toronto extend the pilot program after November 2004, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the list of additional intersections under consideration for Red Light Cameras and on the process for setting priorities.”

Clause No. 23 - “2003 First Quarter Capital Variance Report”.

The Clause was amended by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to ensure that each Capital variance report includes a list of Capital projects closed during the reporting period.”

REPORT NO. 6 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 1 - “Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation (TEDCO) and the Toronto Port Authority (TPA)”.

The Clause was amended by adding thereto the following:

“It is further recommended that the decision for further future development, other than that for airport purposes, of the lands of the Island Airport, be submitted to City Council for debate, in order that Council can control the plan for the lands.”

Clause No. 2 - “The Toronto City Centre Airport”.

The Clause was amended by adding thereto the following:

“It is further recommended that the decision for further future development, other than that for airport purposes, of the lands of the Island Airport, be submitted to City Council for debate, in order that Council can control the plan for the lands.”

Clause No. 5 - “Toronto Community Housing Corporation (TCHC), Shareholder Annual General Meeting”.

The Clause was amended by adding thereto the following:

“It is further recommended that, in future, appropriate notification of the Shareholders’ Annual General Meeting be given to the tenants of the Toronto Community Housing Corporation.”

Clause No. 6 - “Report on the Annual General Meeting of the Federation of Canadian Municipalities (FCM)”.

Council adopted the following recommendation:

“It is recommended that the following recommendations embodied in the communication dated June 3, 2003, from Councillor Chow, as embodied in the Clause, be adopted:

‘It is recommended that:

- (1) the Chief Administrative Officer, in consultation with the Mayor, interested Members of Council, and the Toronto Summit Alliance group, be requested to submit a report to Council on how the City of Toronto can participate in Federation of Canadian Municipalities’ and Big City Mayors’ Caucus’ “Strong Cities/Strong Canada” campaign; and
- (2) the City of Toronto, through its Mayor, Members of Council and staff, continue to participate in relevant Federation of Canadian Municipalities activities, such as the National Housing Action team, Big City Mayors’ Caucus, and other Standing Committees and Task Forces.’ ”

REPORT NO. 5 OF THE WORKS COMMITTEE

Clause No. 2 - “Waterfront Scan and Environmental Improvement Strategy Study, and Environmental Approvals Program of the Toronto Waterfront Revitalization Corporation”.

Council adopted the following recommendation:

“It is recommended that Council adopt the following Recommendation No. (2) embodied in the report dated May 6, 2003, from the Commissioner of Works and Emergency Services, addressed to the Waterfront Reference Group, as embodied in the Clause:

- (2) the recommendations and concepts identified in the Waterfront Scan and Environmental Improvement Strategy Study be communicated to the Toronto Waterfront Revitalization Corporation (TWRC) for consideration during the upcoming development of a Master Services Plan for the Waterfront;’.”

Clause No. 3 - “Proposed Standing Water By-law”.

The Clause was received.

Clause No. 4 - “Traffic Calming Program - Follow-Up Report”.

The Clause was amended by amending the recommendations of the Works Committee to now read as follows:

“The Works Committee recommends that:

- (1) Council express its sincerest condolences to the Kniat family on the passing of their son, Philip, and that they be thanked for their efforts and courage to ensure that school zones are made safer for all children and pedestrians;
- (2) traffic calming measures, including the installation of speed humps adjacent to schools, playgrounds and recreation centres in the City of Toronto, continue to be a priority for installation when recommended by staff for safety reasons and supported by the community, and that consideration for traffic calming measures on the southeast leg of the Donway East, be given, following a full evaluation by City staff and community consultation; and that this be identified as a top priority in 2003;
- (3) the Province of Ontario again be requested to allow the City to reduce speed limits to 30 kilometres per hour on residential streets, and to delete the requirement for an Environmental Assessment of speed humps;
- (4) whereas children are one of the most sensitive pedestrian groups, the traffic calming priority scoring system continue to reflect this; and
- (5) City staff ensure that School Board officials are aware of the City’s traffic calming program.”

Clause No. 7 - “Modifications to Fees at City of Toronto Waste Transfer Stations and Hours of Operations for Small Vehicles”.

The Clause was 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 alternative methods of handling small loads.”

Clause No. 12 - “Downspout Disconnection Program Update”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Clause No. 15 - “Hearne Avenue and Jane Street - Drainage Problem on Private Laneway (Ward 12 – York South-Weston)”.

The Clause was struck out and referred back to the Works Committee for further consideration.

REPORT NO. 5 OF THE ETOBICOKE COMMUNITY COUNCIL

Clause No. 17 - “Naming of Park ‘Flora Voisey Park’ and Naming of Street ‘Yachters Lane’ at 2264 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)”.

Council adopted the following Motion, without amendment, and subsequently adopted the Clause, without amendment:

Reconsideration of the Naming of the Private Lane System at 2264 Lake Shore Boulevard West (Ref: Etobicoke Community Council Report No. 5, Clause No. 17)

Moved by: Councillor Irene Jones

Seconded by: Councillor Lindsay Luby

“**WHEREAS** City Council, at its meeting held on October 1, 2 and 3, 2002, adopted Clause No. 12 of Report No. 11 of The Etobicoke Community Council, headed ‘Naming of Private Lane System at 2264 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)’, and, in so doing, authorized the private lane system at 2264 Lake Shore Boulevard West to be named ‘Voisey Mews’; and

WHEREAS a number of new home purchasers in the development have suggested that the naming of the proposed public park would be a more appropriate means of commemorating Flora Voisey’s contributions to the local community; and

WHEREAS the Voisey family, the developer and Parks and Recreation staff have no objection to the alternative proposal of naming the proposed public park on the development site after Flora Voisey; and

WHEREAS the new home purchasers in the development have suggested ‘Yachters Lane’ as the alternative name for the private lane system in the development; and

WHEREAS there are no financial impacts associated with this Motion; and

WHEREAS Etobicoke Community Council, at its meeting held on June 11, 2003, recommended the adoption of the report (May 27, 2003) from the City Surveyor, Works and Emergency Services, respecting the matters referred to above, in the event that City Council re-opens Etobicoke Community Council Report No. 11, Clause No. 12 for further consideration;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke Community Council Report No.11, Clause No. 12, headed ‘Naming of Private Lane System at 2264 Lake Shore Boulevard West (Ward 6 – Etobicoke-Lakeshore)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the report (May 27, 2003) from the City Surveyor, Works and Emergency Services respecting the naming of the proposed public park and private lane system at 2264 Lake Shore Boulevard West contained in Etobicoke Community Council Report No. 5, Clause No. 17, which is before Council for consideration, be adopted.”

Clause No. 21 - **“Final Report - Application to Amend the Etobicoke Official Plan and Zoning Code Sun Life Assurance Company of Canada (Burka Varacalli Architects) 5145 Dundas Street West; File No. TA CMB 2002 0016 (Ward 5 – Etobicoke-Lakeshore)”**.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) the Commissioner of Urban Development Services, in consultation with the appropriate City staff, be requested to submit a report to the Etobicoke Community Council on the completion of the community services review and the ability to access the cash-in-lieu contribution funds for further community amenities and services; and
- (2) if possible, the Director, Community Planning, West District, be requested to bring forward the implementing By-law to the July 22, 2003 City Council meeting.”

Clause No. 22 - **“Other Items Considered by the Community Council”**.

Council waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to consider Item (b), entitled “Final Report - Application to Amend the Official Plan and Zoning Code, 35 Fieldway Road, Owner: CIC Millwork Ltd., Architect: OP Design Inc., File Number: TA CMB 2002 0020, Etobicoke-Lakeshore (Ward 5)”, embodied therein. Council subsequently adopted the following recommendation:

“It is recommended that the report dated May 26, 2003, from the Director, Community Planning, West District, be adopted, subject to:

- (1) amending Recommendation No. (4) by:

- (a) adding the following words after the words “Sales Agreements”:

“and an additional community benefit in the Section 37 agreement be that the owner be required to make a cash contribution of \$25,000.00 to fund local traffic calming measures and the balance of the funds, if any, are to be used for the purposes of local park improvements on public roads”;

Clause No. 44 - **“Cash Payment in Lieu of Parkland Dedication, Yorkdale Shopping Centre - 3401 Dufferin Street (Ward 15 - Eglinton-Lawrence)”**.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) the City Solicitor be authorized to introduce any Bill that may be required to implement the actions recommended in this Clause; and
- (2) the space dedicated to the City as community space continue to be assessed as common element space.”

Clause No. 54 - **“Changing Permit Parking Signs on:**
(1) Dupont Street Between Symington Avenue and Osler Street; and
(2) College Street Between Dufferin Street and Lansdowne Avenue to Permit Parking until 2:00 a.m. (Ward 18 - Davenport)”.

Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated June 13, 2003, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

‘It is recommended that:

- (1) public notice of the proposal to reduce the hours of operation of on-street permit parking on College Street, both sides, between Sheridan Avenue and Lansdowne Avenue, be placed in a major daily newspaper, as required under City Council policy;
- (2) subject to no objections being received in response to the public notice, permit parking hours of operation on College Street, both sides, between Sheridan Avenue and Lansdowne Avenue, be adjusted from the current 12:01 a.m. to 7:00 a.m., 7 days a week, to 2:00 a.m. to 7:00 a.m., 7 days a week;
- (3) Part H of Schedule XXVI (Permit Parking), of Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, be amended to incorporate College Street, both sides, between Sheridan Avenue to Lansdowne Avenue, to operate between 2:00 a.m. to 7:00 a.m., 7 days a week; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.’ ”

Clause No. 55 - “Other Items Considered by the Community Council”.

Council waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to consider Item (d), entitled “2335 and 2337 St. Clair Avenue West - Site Plan Control Application; 889965 Ontario Limited (Sedun+Kanerva Architects Inc.) (Ward 11-York South-Weston)”, embodied therein. Council subsequently adopted the following Motion:

Moved by: Councillor Nunziata

“WHEREAS the Humber York Community Council, at its meeting held on June 10, 2003, deferred consideration of a report (May 12, 2003) from the Director, Community Planning, South District, respecting 2335 and 2337 St. Clair Avenue West - Site Plan Control Application, to allow the Ward Councillor to consult further with the applicant, with respect to exploring options regarding the use of the public lane at the rear of the proposed residential development; and

WHEREAS the Ward Councillor has met with the applicant and is now recommending adoption of the report, subject to an amendment to Recommendation No. (4) pertaining to the final inspection for occupancy;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 12, 2003, from the Director, Community Planning, South District, entitled ‘2335 and 2337 St. Clair Avenue West - Site Plan Control Application; 889965 Ontario Limited (Sedun+Kanerva Architects Inc.) (Ward 11-York South-Weston)’, be adopted, subject to adding to Recommendation No. (4), the words ‘and the construction shall be completed prior to final inspection for occupancy of any unit within the proposed development’;

AND BE IT FURTHER RESOLVED THAT any parkland dedication funds derived from this project be directed to the Runnymede Park.”

The balance of the Clause was received as information.

REPORT NO. 5 OF THE MIDTOWN COMMUNITY COUNCIL

Clause No. 4 - “359 Deloraine Avenue – Tree Removal Request (Eglinton-Lawrence – Ward 16)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

- Clause No. 8** - **“Request for an Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 137 Old Orchard Grove (Eglinton-Lawrence - Ward 16)”**.

The Clause was amended by striking out the recommendation of the Midtown Community Council and inserting in lieu thereof the following:

“It is recommended that City Council approve the application for a second parking space at 137 Old Orchard Grove, as shown on Appendix ‘A’ of the report dated May 23, 2003, from the Manager, Right-of-Way Management, Transportation Services, District 1, notwithstanding that there is excess paving, subject to:

- (a) the parking area for each space not exceeding 2.0 metres by 4.57 metres in dimension;
- (b) the applicant providing the landscape features, substantially in accordance with the plan as shown on Appendix ‘C’, to the satisfaction of the Commissioner of Works and Emergency Services; and
- (c) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code.”

- Clause No. 13** - **“McNairn Avenue at Yonge Street – Implementation of Turn Prohibitions (Eglinton-Lawrence - Ward 16)”**.

The Clause was struck out and referred back to the Midtown Community Council for further consideration, in order to conduct a poll of the area.

- Clause No. 32** - **“Cypriot Community Festival Permit Application, Cypriot Community of Toronto Inc. Cultural and Wine Festival - July 12 and 13, 2003”**.

The Clause was amended by amending Recommendation No. (3) of the Midtown Community Council to now read as follows:

- “(3) Council grant an exemption to the Toronto Municipal Code, Chapter 591, Noise, to permit the amplification of sound or playing of music until 2:00 a.m. on Saturday, July 12, 2003; and 1:00 a.m. on Sunday, July 13, 2003, on the basis that no complaints have been received by Municipal Licensing and Standards on past events;”.

REPORT NO. 5 OF THE NORTH YORK COMMUNITY COUNCIL

Clause No. 1 - “Special Occasion Beer Garden Permit Request for Community Event (Ward 23 - Willowdale)”.

The Clause was amended by adding thereto the following:

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

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

“**WHEREAS** a request for a special occasion permit to hold a community event for the 2003 Rogers AT&T Cup to be held at the National Tennis Centre at York University on August 9, 2003, to August 17, 2003, was received by the City Clerk, North York Civic Centre, on June 23, 2003; and

WHEREAS the North York Community Council will be meeting on July 9, 2003, and reporting to the City Council meeting to be held on July 22, 23 and 24, 2003, and, as such, approval cannot be given to coincide with the dates of the community event; and

WHEREAS the time sensitive nature of this matter requires City Council’s consideration at its meeting to be held on June 24, 25 and 26, 2003;

NOW THEREFORE BE IT RESOLVED THAT City Council, for liquor licensing purposes, declare the 2003 Rogers AT&T Cup event to be an event of municipal and/or community significance; that it has no objection to the event taking place, and that the Alcohol and Gaming Commission of Ontario be so advised.’ ”

Clause No. 2 - “Request for Exemption to City of Toronto Municipal Code, Chapter 591 - Noise - Earth Tech Canada Inc. – Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Leslie Street (Wards 9 & 10 - York Centre, Wards 23 & 24 - Willowdale and Ward 33 - Don Valley East)”.

The Clause was amended to provide that the boundaries of the exempt zone be moved from the Allen Road to Bathurst Street.

Clause No. 14 - “Sale of Part of Terlean Road (Ward 23 – Willowdale)”.

The Clause was adopted, subject to amending the rate per square metre, as set out in Recommendation No. (1) embodied in the report dated May 28, 2003, from the Commissioner of Corporate Services, as embodied in the Clause, from \$807.86 per square metre to \$904.00 per square metre, and BBT Devgroup Inc. agreeing to amend the Offer to Purchase accordingly.

Clause No. 16 - **“Final Report - Application to Amend the Zoning By-law- TB ZBL 2002 0006 - 2015174 Ontario Inc. - c/o Patrick Berne - 5566 Yonge Street (Ward 23 - Willowdale)”**.

The Clause was amended by amending Recommendation (2)(d) of the North York Community Council to now read as follows:

“2(d) That Section (m)(iii) in the draft by-law be amended as follows:

‘Notwithstanding paragraph (h), the building height may be increased to 87 metres and 32 storeys.’ ”

Clause No. 18 - **“Final Report - Application to Amend the Zoning and Draft Plan of Subdivision - TB ZBL 2002 0012 and TB SUB 2002 0002 - Tribute Communities (York) Inc. & York University - North of Murray Ross Parkway, East and West of Sentinel Road (Ward 8 - York West)”**.

The Clause was amended by referring the following Recommendation No. (7) of the North York Community Council to the Chief Financial Officer and Treasurer, the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, for report thereon to the North York Community Council:

“(7) the adoption of the following Resolution submitted by Councillor Li Preti, Ward 8 - York West:

“**WHEREAS** the Parks and Recreation component of the development charge is 15.2 percent, such that the Parks and Recreation component from this development will be in the range of \$350,000.00;

THEREFORE BE IT RESOLVED THAT City Council authorize the allocation of \$75,000.00 from the development charge contribution towards improved facilities in the Fountainhead Community Centre.”

Clause No. 20 - **“Road Alteration – Closure of Flindon Road West of Acacia Avenue (Ward 7 - York West)”**.

The Clause was amended in accordance with the following Motion:

Moved by: Councillor Mammoliti

“**WHEREAS** North York Community Council approved a report that recommends that staff investigate the feasibility of permanently closing Flindon Road, at a point west of 38 Flindon Road; and

WHEREAS this closure was recommended to eliminate illicit activities occurring at the westerly end of Flindon Road; and

WHEREAS the only property that would be affected by this closure is 65 Flindon Road; and

WHEREAS the report also recommends a partial and temporary closure of Flindon Road, west of 65 Flindon Road, until an agreement for the full closure of the road can be agreed upon with the owners of 65 Flindon Road; and

WHEREAS such partial and temporary closure would not have an impact on any property on Flindon Road; and

NOW THEREFORE BE IT RESOLVED THAT staff be authorized and directed to take whatever action is necessary to implement the partial and temporary closure of Flindon Road, west of 65 Flindon Road, for a period not later than September 30, 2005.”

Clause No. 25 - **“Appeal by St. Gabriel Church to Deferral of Consent Application - Committee of Adjustment Consent Application No. B-065/02NY - 650 - 672 Sheppard Avenue East - OMB Hearing - June 2 and 3, 2003 (Ward 24 – Willowdale)”.**

Council adopted the following recommendation:

“It is recommended that Council adopt:

- (1) the report dated June 9, 2003, from the City Solicitor, as embodied in the Clause; and
- (2) the supplementary report dated June 20, 2003, from the Commissioner of Urban Development Services, entitled ‘Supplementary Report, Clause No. 25, North York Community Council Report No. 5, 650 and 672 Sheppard Avenue East, Appeal by St. Gabriel’s Church of Committee of Adjustment Consent Application, Ward 24 - Willowdale’, embodying the following recommendations:

‘It is recommended that:

- (1) BBT Devgroup Inc. (Shane Baghai) be advised of the need to amend their applications and drawings filed in connection with Application No. TB CMB 2002 0017 to reflect the outcome of the June 2 and 3, 2003 Ontario Municipal Board Hearing on the severance application; and
- (2) the Passionist Community of Canada (St. Gabriel Church) be advised of the need to amend their Site Plan Control Application No. TB SPC 2002 01070017 to reflect the outcome of the June 2 and 3, 2003 Ontario Municipal Board Hearing on the severance application.’ ”

Clause No. 26 - “Request for Proposed Amendment to the Sign By-law for the Former City of North York”.

The Clause was amended:

- (1) to provide that 10 days be deemed adequate notice of Council’s intention to consider the Sign By-law amendment; and
- (2) by adding thereto the following:

“It is further recommended that the supplementary joint report dated June 23, 2003, from the City Solicitor and the Commissioner of Urban Development Services, entitled ‘Moratorium on Sign Applications in Yonge Street City Centre Area (Ward 23 - Willowdale)’, be received.”

REPORT NO. 5 OF THE SCARBOROUGH COMMUNITY COUNCIL

Clause No. 24 - “Final Report - Combined Application TF CMB 2001 0009, The Muslim Welfare Centre of Toronto - 24, 26 and 28 Rural Avenue, Agincourt Community (Ward 41 - Scarborough Rouge River)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

REPORT NO. 6 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

Clause No. 5 - “Authority to Enter into Heritage Easement Agreement and Alterations to a Designated Heritage Property - 106 King Street East - St. James' Parish House and Diocesan Centre (Toronto Centre-Rosedale, Ward 28)”.

The Clause was amended by adding thereto the following:

“It is further recommended that City Council designate the Burying Ground of the St. James Cathedral as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act.”

Clause No. 12 - “Official Plan Amendment and Rezoning - 717-731 Yonge Street, 1 Bloor Street East, 23 Bloor Street East and 14 Hayden Street (Toronto Centre-Rosedale, Ward 27)”.

The Clause was amended in accordance with the following Motion:

Moved by: Councillor Rae

“**WHEREAS** at its meeting of June 10, 2003, Toronto East York Community Council, by Clause No. 12, of its Report No. 6, recommended that City Council adopt a number of recommendations, including the following Recommendations Nos. (7) and (9), to:

- '(7) require the applicant to provide an easement, if so required by the Commissioner of Works and Emergency Services, that would provide for vehicular access to the property at the northeast corner of Hayden Street and Yonge Street;
- (9) require the applicant to protect for, and build if required by the Commissioner of Works and Emergency Services and/or the Commissioner of Urban Development Services, an underground connection independent of the subway, between the southeast and northeast corners of Bloor and Yonge Streets;'; and

WHEREAS for the purpose of drafting the Section 37 Agreement, greater clarity is required with respect to Recommendations Nos. (7) and (9);

NOW THEREFORE BE IT RESOLVED THAT Clause No. 12 of Report No. 6 of The Toronto East York Community Council be amended by deleting Recommendations Nos. (7) and (9) of the Toronto East York Community Council and replacing them with the following new Recommendations Nos. (7) and (9):

- '(7) require the applicant to provide an easement, if so requested by the Commissioner of Works and Emergency Services and/or the Commissioner of Urban Development Services at the time of site plan approval for the development at 1 and 23 Bloor Street East and 14 Hayden Street, that would provide for vehicular access to the property at the northeast corner of Hayden Street and Yonge Street;
- (9) require the applicant to protect for, and build if required by the City pursuant to the Section 37 Agreement, an underground connection independent of the subway, between the southeast and northeast corners of Bloor and Yonge Street, such underground connection to be considered part of the owners' Section 37 benefits in the amount of two million dollars as agreed to between the City and the applicant;';

AND BE IT FURTHER RESOLVED THAT Council hereby authorizes bringing forward for passage the amending by-law as revised to reflect the matters set out above, and determines that no further notice is to be given in respect of the proposed by-law pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P 13."

Clause No. 20 - "Installation of New Pay and Display Parking Spaces and Associated Parking Regulations (Toronto Centre-Rosedale, Ward 28; Toronto-Danforth, Ward 30)".

The Clause was amended by amending the report dated June 5, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

(1) amending Appendix 1, headed “Parking Machine (Pay and Display) Regulations to be Enacted”, by deleting the reference to the installation of pay and display parking machines on the north side of Shuter Street between Jarvis and Sherbourne Streets, having regard that the local residents and the local neighbourhood association have agreed that the north side of Shuter Street (between Jarvis and Sherbourne Streets) will be 24-hour permit parking;

(2) amending the “delete” portion of Appendix 2, headed “Time Limit Parking Regulations”, by:

(a) deleting the words “Monday to Friday” from Column 4 of the first entry, so that such entry shall now read as follows:

Carlaw Avenue	West	Queen Street East and Gerrard Street East	9:00 a.m. to 6:00 p.m.	1 hour
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(b) deleting the second entry and replacing it with the following two new entries:

Carlaw Avenue	East	Queen Street East and a point 93 metres south of Dundas Street East	8:00 a.m. to 4:00 p.m.	1 hour
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Carlaw Avenue	East	A point 63 metres south of Dundas Street East and Gerrard Street East	8:00 a.m. to 4:00 p.m.	1 hour; and
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(3) amending the “insert” portion of Appendix 2, headed “Time Limit Parking Regulations”, by deleting the second entry and replacing it with the following two new entries:

Carlaw Avenue	East	Queen Street East and a point 93 metres south of Dundas Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours
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Carlaw Avenue	East	A point 63 metres south of Dundas Street East and Gerrard Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours
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Clause No. 51 - “Implementation of Short Term Parking Regulations in Delineated Student Pick-Up and Drop-Off Areas - Bowmore Road and Wrenson Road, Vicinity of Bowmore Public School (Beaches-East York, Ward 32)”.

The Clause was amended by amending the report dated April 30, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

(a) deleting from Recommendation No. (1) the words “Monday to Friday”, so that such Recommendation shall now read as follows:

- “(1) the “No Parking, 8:30 a.m. to 6:00 p.m.” regulation on the west side of Bowmore Road, between Wrenson Road and a point 68.6 metres south of Gerrard Street East, be rescinded;” and
- (b) deleting from Recommendation No. (4) the street name “Gerrard Street East” and replacing it with the street name “Wrenson Road”, so that such Recommendation shall now read as follows:
- “(4) parking be prohibited from 9:30 a.m. to 11:30 a.m., and 1:30 p.m. to 3:00 p.m., Monday to Friday, on the west side of Bowmore Road, between a point 29 metres north of Wrenson Road and a point 68 metres north of Wrenson Road;”.

Clause No. 61 - “Requests for Endorsement of Events for Liquor Licensing Purposes.”

The Clause was amended by:

- (1) amending Recommendation No. (1) of the Toronto East York Community Council by adding the following new Parts (g) to (l):
- “(g) Music Africa’s Afrofest Festival to be held at Queens Park on July 5 and 6, 2003;
- (h) 14th Annual Toronto Volvo Cup Easter Seal Regatta to be held on July 6, 2003, from at the Royal Canadian Yacht Club;
- (i) Eighth Annual Moss Park Community Festival taking place on August 1, 2003, in the park area immediately south of the Moss Park buildings, between Seaton Street and Berkeley Street, on the north side of Queen Street East;
- (j) Sports on Duncan Street to be held on Duncan Street between King Street West and Adelaide Street West on July 11, 12 and 13, 2003;
- (k) Taste of the Toronto Entertainment District to be held on Duncan Street between King Street West and Adelaide Street West on July 25, 26 and 27, 2003; and
- (l) Movies and Martinis Nights to be held on Duncan Street between King Street West and Adelaide Street West on July 25, 26 and 27, 2003;” and
- (2) adding the following new Recommendations Nos. (8), (9) and (10):
- “(8) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Celebration Event to be held on Wednesday, June 25, 2003, at the Steam Whistle Brewery, 225 Bremner Avenue, and has no objection to such event taking place;
- (9) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Society of Portuguese Disabled Persons Barbeque, to be held on Sunday, July 27, 2003, at the BCP Bank Plaza, 605 Rogers Road, and has objection to such event taking place; and

- (10) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request for the alteration of the Special Occasion Permit No. 217-030381 issued to Astro Zodiac Enterprises Ltd., to permit the sale and service of alcohol in the area within the Horticultural Building and two enclosed areas of the Bandshell Park on the following dates and times, in conjunction with the Annual CHIN International Picnic, and has no objection to the granting of the request:

- June 28, 2003, from 11:00 a.m. to 12:00 midnight;
- June 29, 2003, from 12:00 noon to 12:00 midnight;
- June 30, 2003, from 5:00 p.m. to 12:00 midnight; and
- July 1, 2003, from 11:00 a.m. to 12:00 midnight.”

Clause No. 66 - **“Revisions to Draft Plan of Subdivision – Precincts 1 and 2; Removal of Holding Designation from Blocks 24, 25, 26 and 29 in Railway Lands West (Trinity-Spadina, Ward 20).”**

The Clause was struck out and referred back to the Toronto East York Community Council for further consideration at its meeting scheduled to be held on July 8, 2003.

REPORT NO. 2 OF THE AUDIT COMMITTEE

Clause No. 5 - **“Other Items Considered by the Committee”.**

The Clause was received as information, subject to deferring Item (c), entitled “Toronto Parking Authority - An Assessment of the Adequacy and Effectiveness of Financial and Administrative Controls”, to the next regular meeting of City Council scheduled to be held on July 22, 2003.

REPORT NO. 4 OF THE BOARD OF HEALTH

Clause No. 5 - **“Phase-out of Coal-fired Electricity Purchases”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

REPORT NO. 5 OF THE NOMINATING COMMITTEE

Clause No. 1 - **“Reappointment of a City of Toronto Appointee on the Toronto Port Authority Board”.**

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) the Chief Administrative Officer be requested to report back to the Policy and Finance Committee on a monitoring system to ensure that the City of Toronto’s appointee on the Toronto Port Authority considers the City of Toronto’s position at the Toronto Port Authority;

- (2) the City of Toronto's appointee on the Toronto Port Authority be encouraged to attend meetings of the City of Toronto's Advisory Committee on the Island Airport; and
- (3) the City Clerk, as part of any future appointment process of the City of Toronto's representative to the Toronto Port Authority, circulate the advertisement regarding the nominating process to all waterfront associations."

REPORT NO. 3 OF THE STRIKING COMMITTEE

Clause No. 1 - "Appointments of Members of Council to Various Boards and Special Purpose Bodies".

Council waived the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code in order to permit Part (vii) of the Recommendation of the Striking Committee headed "Waterfront Reference Group" to be extracted from the Clause; and the City Clerk was directed to make this Part into a separate Clause for consideration by City Council. City Council subsequently adopted revised Clause No. 1, as so amended.

Clause No. 4 - "Appointment of Member of Council to the Waterfront Reference Group". [New Clause]

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

ENQUIRIES AND ANSWERS:

- (1) **Enquiry from Councillor Walker regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto.**

Consideration of the Enquiry dated June May 21, 2003, from Councillor Walker, together with the Answers thereto dated June 19, 2003, from the City Clerk, and June 24, 2003, from the Mayor, was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

- (2) **Enquiry from Councillor Walker regarding the Union Station Project**

Consideration of the Enquiry dated June 12, 2003, from Councillor Walker, together with the Answer thereto dated June 23, 2003, from the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor, was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

ADDITIONAL MATTER

Council adopted the following Motion:

Moved by: Mayor Mel Lastman

Seconded by: Councillor Ootes

“BE IT RESOLVED THAT Council express its thanks to the Toronto Police Service for its endless dedication to serve this City and protect all of its residents from danger, and that a copy of this Motion be forwarded to the Toronto Police Service.”

NOTICES OF MOTION APPEARING UNDER ITEM F

(1) **Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue**

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 Avenue 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: The Motion was withdrawn.

(2) **Support to Defend Against the Appeal With Respect to the Sale of Hydro One**

Moved by: Councillor Chow

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.”

Disposition: The Motion was adopted, without amendment.

(3) **City Employees Strike - Summer of 2002**

Moved by: Councillor Bussin

Seconded by: Councillor I. 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, make Toronto ‘*the greatest City in the World*’.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

(4) **Request to Provincial Government to Abandon Electricity Deregulation and Privatization**

Moved by: Councillor Walker

Seconded by: Councillor Moscoe

“**WHEREAS** City Council at its meeting held on February 4, 5, and 6, 2003, adopted, without amendment, Policy and Finance Committee Report No. 1, Clause No. 9, headed ‘For-Profit Status of Toronto Hydro-Electric System Limited – Bill 210, Electricity Pricing, Conservation and Supply Act, 2002’; and

WHEREAS the Ontario government’s electricity deregulation and privatization policy has clearly been a disaster; and

WHEREAS the various electricity policies implemented by this provincial government over the past six years have imposed hundreds of millions of dollars of additional costs on local distribution companies and their customers; and

WHEREAS the government has now enacted Bill 210, The Electricity Pricing, Conservation and Supply Act, 2002 (the ‘Act’), which requires each municipality to decide whether to continue to operate its local distribution utility as a for-profit corporation (as required by previous legislation) or allow it to become a zero-return on equity corporation with various additional restrictions (the so-called ‘non-profit’ status); and

WHEREAS the Act gives only an appearance of choice for citizens and their elected municipal representatives, because it places onerous and punishing financial consequences on the local distribution company (LDC) and the municipal shareholder if it opts for the ‘non-profit’ model; and

WHEREAS this false choice seems only to serve as an attempt to scapegoat municipalities and their local distribution companies (LDC) for the provincial government’s disastrous electricity policies;

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. 1, Clause No. 9, headed ‘For-Profit Status of Toronto Hydro-Electric System Limited – Bill 210, Electricity Pricing, Conservation and Supply Act, 2002’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council call on the Government of Ontario to rescind Bill 210, to abandon plans for deregulation and privatization of Ontario’s electricity in accord with the wishes of the people of Ontario, to develop and implement a renewed vision for public power in Ontario, and to:

- (1) stop the sell-off of public generating stations and local hydro utilities;
- (2) stop paying higher deregulated prices to electricity producers; and

- (3) implement genuine energy conservation policies and expand clean, renewable energy sources;

AND BE IT FURTHER RESOLVED THAT this Resolution be sent for action to: the Honourable Ernie Eves, Premier, and the Honourable John Baird, Ontario Minister of Energy; and for information to: Dalton McGuinty, MPP; Howard Hampton, MPP; Shelly Martel, MPP; Michael Bryant, MPP; and for endorsement to: the Association of Municipalities of Ontario, and to all Ontario municipalities with populations greater than 50,000.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

(5) **Increasing Fines for Illegal Dumping and Littering**

Moved by: Councillor Cho

Seconded by: Councillor Miller

“**WHEREAS** the City of Toronto has set fines under Municipal Code Chapter 841 and Chapter 844 for illegal dumping and littering; and

WHEREAS illegal dumping, littering and garbage at the curb on wrong collection days continues to be a problem across the City; and

WHEREAS the current set fines for illegal dumping, littering and garbage not stored on private property should be reviewed, in order to ensure maximum effectiveness;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, as soon as possible, on a review of the current set fines for illegal dumping, littering and garbage not stored on private property, such report to identify where such fines may be increased while continuing to maintain maximum effectiveness;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services also be requested to submit a report to the Works Committee on a strategy to encourage property owners to keep the public property, adjacent to their private property, clean, and to restore pride in the cleanliness of our City.”

Disposition: The Motion was adopted, without amendment.

NOTICES OF MOTION APPEARING UNDER ITEM I

(1) Proposed Ban on the Use of Diesel Powered Generators on City Property

Moved by: Councillor Duguid

Seconded by: Councillor Chow

“**WHEREAS** the Government of Ontario, in an attempt to avoid blackouts this summer, issued a Request for Proposals on April 28, 2003, for diesel power generators; and

WHEREAS these power generators are mounted on tanker trucks and are comparable to giant construction machines that run at full throttle, for at least four hours, causing unacceptable levels of noise and air pollution; and

WHEREAS these diesel-fueled generators contributed to a record setting 27 smog advisory days last year in Ontario, which contribute to the death of 1,900 Ontarians annually; and

WHEREAS the Provincial Government is planning on installing some of these units close to residential areas;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto ban the use of diesel powered generators on all City of Toronto property;

AND BE IT FURTHER RESOLVED THAT this proposal by the Government of Ontario be examined by Toronto Board of Health for any potential environmental ramifications;

AND BE IT FURTHER RESOLVED THAT the City of Toronto, via letter to the Government of Ontario and all 22 Toronto area MPPs, request the Government of Ontario to look at safe and environmentally friendly alternatives for power generation.”

Disposition: The Motion was referred to the Policy and Finance Committee.

(2) Automobile Damage Claim Against the City of Toronto

Moved by: Councillor Nunziata

Seconded by: Councillor Milczyn

“**WHEREAS** on March 2, 2003, Ms. Mary Bianchini was travelling west bound on Wilson Avenue, just before Weston Road where Ms. Bianchini went over a very large pothole in the road; and

WHEREAS the pothole was approximately 4 feet long, 2.5 feet wide and 8 inches deep; and

WHEREAS resulting from the pothole both tires and rims on the passenger side were damaged; and

WHEREAS two sets of tires and rims had to be changed at a cost of \$1,153.90 at a registered Honda Dealership; and

WHEREAS Ms. Bianchini reported the incident to the City of Toronto's dispatch centre where Ms. Bianchini was told that numerous calls had been received concerning the same pothole; and

WHEREAS consequently, City of Toronto staff placed a pylon the next day to caution drivers; and

WHEREAS Ms. Bianchini forwarded a letter to the Office of the City Clerk on March 4, 2003, outlining the events and requesting that the City reimburse her for the incurred expenses; and

WHEREAS the City of Toronto forwarded Ms. Bianchini's letter to Ponton Coleshill Edwards & Associates who are the Independent Insurance Adjusters acting on behalf of the City of Toronto; and

WHEREAS on April 30, 2003, the City of Toronto's Independent Insurance Adjusters, Ponton Coleshill Edwards & Associates advised Ms. Bianchini that under the Municipal Act, Section 44, a municipality shall keep the road in a reasonable state of repair and that a municipality can not be held negligent if they did not know and could not reasonably have been expected to know about the state of repair; and

WHEREAS the City's Independent Insurance Adjusters investigation indicated that the City inspected and acted in a reasonable time to repair the road and accordingly did not find any negligence against the City and Ms. Bianchini's claim was denied; and

WHEREAS on reporting the incident to the City of Toronto's dispatch centre, Ms. Bianchini was told that numerous calls had been received concerning the same pothole; and

WHEREAS since the City of Toronto in accordance with the Municipal Act, Section 44, shall keep the road in a reasonable state of repair; and

WHEREAS the City of Toronto was indeed aware of the state of repair due to the high number of calls to the dispatch office;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto accept full responsibility for the lack of a reasonable state of repair and that the City of Toronto reimburse Ms. Bianchini in the amount of \$1,153.90;

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

Disposition: *The Motion was referred to the Administration Committee.*

NOTICES OF MOTION APPEARING UNDER ITEM J

- (1) **Implementation of Municipal Act, 2001 - Revision to Notice Provisions to Decrease Notice Period**

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

“**WHEREAS** City Council, at its meeting held on May 21, 22 and 23, 2003, adopted, as amended Notice of Motion J(26), headed ‘Implementation of Municipal Act, 2001 - Revision to Notice Provisions’ and, in so doing, amended Chapter 162, Notice, Public of the Toronto Municipal Code to delete the requirement for a paid advertisement in a general circulation newspaper, so that notice will be given through the City’s statutory notice Web site and through the normal advance publication on the City’s Web site of agendas of Committees and Council; and

WHEREAS this amendment, while deleting the requirement for the notice to be published in a general circulation newspaper, retained the requirement that the notice be posted on the statutory notice page of the City’s Web site for at least the two-week period immediately preceding the City Committee meeting at which the matter will be considered; and

WHEREAS it was our intention to further amend Chapter 162 by also deleting the requirement for a two-week notice period on the City’s Web site and replace this time period with the publication of the main agenda of a Committee’s regular meeting on the City’s Web site which will be approximately four working days prior to the Committee meeting, and by posting a notice on the statutory Web page for the same period;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Notice of Motion J(26) headed ‘Implementation of Municipal Act, 2001 - Revision to Notice Provisions’, be re-opened for further consideration, only insofar as it pertains to the requirement for a two-week notice period on the City’s web site;

AND BE IT FURTHER RESOLVED THAT Chapter 162, Notice, Public, of the City of Toronto Municipal Code be further amended by shortening the notification period to coincide with the publication of the main agenda of a Committee’s regular meeting on the City’s Web site so that notice will be posted on the notices pages of the City’s Web site at the same time the agenda is published or at least four working days before the Committee meeting, whichever is earlier.”

Disposition: *Council re-opened Motion J(26) headed ‘Implementation of Municipal Act, 2001 - Revision to Notice Provisions’, adopted, without amendment, on May 21, 22 and 23, 2003, for further consideration, only insofar as it pertains to the requirement for a two-week notice period on the City’s web site, and adopted the balance of this Motion, without amendment.*

- (2) **Technical Amendment to Clause - Final Report – Partial Removal of Holding (H) Symbol and Draft Plan of Subdivision – TB ZBL 2002 0007 and TB SUB 2002 0001, Trinity Development Group (McNaughton Hermsen Britton Clarkson Planning Limited) – Southwest Corner of Dufferin Street and Steeles Avenue West – Ward 8 – York West**

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

“**WHEREAS** City Council at its meeting held on May 21, 22 and 23, 2003, adopted, without amendment, North York Community Council Report No. 4, Clause No. 14, headed ‘Final Report – Partial Removal of Holding (H) Symbol and Draft Plan of Subdivision – TB ZBL 2002 0007 and TB SUB 2002 0001 – Trinity Development Group (McNaughton Hermsen Britton Clarkson Planning Limited) – Southwest Corner of Dufferin Street and Steeles Avenue West – Ward 8 – York West; and

WHEREAS it is noted in Recommendation No. (1) of the Clause that the North York Community Council recommended the adoption of the report (April 22, 2003) from the Acting Director, Community Planning, North District, Urban Development Services, subject to Recommendation No. (3)(a) contained therein, being deleted; and

WHEREAS the Recommendation Number to be deleted was inadvertently shown as Recommendation No. (3)(a) which was to obtain Site Plan Approval under Section 41 of the Planning Act from the Acting Director, Community Planning, North District, rather than Recommendation No. (3)(c), which was to obtain a final and binding decision for Minor Variance Application #A309/02NY, pursuant to Section 45 of the Planning Act;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report No. 4, Clause No. 14, headed ‘Final Report – Partial Removal of Holding (H) Symbol and Draft Plan of Subdivision – TB ZBL 2002 0007 and TB SUB 2002 0001 – Trinity Development Group (McNaughton Hermsen Britton Clarkson Planning Limited) – Southwest Corner of Dufferin Street and Steeles Avenue West – Ward 8 – York West’, be re-opened for further consideration, only insofar as it pertains to the notation in the Clause regarding the deletion of Recommendation No. (3)(a);

AND BE IT FURTHER RESOLVED THAT the notation be amended to reflect the deletion of Recommendation No. (3)(c), so that Recommendation No. (1) of North York Community Council Report No. 4, Clause No. 14, shall read as follows:

“the adoption of the report (April 22, 2003) from the Acting Director, Community Planning, North District, Urban Development Services, subject to Recommendation (3)(c) contained therein, being deleted.”

Disposition: Council re-opened North York Community Council Report No. 4, Clause No. 14, headed ‘Final Report – Partial Removal of Holding (H) Symbol and Draft Plan of Subdivision – TB ZBL 2002 0007 and TB SUB 2002 0001 – Trinity Development Group (McNaughton Hermsen Britton Clarkson Planning Limited) – Southwest Corner of Dufferin Street and Steeles Avenue West – Ward 8 – York West’, for further consideration, only insofar as it pertains to the notation in the Clause regarding the deletion of Recommendation No. (3)(a), and adopted the balance of this Motion, without amendment.

- (3) **Reconsideration of the Naming of the Private Lane System at 2264 Lake Shore Boulevard West (Ref: Etobicoke Community Council Report No. 5, Clause No. 17)**

Moved by: Councillor I. Jones

Seconded by: Councillor Lindsay Luby

“WHEREAS City Council, at its meeting held on October 1, 2 and 3, 2002, adopted Clause No. 12 of Report No. 11 of The Etobicoke Community Council, headed ‘Naming of Private Lane System at 2264 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)’, and, in so doing, authorized the private lane system at 2264 Lake Shore Boulevard West to be named ‘Voisey Mews’; and

WHEREAS a number of new home purchasers in the development have suggested that the naming of the proposed public park would be a more appropriate means of commemorating Flora Voisey’s contributions to the local community; and

WHEREAS the Voisey family, the developer and Parks and Recreation staff have no objection to the alternative proposal of naming the proposed public park on the development site after Flora Voisey; and

WHEREAS the new home purchasers in the development have suggested ‘Yachters Lane’ as the alternative name for the private lane system in the development; and

WHEREAS there are no financial impacts associated with this Motion; and

WHEREAS Etobicoke Community Council, at its meeting held on June 11, 2003, recommended the adoption of the report (May 27, 2003) from the City Surveyor, Works and Emergency Services, respecting the matters referred to above, in the event that City Council re-opens Etobicoke Community Council Report No. 11, Clause No. 12 for further consideration;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke Community Council Report No.11, Clause No. 12, headed ‘Naming of Private Lane System at 2264 Lake Shore Boulevard West (Ward 6 – Etobicoke-Lakeshore), be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the report (May 27, 2003) from the City Surveyor, Works and Emergency Services respecting the naming of the proposed public park and private lane system at 2264 Lake Shore Boulevard West contained in Etobicoke Community Council Report No. 5, Clause No. 17, which is before Council for consideration, be adopted.”

Disposition: Council re-opened Etobicoke Community Council Report No. 11, Clause No. 12, headed ‘Naming of Private Lane System at 2264 Lake Shore Boulevard West (Ward 6 – Etobicoke-Lakeshore), for further consideration, and adopted the balance of this Motion, without amendment. [see also Page 21].

(4) **Use of Wedding Chamber at City Hall on Sunday, June 29, 2003**

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** by the adoption of Clause No. 2 of Executive Committee Report No. 21 at its Special Meeting of December 17th and 20th, 1993, the former City of Toronto Council authorized a lease (the ‘Lease’) in favour of Ministerial Associates Inc. (the ‘Tenant’) in respect of premises at City Hall to be used as a wedding chamber (the ‘Wedding Chamber’); and

WHEREAS pursuant to Section 5.00 of the Lease, the Tenant is not permitted access to the Wedding Chamber on Sundays; and

WHEREAS inquiries have been received relating to the holding of wedding celebrations in the Wedding Chamber on Sunday, June 29, 2003, during Pride Week in Toronto; and

WHEREAS it is desirable to make the Wedding Chamber available on Sunday, June 29, 2003;

NOW THEREFORE BE IT RESOLVED THAT the Lease be amended to permit access to the Wedding Chamber to be made available between the hours of 9:00 a.m. and 8:00 p.m. on Sunday, June 29, 2003, provided that the Tenant will be responsible for any additional costs and expenses incurred by the City in making the Wedding Chamber available for use for such time;

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

Disposition: The Motion was adopted, without amendment.

(5) **Official Plan Amendment and Zoning By-law Amendment to Permit the Construction of a Hotel and Residential Condominium at 311 Bay Street (Ward 28 – Toronto Centre – Rosedale)**

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“**WHEREAS** City of Toronto Council at its meeting of February 4, 5, 6, 10 and 11, 2003, adopted Clause No. 10 of Report No. 1 of The Toronto East York Community Council, headed ‘Draft By-laws – Official Plan Amendment and Rezoning – 311 Bay Street (Toronto Centre – Rosedale, Ward 28)’, and, in so doing, adopted the Final Report dated October 28, 2002, from the Director of Community Planning, South District, respecting Official Plan Amendment and Rezoning No. 101019 for the construction of a hotel and residential condominium at 311 Bay Street; and

WHEREAS Clause (ii) of the proposed Official Plan Amendment and Clause (1)(3) of the draft Zoning By-law amendment contained in Attachments 2 and 3 of that report respectively cite the total aggregate of the non-residential and residential gross floor area of the project as 65,900 square metres; and

WHEREAS the project Architect and the applicant’s Solicitor have informed City staff that the residential amenity space to be provided for the project was omitted from their floor area calculations so as to underestimate the floor area of the project by 2,300 square metres; and

WHEREAS the calculation error does not impact the height, massing or siting of the proposed building as approved by City Council; and

WHEREAS the Bills in Council to permit the proposed development are being submitted by the City Solicitor for approval at the current meeting of City Council;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 1, Clause No. 10, headed ‘Draft By-laws - Official Plan Amendment and Rezoning – 311 Bay Street (Toronto Centre - Rosedale, Ward 28)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Clause (ii) of the proposed Official Plan Amendment and Clause (1)(3) of the draft Zoning By-law amendment be amended to increase the aggregate of the residential and non-residential gross floor area by 2,300 square metres to 68,200 square metres;

AND BE IT FURTHER RESOLVED THAT City Council determine no further notice be given in respect of the Zoning By-law amendment incorporating the amendment referred to in the above recommendation.”

Disposition: Council re-opened Toronto East York Community Council Report No. 1, Clause No. 10, headed Draft By-laws – Official Plan Amendment and Rezoning – 311 Bay Street (Toronto Centre – Rosedale, Ward 28)’, for further consideration, and adopted the balance of this Motion, without amendment.

(6) **Proposed “Toronto: You Belong Here” Event Weekend**

Moved by: Councillor Nunziata

Seconded by: Councillor Ootes

“**WHEREAS** The Toronto: You Belong Here Campaign aims to motivate Torontonians to assist in the recovery efforts and to come out and support events, attractions and businesses across the City by being tourists in their own town; and

WHEREAS our Retailers have lost a great deal of business over the last three months and need all the help they can get to rebuild sales; and

WHEREAS Section 5 of the Retail Business Holidays Act, Regulation 711/91, provides that retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality; and

WHEREAS the Labour Day weekend is a holiday weekend with many events and festivals being held and celebrated across the City; and

WHEREAS the Mayor’s Toronto: You Belong Here Recovery Task Force agreed to forward this Motion to Council;

NOW THEREFORE BE IT RESOLVED THAT August 30, 31 and September 1, 2003, be declared ‘Toronto: You Belong Here Event Weekend’, and retail business establishments may remain open during the ‘Event’, if they so wish;

AND BE IT FURTHER RESOLVED THAT staff do all things necessary to advise retail establishments immediately.”

Disposition: The Motion was adopted, without amendment.

(7) **Deferral of the Sale of Waterfront Properties at 309 Cherry Street and 54 Commissioners Street for Back Taxes**

Moved by: Councillor Bussin

Seconded by: Councillor McConnell

“**WHEREAS** an important aspect of realizing the City’s vision of waterfront redevelopment hinges on the affordability of acquiring waterfront lands; and

WHEREAS the Treasurer has initiated the process to sell significantly large blocks of waterfront land - 309 Cherry Street and 54 Commissioner Street - for \$1.7 million in back taxes owed to the City of Toronto, in accordance with the Municipal Act; and

WHEREAS the Municipal Act requires that the properties be sold in the open market and prevents the City from taking back the properties to fulfil public purposes; and

WHEREAS the sale of these properties on the open market may cause the Waterfront Revitalization Corporation to face a bidding war in acquiring these lands, consequently damaging the public interest;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Chief Financial Officer and Treasurer to defer the sale of waterfront properties, 309 Cherry Street and 54 Commissioners Street for back taxes, to allow the Toronto Waterfront Revitalization Corporation an opportunity to seek a remedy from the Provincial Government in acquiring these properties directly from the City of Toronto.”

Disposition: The Motion was adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following:

“NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee on the process and options related to acquiring properties in the waterfront boundaries.”

(8) **Request of Toronto District School Board Supervisor to Withdraw Plans to Charge Parking User Fees to Toronto Residents for Overnight Parking in TDSB Neighbourhood School Parking Lots**

Moved by: Councillor Bussin

Seconded by: Councillor McConnell

WHEREAS neighbourhood school parking lots provide an invaluable parking resource for the residents of the City of Toronto, especially in its older downtown neighbourhoods; and

WHEREAS the Toronto District School Board (TDSB) intends to charge the current users of these parking lots excessive fees for overnight parking; and

WHEREAS the imposition of fees by the TDSB will undoubtedly result in the current users of the TDSB parking lots to seek parking on our already overburdened residential streets – causing a parking crisis; and

WHEREAS in a recent agreement with the TDSB, the City of Toronto agreed to provide \$11 million to TDSB over the next two years to keep 47 school pools open across the City; and

WHEREAS implicit in this agreement, the TDSB Supervisor, Paul Christie, agreed that there would be no additional user fees imposed upon the City of Toronto and its residents; and

WHEREAS the imposition of the parking user fees on the residents of the City is in violation of the spirit and intent of the school pools agreement;

NOW THEREFORE BE IT RESOLVED THAT City Council request that TDSB Supervisor, Paul Christie respect his agreement with the City on user fees and immediately withdraw plans to charge overnight parking user fees in neighbourhood TDSB parking lots.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

(9) **Funding to Assist With Ontario Municipal Board Appeal - 151-165 St. Clair Avenue West**

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“**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. 54, headed ‘Refusal Report - Applications for Amendments to the Official Plan and Zoning By-law and for Site Plan Approval - 151-165 St. Clair Avenue West, 468 Avenue Road Holdings Inc. - Application No. 202002 - CMB 2002 0002 (St. Paul’s - Ward 22)’, and, in so doing, refused the application for an Official Plan Amendment, Re-zoning and Site Plan Approval at 151-165 St. Clair Avenue West and directed the City Solicitor and appropriate City staff to appear at the Ontario Municipal Board to defend City Council’s decision; and

WHEREAS the proposed development would be 24 storeys and would have a density of 17 times the area of the lot; and

WHEREAS this property is within site specific policy area #221 of the new Toronto Official Plan which contemplates intensification between 4 and 6 storeys and this policy has been re-affirmed by the Great Gulf development at Russell Hill Road and St. Clair Avenue West; and

WHEREAS the Zoning By-law permits a density of 2 times the area of the lot and permits 14 metres in height; and

WHEREAS the developer has assembled a highly skilled team of consultants led by Mr. Adam Brown; and

WHEREAS, if approved, this development would pose a significant threat to the neighbourhoods abutting St. Clair Avenue West; and

WHEREAS with after-tax dollars, the Committee For the Rational Development of St. Clair and Avenue Road expects to spend upwards of \$110,000.00 to have professional representation at the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council authorize a contribution to the Committee For the Rational Development of St. Clair and Avenue Road in the amount of \$5,000.00, funds to be drawn from the Legal Services reserve account for Ontario Municipal Board appeals;

AND BE IT FURTHER RESOLVED THAT Toronto City Council thank the executive of the Committee for their vigilance on behalf of their community and the new Official Plan.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

(10) **Annual Sorauren Park Festival – Designation as Community Festival**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Rae

“**WHEREAS** the Annual Sorauren Park Festival is an important festival activity within the City of Toronto and will be held in Sorauren Park on Saturday July 19, 2003, from 8:00 a.m. to 11:00 p.m.; and

WHEREAS the Annual Sorauren Park Festival is an enriching event, providing the community with many opportunities for sharing; and

WHEREAS the Annual Sorauren Park Festival is seeking to have a Flea Market, Craft sale and Children’s Activities from 8:00 a.m. to 4:00 p.m., and a Community Concert and Beer Garden from 12:00 p.m. to 11:00 p.m.; and

WHEREAS the Annual Sorauren Park Festival is seeking, on behalf of its participants, a special occasion permit under the Community Festival section of the Ontario Liquor License Act; and

WHEREAS pursuant to Section 40 of the Regulations of the Ontario Liquor Licence Act, an application for a special occasion permit for an event that is a community festival must be accompanied by a Resolution approving an event as a community festival made by the local Council for the municipality in which the event is to occur;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto deem the Annual Sorauren Park Festival to be held on Saturday, July 19, 2003, to be a community festival and that the Alcohol and Gaming Commission be so advised.”

Disposition: The Motion was adopted, without amendment.

(11) **Funding for Stay Alert, Stay Safe Campaign**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Silva

“**WHEREAS** the Stay Alert, Stay Safe Organization was created specifically to combat the threat of abduction through promotional materials and high profile Safety Mascots; and

WHEREAS abduction of children remains a leading threat to children’s safety; and

WHEREAS the Stay Alert, Stay Safe Organization has relied on the Toronto Police Service and the schools as the principal means of building an awareness and distributing street proofing material to children and parents; and

WHEREAS in light of the recent abduction attempts, there is a need to continue the safety campaign over the summer months; and

WHEREAS the City of Toronto operates several high profile Special Events, and offers summer recreation programs in over 180 full time community facilities, 59 outdoor pools, hundreds of playground/wading pool locations and 98 libraries; and

WHEREAS the Parks and Recreation Division has identified Children and Youth as one of three key priorities in its mission statement; and

WHEREAS the Youth Safety Sub-Committee endorsed the idea of working with the Stay Alert, Stay Safe Organization through the City departments and communication networks;

NOW THEREFORE BE IT RESOLVED THAT City Council support ‘Stay Alert, Stay Safe’ in implementing a summer safety campaign in partnership with the City’s Parks and Recreation Division; and that \$20,000.00 be approved from Corporate Contingency, to assist with the implementation costs of this campaign.”

Disposition: The Motion was referred to the Policy and Finance Committee.

(12) **Nomination for the Senior of the Year Award, 2003**

Moved by: Councillor Johnston

Seconded by: Councillor I. Jones

“**WHEREAS** Ms. Alice Graham has been a pioneering volunteer at Fudger House; and

WHEREAS her work as a volunteer for over 25 years has been a source of comfort and enrichment for seniors in our City; and

WHEREAS the Government of Ontario has asked the City to nominate a senior who has ‘enriched the social, cultural or civic life of the community without thought of personal or financial gain’; and

WHEREAS Ms. Graham is so clearly a worthy nominee for this honour;

NOW THEREFORE IT BE RESOLVED THAT the City of Toronto nominate Ms. Alice Graham for the Senior of the Year Award and the Province of Ontario be so advised.”

Disposition: The Motion was adopted, without amendment.

(13) **Hospital Services – York South – Weston Catchment Area**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

“**WHEREAS** a new ‘Super Hospital’ at Keele Street and Sheppard Avenue, on the former DND lands in Downsview, was originally proposed as a replacement for hospital services currently provided at the Church Street and Finch Avenue sites and the former Northwestern General Hospital; and

WHEREAS it appears the super hospital plan may be abandoned and neither the Finch Avenue site nor the Church Street site has been expanded; and

WHEREAS the first step of this project was the closure of Northwestern General Hospital which has resulted in above average time in the transfer of patients by Toronto EMS paramedics to the Church and Finch Avenue sites; and

WHEREAS there is growing concern that proposed plans for hospital services introduced in other parts of the City of Toronto have been completed as planned and plans in this area have been delayed inordinately or even abandoned;

NOW THEREFORE BE IT RESOLVED THAT the City urge the Ontario Provincial Government to actively resume their plans to improve hospital services in the York South-Weston catchment area;

AND BE IT FURTHER RESOLVED THAT the Ontario Provincial Government be requested to commit to a realistic delivery date for this proposed remedy;

AND BE IT FURTHER RESOLVED THAT in the alternative, the Ontario Provincial Government be requested to share with the City of Toronto the compelling reasons that continue to prevent the implementation of their proposed plans in the York-South-Weston catchment area.”

Disposition: The Motion was adopted, without amendment.

(14) **Ownership of Private Laneway on Hearne Avenue**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Dominelli

“**WHEREAS** the City has, for years, permitted the existence of a privately-owned laneway on Hearne Avenue in the Jane Street and Lawrence Avenue area which has a major drainage problem and is in a poor state of repair; and

WHEREAS the subject laneway is bounded by residential property owners on one side who own the laneway and commercial property owners on the other side who use the laneway by virtue of a right-of-way over it; and

WHEREAS the laneway is physically separated by fencing from the owners of the laneway and there have been recurring disagreements over the maintenance of the laneway that have gone unresolved; and

WHEREAS ostensibly, the City has not taken the opportunity to introduce improvements to the laneway through the development process; and

WHEREAS a recent City decision to discontinue an established practice of City trucks using the laneway for the collection of garbage reflects the poor maintenance of the laneway; and

WHEREAS the only remaining option to address this untenable situation is legal action initiated by the City to resolve the matter in an equitable fashion and such legal action will inevitably result in costly multi-party litigation and counter claims; and

WHEREAS there are few, if any, other examples of laneways that service commercial properties fronting on major arterial roads and that have not been assumed by the City;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff review the number of similar laneways that exist in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff review the feasibility and advantages of assuming the subject laneway, as well as explore the possibility of acquiring the laneway for a nominal amount;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to submit a report to the Works Committee outlining the unique ownership and use conditions of the laneway as well as alternatives to legal action.”

Disposition: *The Motion was adopted, without amendment.*

(15) **Reconsideration of Inclusion of 16 Munition Street – Queen’s City Foundry in Inventory of Heritage Properties**

Moved by: Councillor L. Jones

Seconded by: Councillor Rae

“**WHEREAS** the property known as 16 Munition Street was recommended for inclusion on the City of Toronto’s Inventory of Heritage Properties by the Toronto Preservation Board at its meeting held on January 9, 2003; and

WHEREAS the Toronto East York Community Council at its meeting held on May 6, 2003, considered a report from the Toronto Historical Board recommending that the property be included in the Inventory of Heritage Properties; and

WHEREAS City Council at its meeting held on May 21, 22 and 23, 2003, adopted, without amendment, Toronto East York Community Council Report No. 5, Clause No. 10, headed ‘Inclusion on the City of Toronto Inventory of Heritage Properties - Central Waterfront (East Bayfront and Port Lands Industrial Area) (Toronto Centre-Rosedale, Ward 28 and Toronto-Danforth, Ward 30)’, and, in so doing, adopted the recommendation from the Toronto Preservation Board that 16 Munition Street be included on the Inventory of Heritage Properties; and

WHEREAS due to a clerical error, the property owner did not receive notification of the Toronto East York Community Council meeting of May 6, 2003, and did not have the opportunity to depute on the item; and

WHEREAS the property owner wishes to address the item at the next meeting of Toronto East York Community Council;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 5, Clause No. 10, headed ‘Inclusion on the City of Toronto Inventory of Heritage Properties - Central Waterfront (East Bayfront and Port Lands Industrial Area) (Toronto Centre-Rosedale, Ward 28 and Toronto-Danforth, Ward 30)’, be re-opened for further consideration, only insofar as it pertains to 16 Munition Street;

AND BE IT FURTHER RESOLVED THAT:

- (1) City Council refer the inclusion of 16 Munition Street on the inventory of heritage properties back to the Toronto East York Community Council for consideration at its meeting to be held on July 8, 2003;
- (2) the owner of 16 Munition Street be provided with notice of the date of the Community Council meeting and given the opportunity to address Community Council on the matter; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Disposition: Council re-opened Toronto East York Community Council Report No. 5, Clause No. 10, headed 'Inclusion on the City of Toronto Inventory of Heritage Properties - Central Waterfront (East Bayfront and Port Lands Industrial Area) (Toronto Centre-Rosedale, Ward 28 and Toronto-Danforth, Ward 30)', for further consideration, only insofar as it pertains to 16 Munition Street, and adopted the balance of this Motion, without amendment.

(16) **Commission Rate – Sale of City-Owned Land Located on the East Side of Everett Crescent**

Moved by: Councillor Tziretas

Seconded by: Councillor Rae

“**WHEREAS** City Council, at its meeting held on May 21, 22 and 23, 2003, adopted, without amendment, Toronto East York Community Council Report No. 5, Clause No. 46, headed ‘Sale of Surplus Vacant Land – East Side of Everett Crescent (Beaches – East York, Ward 31)’ and, in so doing, authorized the sale of a parcel of surplus vacant land on the east side of Everett Crescent (the ‘Lands’), for a purchase price of \$90,000.00, on the terms set out in the Clause; and

WHEREAS the Report provides that commission is to be payable at the rate of three percent (3%) of the purchase price; and

WHEREAS pursuant to the City’s agreement with the listing broker, commission is payable at the rate of three percent (3%) of the purchase price if the listing broker is also the selling broker, and there is no co-operating broker; however, commission is payable at the rate of four percent (4%) of the purchase price if there is a co-operating broker; and

WHEREAS the agreement of purchase and sale for the sale of the Lands was entered into with the assistance of a co-operating broker, Exit Realty Professionals; and

WHEREAS it is necessary to provide for payment of commission at the rate of four percent (4%) of the purchase price in order to permit the completion of the sale transaction in accordance with the City’s agreement with the listing broker;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 5, Clause No. 46, headed ‘Sale of Surplus Vacant Land – East Side of Everett Crescent (Beaches – East York, Ward 31)’, be re-opened for further consideration, only insofar as it pertains to the commission rate;

AND BE IT FURTHER RESOLVED THAT commission at the rate of four percent (4%) of the purchase price be payable on closing of the sale of the Lands;

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

Disposition: Council re-opened Toronto East York Community Council Report No. 5, Clause No. 46, headed “Sale of Surplus Vacant Land – East Side of Everett Crescent (Beaches – East York, Ward 31)”, for further consideration, only insofar as it pertains to the commission rate, and adopted the balance of this Motion, without amendment.

(17) **Appeal of Committee of Adjustment Decision - 9 Portage Avenue**

Moved by: Councillor Nunziata

Seconded by: Councillor Di Giorgio

“**WHEREAS** a Committee of Adjustment hearing was held on June 17, 2003, in regard to File No. B53/03HY, to obtain consent to sever the land into two detached residential dwelling lots; File No. A181/03HY, to demolish the existing garage and to construct a new two-storey dwelling with an integral garage at grade on the newly created lot; and File No. A182/03HY, to maintain the existing one-storey dwelling as constructed on a reduced lot area; and

WHEREAS the Committee of Adjustment approved the said applications by a 3 to 2 vote; and

WHEREAS the residents in the area are strongly in opposition to the variances requested; and

WHEREAS the existing one-storey dwelling is proposed to be maintained and a new two-storey detached dwelling is proposed in what was originally to be the rear yard of the severed lot; and

WHEREAS the proposed lots are substantially smaller than those existing in the neighbourhood with respect to lot area and frontage, and therefore are inconsistent with the Official Plan policy related to lot creation by way of severance; and

WHEREAS the two proposed lots will be less than half the required lot area and deficient in lot frontage and width; and

WHEREAS the proposed lots results in an inconsistent lot pattern for the area, with marginal rear yards and a significant elevated first floor; and

WHEREAS the existing lot does not have the necessary area to accommodate the proposed two-storey dwelling, in a manner that is sensitive to the existing community character and lot patterns for the area; and

WHEREAS the previously approved severance is sufficient intensification for these lands; and

WHEREAS the current proposal is over-development for the lands; and

WHEREAS the Acting Director, Community Planning, North District, in a report to the Committee of Adjustment, recommended the refusal of the consent to sever and the minor variance application, as the general intent of the Official Plan and Zoning by-law are not maintained; and

WHEREAS in the opinion of the Acting Director, Community Planning, North District, the variances sought are not appropriate for the development of the lands and the variances sought are not minor in nature;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto appeal the subject Committee of Adjustment decision to the Ontario Municipal Board and that the City Solicitor and the Commissioner, Urban Development Services, be authorized to attend the Ontario Municipal Board in opposition to the Committee of Adjustment decision.”

Disposition: The Motion was adopted, without amendment.

(18) **Requested Amendments to the Municipal Elections Act, 1996**

Moved by: Councillor Holyday

Seconded by: Councillor Soknacki

“**WHEREAS** the possibility exists a provincial election could be called in the fall, either before or after the last day for the certification of nominations for municipal office (September 29, 2003), and prior to election day (November 10, 2003); and

WHEREAS some candidates that are running for municipal office may also seek provincial office, and ultimately could be elected as a Member of the Legislative Assembly of Ontario (MPP), in the provincial election; and

WHEREAS the situation could occur that a municipal candidate is first elected to the Legislative Assembly of Ontario, and then subsequently elected to a municipal office; and

WHEREAS a MPP is not eligible to seek election to, or hold office, on a municipal council, but a candidate for election to the Legislative Assembly of Ontario who is not currently a MPP, is not subject to this prohibition; and

WHEREAS there is no legislative authority for the Clerk to remove a candidate’s name from the ballot (other than that of a deceased candidate) should that candidate become ineligible to hold municipal office after the certification of nominations (4:00 p.m., September 29, 2003); and

WHEREAS this may result in the need to conduct by-elections in these wards at a cost of approximately \$135,000.00 per ward, plus the cost of a campaign contribution program should Council decide to implement such a program;

NOW THEREFORE BE IT RESOLVED THAT Council request the Minister of Municipal Affairs and Housing to amend the Municipal Elections Act, 1996 to provide that a candidate who becomes ineligible to be elected to, or hold municipal office at any time between the close of nominations (5:00 p.m., September 26, 2003) and election day, shall be treated in the same manner as a deceased candidate, specifically:

- (1) if the removal of the candidate's name would not result in an acclamation:
 - (a) if the ballots have not yet been printed, the Clerk would have the authority to remove a candidate's name from the ballot; and
 - (b) if the ballots have been printed, the Clerk would have the authority to post signs in the voting place advising electors of the candidate's ineligibility to be elected, and to provide that the election shall be conducted as if the candidate had not been nominated, i.e., no votes shall be counted for the candidate; and
- (2) if the removal of the candidate's name would result in an acclamation, the Clerk would be required to conduct a by-election;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the Minister of Municipal Affairs and Housing for his consideration and action.”

Disposition: The Motion was adopted, without amendment.

(19) **Long Term Lease of a Portion of the Murray Ross Parkway Road Allowance (Ward 8 – York West)**

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

“**WHEREAS** City Council, at its meeting of May 21, 22 and 23, 2003, adopted, as amended, Clause No. 21 of Report No. 4 of The North York Community Council, headed ‘Surplus Land Declaration and Proposed Closing of a Portion of the Murray Ross Parkway Road Allowance’; and

WHEREAS Tennis Canada, the proposed Lessee of the road allowance to be closed and leased, is scheduled to commence construction during the summer of 2003, in order to complete the proposed development in time for hosting the 2004 Tennis Masters Canada Men's Tournament; and

WHEREAS the Commissioner of Corporate Services has prepared the attached report dated June 20, 2003, recommending the approval of a Lease with Tennis Canada, on the terms and conditions set out in such report;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the report dated June 20, 2003, from the Commissioner of Corporate Services, entitled ‘Long-term Lease of a Portion of the Murray Ross Parkway Road Allowance’, and that such report be adopted.”

Disposition: *The Motion was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated June 20, 2003, from the Commissioner of Corporate Services, embodying the following recommendations:*

“It is recommended that:

- (1) authority be granted for the City to enter into a Long-term Lease Agreement with the Canadian Tennis Association c.o.b. as Tennis Canada (‘Tennis Canada’) for a portion of the Murray Ross Parkway road allowance (the ‘City Lands’) shown as Part 1 on Sketch No. PS-2003-056 on the terms and conditions as outlined in the body of this report;*
 - (2) authority be granted for the City to enter into a Permission to Enter Agreement with Tennis Canada in respect of the City Lands, on the terms and conditions outlined in the body of this report;*
 - (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses; and*
 - (4) the appropriate City officials be authorized and directed to take necessary action to give effect thereto.”*
- (20) **Freedom of Information Request – Removal of Trees at Bales Avenue and Glendora Avenue (Ward 23, Willowdale)**

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** City Council at its meeting held on April 14, 15 and 16, 2003, adopted, without amendment, North York Community Council Report No. 3, Clause No. 19, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2002 0005, TB SPC 2002 0034, 1314193 Ontario Limited - 27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue - Ward 23 – Willowdale’; and

WHEREAS Council also had before it a confidential report dated April 7, 2003, from the City Solicitor, pertaining to this matter, and in that report the City Solicitor made various statements related to the unauthorized removal of City trees on the site; and

WHEREAS Councillor John Filion, who is the Councillor for that area and is mentioned in the report, believes there are several inaccurate or misleading statements contained in the report; and

WHEREAS Councillor Filion requires access to the City files on this matter, in order to prepare a response to Council and the City Solicitor with regard to statements made in her report of April 7, 2003; and

WHEREAS Councillor Filion was denied access to the files by the City Solicitor; and

WHEREAS following a subsequent Freedom of Information request, Councillor Filion was again denied access to the files and specifically to some 65 pages of material on the grounds of Solicitor Client Privilege; and

WHEREAS in this instance, City Council is the client;

NOW THEREFORE BE IT RESOLVED THAT City Council waive Solicitor-Client privilege with regard to the contents of the file and the Freedom of Information request so that any Member of Council who so wishes can have access to this information;

AND BE IT FURTHER RESOLVED THAT the City Clerk determine which, if any, of the documents should be provided to Members of Council on a Confidential basis only, in accordance with the rules governing such matters.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

(21) **2003 Operating Budget Shortfall – Toronto Zoo**

Moved by: Councillor Mammoliti

Seconded by: Councillor Tziretas

“**WHEREAS** the Toronto Zoo is a beloved jewel to the citizens of Toronto; and

WHEREAS the Toronto Zoo has a strong international reputation; and

WHEREAS the Toronto Zoo is a world leader in animal care, breeding, conservation, education and research; and

WHEREAS the Toronto Zoo is an asset owned by the City of Toronto and its citizens; and

WHEREAS the recent SARS outbreaks have been devastating on attendance at the Toronto Zoo and the outlook for the remainder of 2003 is not encouraging; and

WHEREAS the Toronto Zoo will have a forecasted budget shortfall by year end; and

WHEREAS it has never been more important for the City of Toronto Council to show its support for the Zoo's services and programs;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto recognize that the Toronto Zoo will have an operating shortfall in 2003 and instruct the Zoo Board of Management to maintain its wonderful programs, its service to the public and to its animal collection;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto receive the attached reports from the Toronto Zoo."

Disposition: The Motion was adopted, subject to adding the following new Operative Paragraphs:

"AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer and the Chief Financial Officer and Treasurer, during their discussions with the Federal and Provincial Governments respecting revenue to the City of Toronto, be requested to put the Toronto Zoo high on the priority list;

AND BE IT FURTHER RESOLVED THAT the General Manager of the Toronto Zoo be requested to prepare a budget variance reporting mechanism satisfactory to the Chief Administrative Officer and the Chief Financial Officer and Treasurer;

AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer be requested to include, as part of his variance report in September 2003, specific options on ways and means of funding the Toronto Zoo for an additional \$1.5 million, including debenturing and funding from the Contingency Account."

(22) **Installation of Street Lighting – Mathersfield Drive (Ward 27 – Toronto Centre – Rosedale)**

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS at its meeting held on May 21, 22 and 23, 2003, City Council adopted Motion J(21), without amendment, and, in so doing, adopted the report dated May 21, 2003, from the Commissioner of Works and Emergency Services, recommending that the South Rosedale Subdivision Agreement be amended on certain terms and conditions so

as to permit residents of Mathersfield Drive to have new street lights installed on Mathersfield Drive at their own expense; and

WHEREAS one of the conditions to amending the South Rosedale Subdivision Agreement was that the developer and the builder would release to the City any interests the developer and builder had in the existing street lights and those street lights could then be used by the City elsewhere; and

WHEREAS to off-set the cost of the new streetlights, the residents wish to be allowed to sell the existing streetlights for \$7,000.00;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(21), headed ‘Installation of Street Lighting – Mathersfield Drive (Ward 27 – Toronto Centre – Rosedale)’, be re-opened for further consideration;

AND FURTHER BE IT RESOLVED THAT the conditions to the amendment of the South Rosedale Subdivision be amended so as to delete the requirement that the developer’s and the builder’s interests in the existing streetlights be released to the City.”

Disposition: Council re-opened Motion J(21), headed “Installation of Street Lighting – Mathersfield Drive (Ward 27 – Toronto Centre – Rosedale)”, adopted by Council on May 21, 22, and 23, 2003, for further consideration, and adopted the balance of this Motion, without amendment.

(23) **Road Closures and Restrictions for Outdoor Concert – Downsview Park - July 30, 2003**

Moved by: Councillor Feldman

Seconded by: Councillor Augimeri

“**WHEREAS** the City of Toronto has supported the presentation of an outdoor concert at Downsview Park on July 30, 2003; and

WHEREAS the Transportation Services Division has identified several roadways where temporary closure or lane restrictions are required to ensure the safety of attendees to the outdoor concert and adequate traffic circulation in the adjacent neighbourhoods;

NOW THEREFORE BE IT RESOLVED THAT the closures and restrictions identified in the following list of streets be approved:

Roadway	Direction	Limits	Date/Time
W. R. Allen Road	Northbound	Highway 401 to Kennard Avenue	12:01 a.m. July 30 to 5:00 a.m. July 31
W. R. Allen Road	Southbound	Steepprock Drive to Highway 401	12:01 a.m. July 30 to 5:00 a.m. July 31

Wilson Avenue	Eastbound	Dufferin Street to Wilson Heights Boulevard	9:30 p.m. July 30 to 5:00 a.m. July 31
Wilson Avenue	Westbound	Wilson Heights Boulevard to Dufferin Street	12:01 a.m. July 30 to 5:00 a.m. July 31
Sheppard Avenue West	Eastbound	Chesswood Drive to Wilson Heights Boulevard	12:01 a.m. July 30 to 5:00 a.m. July 31
Sheppard Avenue West	Westbound	Wilson Heights Boulevard to Chesswood Drive	9:30 p.m. July 30 to 5:00 a.m. July 31
Transit Road	Northbound	Wilson Avenue to W. R. Allen Road	12:01 a.m. July 30 to 5:00 a.m. July 31
Transit Road	Southbound	W. R. Allen Road to Wilson Avenue	12:01 a.m. July 30 to 5:00 a.m. July 31

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

Disposition: *The Motion was adopted, subject to adding thereto the following new Operative Paragraph:*

“AND BE IT FURTHER RESOLVED THAT the Chief of Police, Toronto Police Service, be requested to submit a report to the July 22, 2003 Council meeting on the status of the security arrangements for the Rolling Stones Concert at Downsview Park, including crowd management.”

(24) **Added Parking Facilities at the Assembly Hall, 1 Colonel Samuel Smith Park Drive**

Moved by: Councillor I. Jones

Seconded by: Councillor Miller

“WHEREAS the Assembly Hall at 1 Colonel Samuel Smith Park Drive currently has a significant shortage of parking facilities; and

WHEREAS this lack of parking is detrimentally affecting the operation of the facility, its capacity to generate revenue and deliver community programs; and

WHEREAS funds for the construction of additional parking facilities exist within the approved 2003 Culture Division Capital Budget; and

WHEREAS the plans for the construction of additional parking facilities have already been developed; and

WHEREAS the commencement of construction is being delayed by ongoing negotiations with Humber College regarding issues not directly related to the actual construction of additional parking facilities;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto direct City of Toronto staff to commence with the planned construction of additional parking facilities as soon as possible, while concurrently continuing negotiations with Humber College officials with respect to any outstanding issues.”

Disposition: The Motion was adopted, without amendment.

(25) **Declaration of Surplus – 20 Sewells Road, Toronto**

Moved by: Councillor Walker

Seconded by: Councillor Mihevc

“**WHEREAS** City Council at its meeting held on February 4, 5, and 6, 2003, adopted Clause No. 8 of Report No. 2 of The Administration Committee, entitled ‘Proposed Acquisition of 20 Sewells Road’, thereby granting authority to acquire 20 Sewells Road (the ‘Property’) and enter into related agreements in connection with the purchase of the Property; and

WHEREAS the City acquired the Property for the purpose of affordable and transitional rental housing to be constructed on the Property by Wigwamen Incorporated under the terms of a long-term lease; and

WHEREAS the City is required to declare the Property surplus to municipal requirements under the Municipal Act; and

WHEREAS the City only acquired title to the Property on June 24, 2003; and

WHEREAS due to the time sensitivity of meeting all of the steps necessary to declare the Property surplus and approve the long term lease, prior to the upcoming break in the Council schedule, and in order to ensure that Wigwamen Incorporated will have the right to start construction under the long term lease prior to the expiry of federal funding under a federal homelessness initiative, it is necessary that the declare surplus matter be considered at the June 2003 Council meeting;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the joint report dated June 24, 2003, from the Commissioner of Corporate Services and the Commissioner of Community and Neighbourhood Services, and that such joint report be adopted.”

Disposition: *The Motion was adopted, without amendment, and, in so doing, Council adopted, without amendment, the joint report dated June 24, 2003, from the Commissioner of Corporate Services and Commissioner of Community and Neighbourhood Services, embodying the following recommendations:*

“It is recommended that:

- (1) the Property be declared surplus to the City's requirements, with the intended method of disposal to be by a long-term lease to the successful proponent previously selected by Council by its adoption of Clause No. 19 of Report No. 7 of The Community Services Committee at its Special Meeting held on July 30, 31 and August 1, 2002, to facilitate the development and provision of affordable and transitional housing;*
- (2) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code, be taken;*
- (3) authority be granted for the negotiation of the long-term lease described in Recommendation No. (1) and any mortgages/charges or other agreements, deemed appropriate, all such terms and conditions as are satisfactory to the Commissioner of Corporate Services and Commissioner of Community and Neighbourhood Services and all in a form acceptable to the City Solicitor;*
- (4) authority be granted for the negotiation of the grant of an easement over Part 2 to the Adjacent Owner for an existing sewer connection with all terms and conditions being satisfactory to the Commissioner of Corporate Services and Commissioner of Community and Neighbourhood Services and all in a form acceptable to the City Solicitor; and*
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.”*

(26) **Appeal to the Ontario Municipal Board –1570 Kipling Avenue**

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Hall

“**WHEREAS** the Etobicoke Committee of Adjustment refused an application for a parking lot extension for a property at 1570 Kipling Avenue; and

WHEREAS the applicant has appealed the Committee's decision to the Ontario Municipal Board; and

WHEREAS the proposal for a parking lot extension is not an appropriate use of the land;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to send a member of her staff to attend the Ontario Municipal Board to oppose the application, to ask that the City be added as a party to the Hearing and to make appropriate arrangements for expert witnesses.”

Disposition: The Motion was adopted, without amendment.

(27) **Proposed Amendment to the Taxpayer Protection Act**

Moved by: Councillor Moscoe

Seconded by: Councillor Johnston

“**WHEREAS** the Tory Government of Ernie Eves has recently announced, as a plank in their election platform, that they would amend the Taxpayer Protection Act to require municipalities to conduct a referendum, in order to be able to raise property taxes; and

WHEREAS this is nothing more than a cheap attempt to scapegoat municipal governments; and

WHEREAS such a provision is an expression of contempt for the some 450 democratically-elected governments across Ontario; and

WHEREAS to date, over 50 municipal governments have adopted Resolutions in opposition to this desperate attempt to grab for votes; and

WHEREAS the Association Municipalities of Ontario (AMO), despite offers from Minister Young and Premier Eves to discuss the details of the legislation, has refused to enter into such discussions, taking the position that it is unalterably opposed to the legislation and will not participate in discussing the details of its own funeral; and

WHEREAS given that the Province has (1) by regulation exempted itself from the Taxpayer Protection Act; (2) offered so many exceptions as to render the act the Taxpayer 'Deception' Act; (3) imposed more regulations, controls and restrictions on municipalities than did the former Communist Government of the Soviet Union; (4) broken its promise to remove education from the property tax bill and instead has chosen to set the mill rate so as to suck property tax money out of Toronto and spray it around the Province; and (5) caused the pressure on the municipal tax base by downloading responsibilities and costs onto municipalities and forced them to pay expenses that were previously provincial responsibility;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto express its unalterable opposition to the Taxpayer Protection (Deception) Act and this contemptuous proposal;

AND BE IT FURTHER RESOLVED THAT if the Government is so interested in a referendum, that it have the intestinal fortitude to have one on its own mandate and be requested by Council to call a Provincial election now;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to seek an outside legal opinion on the decision of the Province to exempt itself by Regulation from the requirements of the Taxpayer Protection Act;

AND BE IT FURTHER RESOLVED THAT this position be conveyed to AMO, the Opposition Parties at Queen's Park and the Government of Ontario;

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003. Council further directed that this Motion be dealt with at such meeting.

(28) **Remuneration of the Incoming Council**

Moved by: Councillor Moscoe

Seconded by: Councillor Silva

“WHEREAS it has been traditional for the outgoing Council to undertake a review of the remuneration of the incoming Council;

NOW THEREFORE BE IT RESOLVED THAT Council establish an Ad Hoc Review Panel to make recommendations regarding the remuneration for the incoming Members of Council for the new term;

AND BE IT FURTHER RESOLVED THAT such Panel include at least two representatives of the Board of Trade, two representatives of the Toronto and York Region Labour Council and three representatives of the general public selected through the Nominating Committee process;

AND BE IT FURTHER RESOLVED THAT this Panel be directed to review compensation paid to Councillors in other comparable cities;

AND BE IT FURTHER RESOLVED THAT in so reviewing the appropriate level of compensation, the Panel review compensation levels for Provincial and Federal members, as well as those in the surrounding municipalities like Mississauga;

AND BE IT FURTHER RESOLVED THAT the Panel submit its recommendation directly to the September 22, 2003 meeting of Council, and that Council agree in advance, to adopt, without debate, the recommendations of the Panel, and enact a compensation By-law to take effect December 1, 2003.”

Disposition: Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

(29) **Expressing Congratulations to Team Canada and Anson Carter**

Moved by: Councillor Kelly

Seconded by: Councillors Shaw, Duguid and Lindsay Luby

“**WHEREAS** Canada recently won the gold medal at the 2003 World Hockey Championships in Finland, defeating Sweden 3 to 2; and

WHEREAS the winning goal was scored in overtime by Anson Carter; and

WHEREAS Anson was born and raised in Toronto; and

WHEREAS Anson is not only a natural athlete but a good student, a product of loving and nurturing parents, and a role model for all young people; and

WHEREAS Anson’s success can also be attributed to his loving parents, Valma and Horace Carter; and

WHEREAS Anson has not only made his parents and community proud, but has represented his native city with distinction;

NOW THEREFORE BE IT RESOLVED THAT Council offer its congratulations to both Team Canada and Anson Carter in particular, and that the Mayor present Anson, Valma and Horace Carter with the keys to the City.”

Disposition: The Motion was adopted, without amendment.

(30) **Revision to the City's Coat of Arms**

Moved by: Councillor Kelly

Seconded by: Councillor Sutherland

“**WHEREAS** in 1998, the Council of the City of Toronto adopted a Coat of Arms; and

WHEREAS the figures and emblems on the Coat of Arms are purported to be representative of the local flora and fauna; and

WHEREAS the medallions worn by the figures of the beaver and bear contain representations of the alder leaf and the columbine flower; and

WHEREAS the City of Toronto has now fallen into a state of obvious neglect; and

WHEREAS in the parks and on the municipal boulevards, the evidence of the neglect in the form of weeds is growing daily; and

WHEREAS the weed problem will only be exacerbated by the recent Council decisions to desist from implementing proven weed control programs; and

WHEREAS it is important to keep the City symbols relevant;

NOW THEREFORE BE IT RESOLVED THAT the representations of the alder leaf and the columbine flower on the medallions worn by the beaver and the bear on the City's Coat of Arms be replaced by the more fitting symbols of the dandelion and ragweed flower.”

Disposition: Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

(31) **Review of Residential Water Billing Frequency**

Moved by: Councillor Walker

Seconded by: Councillor Altobello

“**WHEREAS** at the present rate of water consumption, the City of Toronto is facing a tremendous strain on its existing water and wastewater infrastructure; and

WHEREAS assisting water users to reduce their consumption would significantly decrease the City's need to spend hundreds of millions of dollars to upgrade its infrastructure; and

WHEREAS water use in the residential sector accounts for about 52 percent of all the water supplied in the City of Toronto; and

WHEREAS the average home uses slightly less than 0.8 cubic metres of water a day, equivalent to four bathtubs full of water; and

WHEREAS an unattended water leak the size of a pinhead can waste 0.77 cubic metres of water a day, almost doubling a home's average water usage; and

WHEREAS the common occurrence of a leaking toilet can easily add over \$200.00 to a residential water bill over the course of a single water billing period; and

WHEREAS most homeowners rely on their water bill as a means of tracking their water usage; and

WHEREAS City of Toronto residential water customers are currently billed for their water usage once every four months; and

WHEREAS increasing the frequency of water billings would assist residential water consumers to better monitor their water usage and more quickly identify any water wastage;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Chief Financial Officer and Treasurer to report to the Policy and Finance Committee regarding the feasibility of increasing the frequency of residential water meter reading and billing in conjunction with the implementation of the new wireless radio meter reading program.”

Disposition: The Motion was referred to the Policy and Finance Committee.

(32) **Reaffirmation of Support for International Aids Conference 2006**

Moved by: Councillor Rae

Seconded by: Councillor Shiner

“**WHEREAS** at its meeting of October 1 and 2, 1998, City Council adopted, with amendments, the report on the International Aids Conference in 2004; and

WHEREAS the City has committed to providing a \$1.0 million (U.S.) loan or loan guarantee to the legal entity established by the International Aids Society for the Toronto Conference, provided that a satisfactory business plan for the subject event is made available to the City; and

WHEREAS the City has granted authority to staff to negotiate an agreement with the legal entity established by the International Aids Society for the Toronto Conference, which sets out the terms and conditions under which a loan or loan guarantee would be provided, subject to the satisfaction of the Chief Financial Officer and Treasurer, the City Solicitor and the Commissioner of Economic Development, Culture and Tourism; and

WHEREAS the International Aids Society has advised that the event in 2004 will be moved to 2006; and

WHEREAS the 2006 Toronto Aids Conference is expected to attract 20,000 delegates, 3,000 media and generate \$30 to \$40 million in direct spending;

NOW THEREFORE BE IT RESOLVED THAT City Council reaffirm its commitment and financial support of \$1.0 million (U.S.) for the 2006 International Aids Conference, through the Tourism Event Development Loan Program;

AND BE IT FURTHER RESOLVED THAT City Council request the Chief Administrative Officer to identify and report on opportunities in which the City of Toronto, through its various divisions (i.e., Health, Tourism, Corporate Communications and Facilities and Real Estate) can provide additional support to the conference organizers;

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

Disposition: The Motion was adopted, without amendment.

(33) **Request for Variance to Sign By-law – 1 Sunlight Park Road (Ward 30 – Toronto – Danforth)**

Moved by: Councillor L. Jones

Seconded by: Councillor Rae

“**WHEREAS** BMW has received Site Plan Approval and a building permit for a new car dealership and repair shop at 1 Sunlight Park Road; and

WHEREAS the grand opening day is fast approaching; and

WHEREAS the variances requested for sign installation are relatively minor; and

WHEREAS the Commissioner of Urban Development Services is in support of the sign variances requested;

NOW THEREFORE BE IT RESOLVED THAT the Planning report dated June 23, 2003, from the Commissioner of Urban Development Services be submitted for City Council’s consideration.”

Disposition: The Motion was adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Council adopt the report dated June 23, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) the request for variance be approved to permit a 4.16 square metre pedestal sign on the south side of Sunlight Park Road just north of the building at 1 Sunlight Park Road;*
- (2) the request for variances be approved to permit flag poles on the east side of the building at 1 Sunlight Park Road;*
- (3) the request for variances be approved to permit wall graphics on the transformer vault on the east side of the building at 1 Sunlight Park Road;*
- (4) the applicant be advised, upon approval of the variances, of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services; and*
- (5) the applicant be advised to submit a new application for any further sign requests for this site.’ ”*

(34) **Safety and Security of Children**

Moved by: Councillor Chow

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** Pat Hood, representing the neighbours concerned with the safety and security of children in the Holly Jones community, made a deputation to the City’s Children and Youth Action Committee (CYAC);

WHEREAS there was consensus among the four Members of Council and all of the community representatives present at the meeting that this issue be raised at this Council meeting;

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Children and Youth Action Committee and the Youth Safety Sub-Committee, in September 2003, on a comprehensive package dealing with the safety of children and youth including:

- (1) preventive measures, such as:
 - (a) before and after school activities for school age children including child care, day camps, recreational programs;
 - (b) neighbourhood support programs;
 - (c) training and educational programs such as ‘Stay Alert Stay Safe’;
 - (d) increased police foot patrol; and
- (2) information dealing with sexual offenders, including:
 - (a) Council’s direction regarding registration, DNA testing, better treatment etc.; and
 - (b) Holly’s Law that calls for automatic hearing of sexual predators of children under the Dangerous Offenders Act;

AND BE IT FURTHER RESOLVED THAT the report be circulated in advance to all Members of Council and members of both the Children and Youth Action Committee and Youth Safety Sub-Committee, so the discussion on the matter can be full and comprehensive.”

Disposition: The Motion was adopted, without amendment.

(35) MFP Financial Services Ltd – Instructions on Summary Judgement Motion

Moved by: Councillor Miller

Seconded by: Councillor Johnston

“**WHEREAS** the City Solicitor has prepared a report regarding the summary judgement motion brought by MFP Financial Services and Aztec Limited Partnership against the City of Toronto and to seek authorization from Council regarding instructions to the City’s outside solicitors on dealing with the costs issues; and

WHEREAS the Court has asked for submissions on costs by July 18, 2003, if the parties are unable to agree on costs;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report (June 23, 2003) from the City Solicitor, and that such report be adopted.”

Disposition: The Motion was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated June 23, 2003, from the City Solicitor, embodying the following recommendation:

“It is recommended that the City Solicitor be authorized to instruct the City’s outside Solicitor on dealing with any cost issues relating to the decision of Justice Blair on MFP’s summary Judgement motion.”

(36) **Settlement with Purchaser of Former City-Owned Property South Side of Brooke Avenue between Nos. 133-141 Brooke Avenue**

Moved by: Councillor Johnston

Seconded by: Councillor Miller

“**WHEREAS** at its meeting held on February 4, 5 and 6, 2003, City Council adopted, without amendment, Clause No. 36 of Report No. 1 of The Policy and Finance Committee, headed ‘Settlement with Purchaser of Former City-Owned Property, South Side of Brooke Avenue Between Nos. 133-141 Brooke Avenue’; and

WHEREAS consideration by Council is required on an urgent basis to provide staff with instructions in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated June, 20, 2003, from the City Solicitor, and that such confidential report be adopted.”

Disposition: The Motion was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated June 20, 2003, from the City Solicitor, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to litigation.

(37) **Consideration of Legal Matter Regarding By-laws affecting Parking Enforcement on Private Property**

Moved by: Councillor Altobello

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** at its meeting held on October 3, 4 and 5, 2000, and its Special meeting of October 6, 10 and 11, 2000, City Council adopted, with amendments, the recommendations contained in the communication dated September 19, 2000, from the City Clerk, entitled ‘Programme Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property’; and

WHEREAS at its meeting held on February 4, 5 and 6, 2003, City Council referred to the Planning and Transportation Committee, a motion that the Commissioner of Urban Development Services ‘be directed to bring forward amendments that would prohibit charging for visitor parking, similar to the provision that exists currently in the former North York Zoning By-law, to the balance of the City’; and

WHEREAS consideration by Council is required on an urgent basis to provide instructions to staff in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential joint report dated June 23, 2003, from the City Solicitor and the Commissioner, Urban Development Services, and that such confidential joint report be adopted.”

Disposition: *The Motion was adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:*

“NOW THEREFORE BE IT RESOLVED THAT:

(1) Council adopt the joint confidential report dated June 23, 2003, from the City Solicitor and the Commissioner of Urban Development Services, subject to:

(a) deleting Recommendation No. (1);

(b) deleting Recommendation No. (2) and inserting in lieu thereof the following:

‘(2) the Commissioner of Urban Development Services be requested to continue monitoring visitor and accessory parking facilities in multi-unit residential buildings which use pay and display parking machines and to take whatever enforcement action as may be necessary and appropriate to ensure that such facilities are not operated in contravention of Chapter 545 of the Municipal Code entitled, “Licensing”, nor in contravention of the zoning by-law or conditions of site plan control with respect to the provision and use of parking facilities; and further, that the Chief of Police be requested to enforce the illegal parking which may occur on adjacent streets;’; and

(c) amending Recommendation No. (3) by adding the words, ‘at this time’;

and renumbering the recommendations accordingly;

(2) the City Solicitor be requested to vigorously oppose the attack on this by-law;

- (3) *the Commissioner of Urban Development Services be requested to review and submit a report to the Planning and Transportation Committee on the establishment of a licensing classification to regulate the use by and control of (including the charging of fees) the provision of visitor parking in multi-residential buildings to ensure that such parking is maintained, available for and used by visitors to occupants of the buildings; and*
- (4) *the Commissioner of Urban Development Services be requested to submit a report on how the City could require commercial zoning where charges are levied for visitor parking.”*

In adopting the Motion, as amended, Council adopted, as amended, the confidential joint report dated June 23, 2003, from the City Solicitor and the Commissioner of Urban Development Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to litigation, save and except the following recommendations, as amended by Council:

“It is recommended that:

- (1) *the Commissioner of Urban Development Services be requested to continue monitoring visitor and accessory parking facilities in multi-unit residential buildings which use pay and display parking machines and to take whatever enforcement action as may be necessary and appropriate to ensure that such facilities are not operated in contravention of Chapter 545 of the Municipal Code entitled, ‘Licensing’, nor in contravention of the zoning by-law or conditions of site plan control with respect to the provision and use of parking facilities; and further, that the Chief of Police be requested to enforce the illegal parking which may occur on adjacent streets;*
- (2) *a city-wide zoning by-law prohibiting charges for visitor parking not be pursued at this time and that the Commissioner, Urban Development Services, be directed not to report further with respect to this matter at this time;*

- (3) *Chapter 150 of the Municipal Code, entitled ‘Municipal Law Enforcement Officers’, be amended such that Municipal Law Enforcement Officers (MLEO’s) appointed pursuant to Article III therein be appointed for the purposes of issuing certificates of parking infraction and parking infraction notices only insofar as such MLEO’s comply with the provisions of sections 150-13 A, B(1) – B(7) therein;*
 - (4) *this report be forwarded to the Chief of Police of the Toronto Police Service and to the Toronto Police Services Board for their information; and*
 - (5) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*
- (38) **Request of the Minister of Labour to Ensure that Unionized Local Labour is used for Toronto Community Events**

Moved by: Councillor Miller

Seconded by: Councillor I. Jones

“**WHEREAS** SARS has had a devastating effect on the economy of the City of Toronto; and

WHEREAS a Concert for Toronto was held on June 21, 2003, consisting of Canadian performers at the Air Canada Centre and the Skydome; and

WHEREAS technical support for this concert was provided by out of Province and out of country workers and not local unionized labour; and

WHEREAS the Ministry of Labour has access to contact information for all employers and unions in the Province;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request that, in future, the Ministry of Labour direct that all future events and concerts in Toronto, such as Canada Day festivities, use local unionized labour to provide technical support so that the wages paid stay within the Toronto economy.”

Disposition: *Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.*

(39) **Rolph Road – School Bus Loading Zone (Don Valley West – Ward 26)**

Moved by: Councillor Pitfield

Seconded by: Councillor Mihevc

“**WHEREAS** City Council on April 14, 15 and 16, 2003, adopted, as amended, Midtown Community Council Report No. 3, Clause No. 39, headed ‘Rolph Road – School Bus Loading Zone (Don Valley West – Ward 26)’, and, in so doing, authorized by-law amendments, as outlined in the report dated April 7, 2003, from the Commissioner of Works and Emergency Services; and

WHEREAS it has been made clear that the recommendations passed in the adopted report are not what is required to mitigate the Rolph Road Public School’s drop off and pick up problem; and

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. 3, Clause No. 39, headed ‘Rolph Road – School Bus Loading Zone (Don Valley West – Ward 26)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the report dated April 7, 2003, from the Commissioner of Works and Emergency Services, as embodied in the Clause, be amended as follows:

- (1) Recommendation No. (1) be amended to read that that ‘the existing “No Stopping 8:00 a.m. to 5:00 p.m. Monday to Friday” regulation on the east side of Rolph Road, between Southvale Drive and Sutherland Drive’, be reinstated;
- (2) Recommendation No. (2), ‘a School Bus loading Zone be created on the east side of Rolph Road, from a point 79 metres north of Southvale Drive to a point 40 metres further north thereof’, be adopted;
- (3) Recommendation No. (3) be rescinded;
- (4) Recommendation No. (4) be rescinded; and
- (5) Recommendation No. (5) be rescinded;

AND BE IT FURTHER RESOLVED THAT the necessary Bill be introduced to give effect thereto.”

Disposition: *Council re-opened Midtown Community Council Report No. 3, Clause No. 39, headed “Rolph Road – School Bus Loading Zone (Don Valley West – Ward 26)”, for further consideration, and adopted the balance of this Motion, without amendment.*

(40) **Enhancement of Portuguese Monument in High Park**

Moved by: Councillor Silva

Seconded by: Councillor Miller

“**WHEREAS** this year marks the 50th anniversary of the Portuguese Canadian community in Canada; and

WHEREAS the City of Toronto is home to over 250,000 Portuguese speaking people; and

WHEREAS the Portuguese monument in High Park was inaugurated in May 1978 to commemorate the 25th anniversary of the Portuguese community in Toronto and honour the Portuguese pioneers; and

WHEREAS the Portuguese monument was given by the Portuguese government to mark this special occasion; and

WHEREAS the monument was relocated to the present site in 1997 to provide greater access to the site and to celebrate the historical importance; and

WHEREAS the government of Portugal has agreed to complete the base of the monument by constructing a mosaic Portuguese style black and white rock design at the base of the monument; and

WHEREAS the design would complete the project and will be used as an opportunity to commemorate the 50th anniversary of the Portuguese Community in Toronto;

NOW BE IT THEREFORE RESOLVED THAT City Council approve the completion of the Portuguese monument in High Park, subject to the technical design being satisfactory to the Commissioner of Economic Development, Culture and Tourism;

AND BE IT FURTHER RESOLVED THAT the organizing committee provide the City 10 percent of the value of the project to be held in the reserve for ongoing maintenance.”

Disposition: *The Motion was adopted, subject to amending the first and second Operative Paragraphs, to now read as follows:*

“NOW THEREFORE BE IT RESOLVED THAT City Council approve the completion of the Portuguese monument in High Park, subject to the technical design being satisfactory to the Commissioner of Economic Development, Culture and Tourism, in consultation with the Ward Councillor, the High Park Citizens Advisory Committee and Councillor Silva;

AND BE IT FURTHER RESOLVED THAT the organizing committee provide the City, within one year of completion, 10 percent of the value of the project to be held in the reserve for ongoing maintenance.”

(41) Sponsorship of Special Events and Festivals – SARS Recovery

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“**WHEREAS** at its April 24, 2003 Special Council meeting, the City of Toronto committed a total of \$5.5 million to assist in the SARS recovery; and

WHEREAS \$430,000.00 has been spent to host special events, including Victoria Day, the Dragon Boat race, and festivals in Toronto’s three Chinatowns; and

WHEREAS \$4.5 million has been committed to the advertising agency BBDO to promote Toronto’s signature events, with the purpose of encouraging and engaging Torontonians in celebrating Toronto; and

WHEREAS \$570,000.00 is still uncommitted from Council’s allocation of \$5.5 million; and

WHEREAS many groups organizing festivals and events are reporting great difficulty in attracting sponsorship due to SARS, and are, therefore, requesting assistance from the City;

NOW THEREFORE BE IT RESOLVED THAT the Mayor’s ‘You Belong Here Task Force’ be requested to allocate the remaining \$570,000.00 (from the \$5.5 million) to assist in the operation of various special events and festivals in the City of Toronto this summer and fall; these would include signature festivals such as Caribana, International Film Festivals and other smaller community events such as the Toronto Entertainment events (Sports on Duncan Street, Taste of the Toronto Entertainment District, Movies and Martinis nights.)”

Disposition: The Motion was referred to the Policy and Finance Committee.

(42) City of Toronto Support of the GO Transit Capital Growth/Enhancement Program

Moved by: Councillor Holyday

Seconded by: Councillor I. Jones

“**WHEREAS** numerous studies have shown that a more efficient inter-regional transit system contributes to a healthier economy; and

WHEREAS capacity constraints of the current transit system are a factor inhibiting Toronto’s ability to accommodate additional employment growth downtown; and

WHEREAS the Official Plan of the City recognizes the importance of an efficient transit system; and

WHEREAS the viability of TTC and GO Transit are both required for ensuring the enhancement and sustainability of the City of Toronto transit system; and

WHEREAS GO Transit has become a critical component of this system, supporting employment growth within the City; and

WHEREAS the other funding partners have committed financial support for the GO Transit 10-year growth plan; and

WHEREAS the GO Board has indicated that the GO Capital expansion program within the City of Toronto will be deferred until such time as the City commits to its fair share of GO's growth capital program; and

WHEREAS the GO Board has asked the City of Toronto to reconsider the commitment to the GO Transit Capital Growth program; and

WHEREAS City Council at its meeting held on May 21, 22 and 23, 2003, did not adopt Policy and Finance Committee Report No. 4, Clause No. 6, headed 'City of Toronto Support of the GO Transit Capital Growth/Enhancement Program'; and

WHEREAS the GO Transit Board of Directors' in a communication dated June 18, 2003, has requested the City to reconsider its decision regarding funding for GO Transit; and

WHEREAS the Board of Directors will have this matter before it at its meeting on July 11, 2003, and, therefore, Council should consider this matter at this meeting;

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. 4, Clause No. 6, headed 'City of Toronto Support of the GO Transit Capital Growth/Enhancement Program', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council adopt the report dated April 30, 2003, from the Chief Financial Office and Treasurer, as embodied in the Clause."

Disposition: *Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.*

(43) **Request for Report from City Solicitor on 1465 Lawrence Avenue West**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Pantalone

“WHEREAS the City of Toronto has been involved in negotiations with the owner of 1465 Lawrence Avenue West, in an effort to resolve the problems on site; and

WHEREAS the City of Toronto has been urged repeatedly to respond to offers to move the negotiations and problem resolution forward; and

WHEREAS there has been reluctance to bring a report forward to Council through the Policy and Finance Committee recommending either acceptance or refusal of the offer; and

WHEREAS the City of Toronto’s failure to respond to the applicant’s offer by the end of June will undoubtedly result in litigation that may be both senseless and indefensible;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Council Motion J(34), headed ‘Proposal Regarding 1415 Lawrence Avenue’, [noting correction on municipal address] be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to provide a report and respond to the offer proposed by the owner of 1465 Lawrence Avenue West, to this Council meeting for tomorrow, June 26, 2003.”

Disposition: *Council re-opened Motion J(34), headed “Proposal Regarding 1415 Lawrence Avenue”, considered by Council on May 21, 22 and 23, 2003 [noting correction on municipal address], for further consideration, and adopted the balance of this Motion, without amendment.*

Council subsequently adopted the following recommendation:

“It is recommended that the City Solicitor be requested to report directly back to Council at the next regular meeting scheduled to be held on July 22, 2003, on both the status of the investigation, as well as a recommended response to the proposed settlement outlined in the recent correspondence dated April 29, 2003, from Williams Shier Environmental lawyers, to the City.”

(44) **Request for Report to the SARS Recovery Team for a Property Tax Deferral Program**

Moved by: Councillor Ashton

Seconded by: Councillor Miller

“**WHEREAS** SARS has had an unprecedented impact on businesses throughout the City of Toronto; and

WHEREAS the economic impact on Toronto businesses was particularly onerous on businesses in the tourism sector; and

WHEREAS the Scarborough community felt the economic impact in an intense fashion as a result of SARS first appearance in Scarborough; and

WHEREAS the Scarborough Chamber of Commerce reports a severe decline in business throughout this extended and economically devastating period; and

WHEREAS the Scarborough Chamber of Commerce is aware that funds have been allocated toward the promotion of Toronto and are requesting that the unique impact on Scarborough’s business community be recognized in the allocation of funds by all three levels of government; and

WHEREAS the City of Toronto recently approved an extended opportunity for businesses to apply for a property tax installment extension in 2003; and

WHEREAS some businesses are having extreme difficulty in meeting their property tax obligations during this crisis despite the installment plan; and

WHEREAS a property tax deferral plan could make the difference of staying in business or not;

NOW THEREFORE BE IT RESOLVED THAT the Scarborough Chamber of Commerce be invited to make a presentation to the City of Toronto SARS Recovery Team, and that the Scarborough MPs and MPPs be invited to this meeting;

AND BE IT FURTHER RESOLVED THAT the City of Toronto SARS Recovery Team report to the July Council Meeting on the feasibility of developing a Property Tax Deferral Program for a defined period and on the potential for the program’s costs being covered by the Provincial Government.”

Disposition: *The Motion was adopted, subject to amending the first Operative Paragraph, to read as follows:*

“NOW THEREFORE BE IT RESOLVED THAT all Chambers of Commerce be invited to make a presentation to the City of Toronto SARS Recovery Team, and that all Toronto MPs and MPPs be invited to this meeting.”

(45) **Funding to Implement a Multi-Barrier Youth Program**

Moved by: Councillor Chow

Seconded by: Councillor Shaw

“**WHEREAS** Human Resources Development Canada (HRDC) has approved funding of approximately \$2.6 million for designing and implementing three (3) programs to support the City’s Toronto – You Belong Here Campaign; and

WHEREAS City staff have developed a City-wide program centred on a ‘Clean City Campaign’, ‘Small Business Support’, and ‘Event and Attraction Support’; and

WHEREAS a Multi-barrier Youth Program initiative is one component designed to support the City-wide program and will involve contracting with third party service providers;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services be authorized to contract with HRDC to receive funding up to \$1.25 million for the purpose of implementing a multi-barrier youth program that supports the ‘Clean City Campaign’, and ‘Event and Attraction Support’ at no net cost to the City;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Community and Neighbourhood Services be authorized to sub-contract with community-based service delivery agencies to deliver the program in various sites across the City of Toronto, under agreements that meet the satisfaction of the Commissioner and the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the 2003 approved gross budget be adjusted and the 2004 budget submission be developed to reflect the HRDC funding and the Commissioner report to Council upon the completion of the program with program performance results.”

Disposition: The Motion was adopted, without amendment.

(46) **Request to the Government of Ontario to Include Provision in the Provincial School Funding Formula to Support the Community Use of Playing Fields as well as Indoor Facilities**

Moved by: Councillor Li Preti

Seconded by: Councillor Miller

“**WHEREAS** the residents of the City of Toronto have had the use of school playing fields for the recreation of children and adults; and

WHEREAS this practice has had a history of over 100 years, adding to the quality of life of thousands of Toronto residents each year; and

WHEREAS the Boards of Education are completely dependant on the Provincial School Funding Formula to finance all its activities including the maintenance of its playing fields for community use; and

WHEREAS the Provincial funding formula makes no provision for the community use of school playing fields; and

WHEREAS the Toronto District School Board, as of February 3, 2003, has found it necessary to institute fees for the community use of playing fields, in order to recover the cost of their maintenance; and

WHEREAS many community groups are finding this new fee to be an impediment to the continuation of their valuable programs;

NOW THEREFORE BE IT RESOLVED THAT City of Toronto Council request that the Government of Ontario, through the Ministry of Education, include a provision in the Provincial School Funding Formula to support the community use of playing fields as well as indoor facilities;

AND BE IT FURTHER RESOLVED THAT a meeting be requested by appropriate City officials with Paul Christie and the Co-Chairs of the Toronto District School Board, in order to resolve the immediate impact being faced by many permitted groups throughout the City; and that these groups be invited to this meeting in order to find a resolution to the prohibitive costs which they face in the current year;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism request a meeting with Ministry of Education officials in order to find a long term solution;

AND BE IT FURTHER RESOLVED THAT the City of Toronto forward copies of this Motion to the Provincial Government as well as to both opposition parties in the Provincial Legislature.”

Disposition: The Motion was adopted, without amendment.

(47) **Ontario Municipal Board Appeal on Amendment to Official Plan and Zoning By-law No. 7625 – 45 York Mills Road**

Moved by: Councillor Flint

Seconded by: Councillor Mihevc

"WHEREAS on May 22, 2002, an application was made to the City Planning Department for an Official Plan and Zoning Amendment to allow townhouses at 45 York Mills Road; and

WHEREAS on September 17, 2002, a Preliminary Report was approved at Midtown Community Council that outlined the issues and recommended community consultation; and

WHEREAS on September 26, 2002, the applicant launched an appeal to the Ontario Municipal Board, citing delay on behalf of the Planning Department and the belief that some neighbours would not co-operate in negotiations as the reasons and requested a hearing date in late March 2003; and

WHEREAS a widely advertised community meeting was held on November 7, 2002; and

WHEREAS the Ontario Municipal Board set aside April 17, 2003, for a pre-hearing; and

WHEREAS on April 1, 2003, Midtown Community Council, in debating a Directions Report on the application, recommended further community consultation; and

WHEREAS at the April 17, 2003 OMB pre-hearing, a second pre-hearing was scheduled for Thursday, June 26, 2003; and

WHEREAS on May 13, 2003, the developer submitted revised plans that were immediately circulated internally; and

WHEREAS a community meeting was held on June 11, 2003, when it was expected that all staff and agency comments on the revised plans would be available; and

WHEREAS staff reports were being submitted as late as Monday, June 23, 2003, and the final report was not signed until Tuesday, June 24, 2003; and

WHEREAS a community consultation with representatives from five area ratepayer associations was held in the evening of June 24, 2003, to review all latest documents; and

WHEREAS the Ontario Municipal Board pre-hearing will commence at 10:00 a.m., Thursday, June 26, 2003, and a City of Toronto position is required;

NOW THEREFORE BE IT RESOLVED that Toronto City Council consider the report dated June 20, 2003, from the Commissioner of Urban Development Services, and related communications at its meeting of June 24, 2003, and that this be declared time sensitive item.”

Disposition: *The Motion was adopted, subject to adding the following new Operative Paragraph:*

“AND BE IT FURTHER RESOLVED THAT Council adopt the report dated June 24, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

'It is recommended that City Council:

- (1) advise the Ontario Municipal Board (OMB) that Council has no objection to the enactment of the Official Plan and Zoning By-law amendments substantially in accordance with Attachments 3, 4 and 5;*
- (2) request the OMB to hold its order until such time as the site plan and conditions are approved as discussed in Section 15 of this report and the conditions of Works and Emergency Services as set out in their memorandum dated June 19, 2003, have been secured or satisfied;*
- (3) authorize the City Solicitor and other appropriate staff to attend the OMB hearing in support of the position set out in this report; and*
- (4) request Works and Emergency Services staff to permit encroachment on the Campbell Crescent right of way for landscaping purposes and that City staff be authorized to take appropriate actions.'*

subject to the following amendments:

- (1) that Recommendation No. (2) be amended by adding the words 'save and except for conditions Nos. 1.7, 1.8, 1.9, 1.10, 1.11 and 1.12' after the words 'dated June 19, 2003', so that it reads 'request the OMB to hold its order until such time as the site plan and conditions are approved as discussed in Section 15 of this report and the conditions of Works and Emergency Services, as set out in their memorandum dated June 19, 2003, save and except for Nos. 1.7, 1.8, 1.9, 1.10, 1.11 and 1.12, have been secured or satisfied.';*
- (2) that all structures be set back at least 10 metres from the top of bank, (as per the requirements of the Ravine By-law), and the setback area be free of all hard surface material;*
- (3) that the townhouses (identified as Block 2 on page 18 of the June 20, 2003 staff report) that abut the entire north property line of No. 11 Campbell Crescent, be set back at least 7.5 metres from said property line and be limited to 3 storeys in height;*

- (4) *that no balconies be permitted on the south side of the townhouses identified as Block 2;*
- (5) *that no decks on the south side of the townhouses identified as Block 2 be permitted to be higher than 39 inches or 1 metre above grade;*
- (6) *that the townhouses facing Campbell Crescent respect the current zoning by-law and be no higher than 31 feet measured from the grade of the midpoint of Campbell Crescent at the midpoint of the property line;*
- (7) *that the maximum number of units be 64;*
- (8) *that a minimum of 50 percent of the total site be soft surface;*
- (9) *that, in recognition that traffic is of wide, urgent concern and opinion, the Ontario Municipal Board be encouraged to identify access and egress as a priority issue; and that any final decisions reflect the community concerns about safety on York Mills Road and infiltration into Campbell Crescent and the York Mills Valley neighbourhood;*
- (10) *that a new professional geotechnical study, taking into consideration the depth of all underground parking in the approved design be provided by the applicant;*
- (11) *that the open space at the corner of Campbell Crescent and York Mills Road be zoned open space, be subject to site plan control and be maintained by the Condominium Corporation for the benefit of townhouse owners and the public;*
- (12) *that garbage be stored indoors and be placed out for pick-up only on collection days; and*
- (13) *that prior to construction commencing, a meeting be convened with area residents, the developer, City staff and the contractor to resolve servicing issues (such as heavy trucks not traversing Campbell Crescent south of No. 11) during the construction period, to the satisfaction of all parties.”*

(48) **Redevelopment of St. Mary's Cement Lands - 535 to 595 Commissioners Street**

Moved by: Councillor Pantalone

Seconded by: Councillor L. Jones

“**WHEREAS** the lands at 535 to 595 Commissioners Street have been subject to ongoing discussions with staff from Toronto Waterfront Revitalization Corporation, Economic Development, Culture and Tourism, Urban Development Services (including the Waterfront Secretariat), Works and Emergency Services and TEDCO, in terms of their future use for the consolidation of the operations of St. Mary's Cement, Innocon, Strata Aggregates and Dufferin Custom Concrete Group; and

WHEREAS the relocation and consolidation of these concrete uses to this location within the Port Lands would facilitate the planned mixed-use development in the Fort York Neighbourhood, as well as resolving other long term land use issues in the Port Lands; and

WHEREAS the lands in question have an Industrial zoning which allows a range of heavy industrial uses, this zoning does not include permission for the proposed concrete related uses; and

WHEREAS no application to rezone the lands has been filed;

NOW THEREFORE BE IT RESOLVED THAT upon the receipt of an application to rezone the lands, the Commissioner of Urban Development Services be directed to hold a community consultation meeting together with the Ward Councillor;

AND BE IT FURTHER RESOLVED THAT upon the resolution of any outstanding issues, staff be directed to prepare a final report on this application, as soon as possible, and to schedule a statutory public meeting related to the proposed amendment to the Zoning By-law.”

Disposition: The Motion was adopted, without amendment.

(49) **2446-2448 Bloor Street West – “The Fan”, “Billy Bob’s” and “Wedgewood Restaurant”; Application for a Roof Top Patio Liquor License, Parkdale-High Park, Ward 13.**

Moved by: Councillor Miller

Seconded by: Councillor Johnston

“**WHEREAS** City Council at its meeting held on October 1, 2 and 3, 2002, adopted, without amendment, Clause No. 54 of Report No. 11 of The Humber York Community Council, entitled ‘2446-2448 Bloor Street West – ‘The Fan’, ‘Billy Bob’s’ and ‘Wedgewood Restaurant’; Application for a Roof Top Patio Liquor Licence’; and

WHEREAS the City has consistently opposed a rooftop patio at this location because of the potential impact on area residents; and

WHEREAS a hearing was heard before a panel of the Board of the Alcohol and Gaming Commission of Ontario on April 22, 23 and May 15, 2003; and

WHEREAS the Board allowed the license for the rooftop patio subject to conditions;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be instructed to pursue an Appeal of the Board's decision to the Divisional Court to protect the interests of the City and the residents;

AND BE IT FURTHER RESOLVED THAT the City Solicitor report to the July 8, 2003 meeting of the Humber York Community Council regarding the Board's decision and an appeal of that decision."

Disposition: The Motion was adopted, subject to adding the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT, in addition to the Ward Councillor, Councillors Korwin-Kuczynski and Nunziata be invited to attend any Alcohol and Gaming Commission hearing on this matter."

(50) **Endorse First Night Toronto and Permit the Use of the City Logo**

Moved by: Councillor Pitfield

Seconded by: Councillor Chow

WHEREAS First Night started in the former City of Toronto, along Front Street on December 31, 1991; and

WHEREAS it became known as a fun family event that was inviting to all Torontonians in the amalgamated City, even after it moved to Harbourfront on December 31, 1997; and

WHEREAS the attendance has grown from a few thousand to tens of thousands over the thirteen years of its existence, with over 30,000 persons expected over the three-day festival this year; and

WHEREAS the anticipated number of participants expected is approximately 2,000 persons; and

WHEREAS it is an affordable New Year's event that parents can take their children to at the year end for some wholesome, alcohol free, fun and games and entertainment, with a focus on arts and education; and

WHEREAS since its move to the SkyDome, it has become a three day event that will become a learning venue for our children and includes a number of City of Toronto social agencies like Mothers Against Drunk Driving, Child Find, 'Stay Alert' ... 'Stay Safe' and Performers for Literacy; and

WHEREAS there will be special attention paid to the many diverse ethnic organizations and they will be allowed a venue to display and share with youth, their culture, foods and traditions; and

WHEREAS the Aboriginal community, being the original residents of Toronto, and will also have a role to play in the First Night festival; and

WHEREAS there will be a number of City of Toronto Agencies, Boards and Commissions, including the Riverdale Zoo, Toronto Public Library and Toronto Hydro participating; and

WHEREAS both the Toronto District School Board and the Toronto Catholic School Board will also be participating in this event, and the year long outreach programs;

NOW THEREFORE BE IT RESOLVED THAT the City Council of Toronto endorse this event as a welcomed and beneficial event for the City of Toronto and allow them to use the logo in support of the event;

AND BE IT FURTHER RESOLVED THAT Council proclaim December 29th from now on to be First Night International Youth Day;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report back, as soon as possible, on what in-kind assistance can be given to the organizers of the event, including OMG, Toronto Transit Commission shelter or any other type of advertising;

AND BE IT FURTHER RESOLVED THAT the Toronto Police Services Board, Toronto Fire Services and Toronto Emergency and Medical Services be requested to meet with the organizers of this event;

AND BE IT FURTHER RESOLVED THAT a corporate e-mail be sent to all employees telling them about the event and giving volunteer information."

Disposition: The Motion was adopted, without amendment.

(51) **Noise By-law Exemption For King and Queen Festival as Part of Caribana Festival**

Moved by: Councillor Mihevc

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS Lamport Stadium has been used by the organizers of the King and Queen Festival on the Thursday evening of the Caribana festival week for the past fifteen years; and

WHEREAS the Caribbean Cultural Committee, the Council-designated lead organization for this year's Caribana festival, requires an exemption to the noise by-law to allow them to continue the King and Queen event until 12:00 midnight on Thursday, July 31, 2003;

NOW THEREFORE BE IT RESOLVED THAT the Caribbean Cultural Committee be granted an exemption from the Noise By-law to permit the King and Queen event to proceed until 12:00 midnight on Thursday, July 31, 2003;

AND BE IT FURTHER RESOLVED THAT City by-law staff be instructed, as of 12:01 a.m., Friday, August 1, 2003, to issue tickets to the organizers of the event if it is determined that the King and Queen event is in contravention of the noise by-law."

Disposition: The Motion was adopted, without amendment.

(52) **Noise By-law Exemption for Pan Alive**

Moved by: Councillor Mihevc

Seconded by: Councillor Pantalone

"**WHEREAS** Pan Alive, an annual Caribana-associated, event showcases the talents of participating Steel Bands, and is a crowd favourite of Caribana-goers; and

WHEREAS the Pan Alive event is being held on Friday, August 1, 2003; and

WHEREAS the Caribbean Cultural Committee (CCC), the Council-designated lead organization for this year's Caribana festival, requires an exemption to the noise by-law to allow them to continue Pan Alive, being hosted at Fort York, until 1:00 a.m. on Saturday, August 2, 2003;

NOW THEREFORE BE IT RESOLVED THAT City Council grant the Caribbean Cultural Committee (CCC) an exemption from the noise by-law to permit the Pan Alive event to proceed until 1:00 a.m. on Saturday, August 2, 2003."

Disposition: The Motion was adopted, without amendment.

(53) **First Parliament Site: 265 and 271 Front Street East**

Moved by: Councillor McConnell

Seconded by: Councillor Ootes

"**WHEREAS** City Council, at its meeting held on May 21, 22 and 23, 2003 directed that staff report directly to City Council at its June meeting on matters relating to the First Parliament Site at 265-271 Front Street East; and

WHEREAS time is of the essence; and

WHEREAS the Commissioner of Economic Development, Culture and Tourism has prepared a confidential report dated June 26, 2003, seeking Council direction on this matter;

NOW THEREFORE BE IT RESOLVED THAT City Council (In Camera) consider the confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism, and that such confidential report be adopted.”

Disposition: The Motion was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to the acquisition of property, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) Facilities and Real Estate Division staff be directed to negotiate leasing the property at 70 Parliament Street to the owners of 265 Front Street East for the purposes of relocating the proposed Porsche car dealership from 265 Front Street East to 70 Parliament Street and the City acquiring ownership of the property at 265 Front Street East;*
- (2) Facilities and Real Estate Division staff be directed to negotiate the acquisition of the property at 197 Front Street East, with the intent that the property be transferred to the owner of 265 Front Street East for the purposes of the City acquiring ownership of the property at 265 Front Street East and the relocation of the proposed Infiniti car dealership from 64 Parliament Street to 197 Front Street East;*
- (3) the Toronto Parking Authority be requested to participate in the resolution of the First Parliament Site through the funding of site acquisition, interim operation of a parking lot and possible resolution of the TTC operating issue with the loss of the use of 70 Parliament Street;*

- (4) *should the above negotiations be successful, the Toronto Transit Commission be requested to declare the lands surplus and to lease the land at 70 Parliament Street to the City for a nominal value and TTC staff be requested to report to the next meeting of the TTC;*
 - (5) *should any other site become available in order to bring the First Parliament site into public ownership, staff be directed to consider and negotiate such site;*
 - (6) *Staff be directed to report directly to the July meeting of Policy and Finance Committee or City Council on the results of the negotiations and funding sources; and*
 - (7) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*
- (54) **Offer of Settlement to 300 Borough Drive (The Scarborough Town Centre Shopping Mall); Appeal to the Ontario Municipal Board of By-law 781-2002 (Drive-through By-law)**

Moved by: Councillor Duguid

Seconded by: Councillor Soknacki

“**WHEREAS** Council, at its October 2, 2002 meeting, passed city-wide zoning amendments specifying where drive-through facilities may be permitted; and

WHEREAS OMERS Realty Holdings have appealed to the Ontario Municipal Board the provisions of By-law No. 781-2002, as it applies to 300 Borough Drive (The Scarborough Town Centre Shopping Mall as identified on the map attached to the report dated April 4, 2003 from the City Solicitor) because of current plans to develop a drive-through on this site; and

WHEREAS Council at the meeting of Council, to be held on April 14, 15 and 16, 2003, considered and adopted a report dated April 4, 2003, from the City Solicitor, and that such report contained the recommended action for dealing with this appeal at the Ontario Municipal Board; and

WHEREAS a building permit cannot be issued until after the Ontario Municipal Board has completed a hearing on all the objections to the Drive-through By-law; and

WHEREAS the processing of an application to build a drive-through located within the Scarborough Town Centre Shopping Mall site would be consistent with the overall strategy recommended by staff; and

WHEREAS the proposal will be 30 metres from any residential building and would, as such, comply with the Drive-through By-law if it were to apply to these lands;

NOW THEREFORE BE IT RESOLVED THAT Council instruct the City Solicitor to consent to an exemption to By-law No. 781-2002 as it applies to the Scarborough Town Centre Shopping Mall site at the Ontario Municipal Board hearing into this matter;

AND BE IT FURTHER RESOLVED THAT Council instruct the City Solicitor to advise the Ontario Municipal Board that Council has no objection to an early Order that would permit a building permit to issue at the Scarborough Town Centre Shopping Mall.”

Disposition: The Motion was adopted, without amendment.

(55) **Recognition of the Marriage of Councillor Kyle Rae and Mark Reid**

Moved by: Councillor Chow

Seconded by: Councillor Pantalone

“**WHEREAS** in 1981, Kyle Rae was one of the organizers of Toronto’s first Lesbian & Gay Pride Day; and

WHEREAS in 1991, Councillor Kyle Rae was the first openly-gay person elected to municipal office in Canada; and

WHEREAS in 1992, Councillor Rae spearheaded Toronto City Council’s groundbreaking extension of employee benefits to same-sex partners and families; and

WHEREAS in 1996, Councillor Rae was the Vice-President of the International Network of Gay and Lesbian Officials, and hosted their international conference on behalf of Toronto City Council; and

WHEREAS in 1998, Councillor Rae successfully fought for inclusion of gay and lesbian partners and families into the municipal employee pension fund; and

WHEREAS in 2003, Councillor Rae moved the motion at City Council calling on the Province to register same-sex marriages and recognize the issuing of such licenses by the Toronto City Clerk; and

WHEREAS Councillor Rae has always been a harbinger of change on human rights issues at Toronto City Council, and a tireless advocate and leader for justice and equity for Toronto’s lesbian and gay community; and

WHEREAS on June 20th of this year, Councillor Kyle Rae legally married his partner of nine years, Canadian artist Mark Reid, in a moving, short and much publicized service;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council congratulates Councillor Kyle Rae and Mark Reid on the celebration of their legal state of matrimony.”

Disposition: The Motion was adopted, without amendment.

CONDOLENCE MOTIONS

(1) **Moved by: Councillor Johnston**

Seconded by: Councillor Augimeri

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Hugh Walker, the first Managing Director and President of the O’Keefe Centre for the Performing Arts, now the Hummingbird Centre for the Performing Arts; and

WHEREAS Mr. Walker was a key figure in the design and building of the Centre and dedicated over three decades to fostering and promoting the Arts in the City of Toronto; and

WHEREAS Mr. Walker had a passion for the Arts and is remembered for booking groundbreaking performances at the O’Keefe Centre; and

WHEREAS the gracious, courteous and dignified manner in which he dealt with artists will be sadly missed;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his daughters, Katrina and Zoe, and his two grandchildren.”

Disposition: The Motion was adopted unanimously.

(2) **Moved by: Councillor Feldman**

Seconded by: Councillor Minnan-Wong

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. George Steiner, father of Mr. Jeff Steiner, Chief Executive Officer of the Toronto Economic Development Corporation;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the family of Mr. George Steiner.”

Disposition: The Motion was adopted, unanimously.