

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Report No. 4 of The Community Services Committee, Clause No. 9c,
Report No. 6 of The Community Services Committee, Clause No. 18a,
Report No. 8 of The Planning and Transportation Committee, Clause No. 4a,
Report No. 6 of The Humber York Community Council Report, Clause No. 29a,
Report No. 3 of The Audit Committee, Clauses No. 4a and 7a, and
Report No. 4 of The Board of Health, Clause No. 5b.

New Reports:

Report No. 9 of The Administration Committee,
Report No. 7 of The Community Services Committee,
Report No. 7 of The Economic Development and Parks Committee,
Report No. 9 of The Planning and Transportation Committee,
Report No. 9 of The Policy and Finance Committee,
Report No. 7 of The Works Committee,
Report No. 8 of The Works Committee,
Report No. 7 of The Etobicoke Community Council,
Report No. 7 of The Humber York Community Council,
Report No. 7 of The Midtown Community Council,
Report No. 7 of The North York Community Council,
Report No. 7 of The Scarborough Community Council,
Report No. 8 of The Toronto East York Community Council,
Report No. 9 of The Toronto East York Community Council,
Report No. 4 of The Audit Committee, and
Report No. 6 of The Board of Health,

and Notices of Motions and an Additional Matter as adopted by the Council of the City of Toronto at its regular meeting held on September 22, 23, 24 and 25, 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. 4 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 9c - "Update Regarding the Status of Litigation with The Learning Enrichment Foundation".

City Council deferred consideration of this Clause to the first regular meeting of the new term of City Council, with the direction that, in the interim, should the parties come to a mutual agreement, the City Solicitor is authorized to settle the matter and report the result to City Council, through the Community Services Committee.

DEFERRED CLAUSE FROM REPORT NO. 6 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 18a - "Cigarette Practices in City Shelters".

City Council took no action on this Clause.

DEFERRED CLAUSE FROM REPORT NO. 8 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 4a - "Toronto Licensing Tribunal Biannual Report".

City Council amended this Clause by issuing confidential instructions to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the Municipal Act, having regard that such instructions pertain to potential litigation, including matters before Administrative Tribunals or local boards.

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE AUDIT COMMITTEE

Clause No. 4a - "Toronto Parking Authority - An Assessment of the Adequacy and Effectiveness of Financial and Administrative Controls".

City Council adopted this Clause, subject to deleting Recommendation No. (2) of the Audit Committee.

Clause No. 7a - "2002 Expenditures for Consulting Services - Departments and Boards".

City Council amended this Clause by adding thereto the following:

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

- (1) submit a report to the Audit Committee on how the Terms of Reference or Shareholder Directions for the following bodies may be amended, in order to require them to respond to the Auditor General:
 - (a) Enwave District Energy Limited;
 - (b) Toronto Economic Development Corporation;
 - (c) Toronto Hydro;
 - (d) the Toronto Parking Authority; and
 - (e) the Toronto Community Housing Corporation; and
- (2) update City Council on the procedures for the use of consultants by City departments, agencies, boards and commissions."

DEFERRED CLAUSE FROM REPORT NO. 4 OF THE BOARD OF HEALTH

Clause No. 5b - "Phase-out of Coal-fired Electricity Purchases".

City Council amended this Clause by:

- (1) deleting Recommendation No. (1) of the Board of Health;
- (2) inserting the following new Recommendations Nos. (1) and (2):

"It is recommended that Council:

- (1) endorse, in principle, the objective of phasing out City purchases of coal-fired electricity;
- (2) request the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services to submit a report to Council, through the Policy and Finance Committee, on a strategy to fully or partially phase out the City of Toronto's purchases of coal-fired electricity, including the financial implications, and on an energy conservation plan, on or before the City's Power Purchase Agreement with Toronto Hydro Energy Services expires in 2005"; and
- (3) re-numbering the remaining recommendation of the Board of Health as Recommendation No. (3),

so that the recommendations of the Board of Health shall now read as follows:

“It is recommended that Council:

- (1) endorse, in principle, the objective of phasing out City purchases of coal-fired electricity;
- (2) request the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services to submit a report to Council, through the Policy and Finance Committee, on a strategy to fully or partially phase out the City of Toronto’s purchases of coal-fired electricity, including the financial implications, and on an energy conservation plan, on or before the City’s Power Purchase Agreement with Toronto Hydro Energy Services expires in 2005; and
- (3) request the Provincial Government to advance its phase-out date for Ontario Power Generation’s coal-fired plants by 2007.”

REPORT NO. 9 OF THE ADMINISTRATION COMMITTEE

Clause No. 1 - “Request for Quotation No. 0203-03-0156 for the Supply of all Labour, Materials, Janitorial Supplies (Consumables), and Equipment to Perform Janitorial Services at Various City of Toronto Facilities Occupied by the Toronto Police Service for the Corporate Services Department, Facilities and Real Estate Division”.

City Council referred this Clause back to the Commissioner of Corporate Services, with a request that the appropriate City officials and representatives of CUPE Local 79, Part Time Unit B, meet and attempt to negotiate a compromise which would ensure that the workers retain their jobs.

Clause No. 4 - “Request for Provincial Enabling Legislation to Establish a City Lobbyist Registry Within the Office of a City Integrity Commissioner”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the City Clerk be requested to publish a monthly advisory listing Members of Council who have complied with the present Lobbyist Registry.”

Clause No. 19 - “Declaration as Surplus - Strip of Land Adjoining 317 Dundas Street West (Ward 20 - Trinity Spadina)”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the negotiations with the Art Gallery of Ontario (AGO) include the future of Grange Park, a City-operated, but AGO-owned, park.”

Clause No. 21 - “Disposition of Surplus Property, 1386 The Queensway (Ward 5 - Etobicoke-Lakeshore)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the report dated September 12, 2003, from the Commissioner of Corporate Services, embodying the following recommendations:

‘It is recommended that:

- (1) the Offer to Purchase from 1563078 Ontario Limited to purchase the property known municipally as 1386 The Queensway, being part of Lot 8, Plan 940, designated as Parts 1 and 2 on Plan 66R-20121, in the amount of \$1,700,000.00, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as she considers reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 29 - “Toronto Hydro Energy Services Inc.’s Proposal to Provide Energy Retrofit Services for the City’s Civic Centres and Other Corporate Services Facilities”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the joint report dated September 19, 2003, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, subject to amending Recommendation No. (3) by adding thereto the words ‘and these funds be set aside in a separate corporate account pending Council determination of how they are to be used’, so that the recommendations embodied in such report, as amended by Council, shall now read as follows:

‘It is recommended that:

- (1) the Commissioner of Corporate Services, in consultation with the Chief Financial Officer and Treasurer and the City Solicitor, be authorized to negotiate and enter into a three-year (estimated) energy services agreement, commencing approximately January 2004, with Toronto Hydro Energy Services Inc. (THESI) to undertake energy and water efficiency improvements in the City of Toronto’s Civic Centres and other Corporate Services facilities, based on details included in this report and in the proposal submitted by THESI in response to the RFP, for an estimated cost of \$4,200,196.00, inclusive of all taxes and charges;
- (2) the Commissioner of Corporate Services, in consultation with the City Solicitor, the Chief Financial Officer and Treasurer and the Chief Administrative Officer, be authorized to enter into a loan agreement with the Federation of Canadian Municipalities for GMIF funding, in an amount up to \$5 million, to be disbursed by FCM as required by the City, of which a disbursement of approximately \$1.4 million would be allocated to the THESI Civic Centre energy retrofit project, subject to Council approval of the associated capital budget;
- (3) as matter of policy, annual program budgets be adjusted, after repayment of any required financing, to reflect savings derived from energy retrofit projects in City buildings and facilities, and these funds be set aside in a separate corporate account pending Council determination of how they are to be used;
- (4) the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Corporate Services, report back to Council on the feasibility of establishing an energy retrofit revolving fund to which savings derived from energy retrofit projects would be allocated; and
- (5) the appropriate City officials be authorized to take any action necessary, including the execution of any agreements between THESI and the City and between the Federation of Canadian Municipalities/Federal Government and the City and in a form and substance satisfactory to the Commissioner of Corporate Services, the Chief Financial Officer and Treasurer and the City Solicitor, required to give effect thereto.’ ”

Clause No. 43 - “Standardization of Temperature Set-Points and Lights-Out Policy in City-Operated Buildings”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee, in one year’s time, on the success of the Standardization of Temperature Set-Points and Lights-Out Policy in City-Operated Buildings and any further adjustments that may have to be made to the Policy.”

REPORT NO. 7 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 16 - "TB or not TB? There is no question - Report of a Public Inquiry into the State of Tuberculosis Within Toronto's Homeless Population, June 2003".

City Council amended this Clause in accordance with the following Recommendation (A) of the Board of Health embodied in the communication dated September 16, 2003, from the Secretary, Board of Health:

"The Board of Health advises City Council that it:

(A) endorses, in principle, the report (June 2003) 'TB or not TB? There is no question— Report of A Public Inquiry into the State of Tuberculosis Within Toronto's Homeless Population' and its 28 recommendations, subject to the following amendments:

(1) that Recommendation No. (8) be amended to read:

'Toronto Public Health work in collaboration with Shelter, Housing and Support Division to inspect selected high risk shelters and drop-in centres as soon as possible in 2004';

(2) that Recommendation No. (16) be amended to read:

'Toronto's Diseases Preparedness Committee develop protocols for prevention and management of infectious and airborne diseases in the homeless service system'; and

(3) that Recommendation No. (17) be amended to read:

'Toronto Public Health develop and implement comprehensive TB screening in shelters and drop-in centres and other homeless service centres';".

Clause No. 19 - "Building on Successes: The Community Plan for the Supporting Communities Partnership Initiative (SCPI) in Toronto, 2003-2006".

City Council amended this Clause by striking out the recommendations of the Community Services Committee and inserting in lieu thereof the following:

"It is recommended that Council adopt the report dated August 25, 2003, from the Commissioner of Community and Neighbourhood Services, as embodied in the Clause."

Clause No. 27 - "Other Items Considered by the Committee".

City Council received this Clause as information, subject to referring Item (a), entitled "2004 Financial Pressures for Community and Neighbourhood Services", embodied therein, to the Chief Administrative Officer and the Chief Financial Officer and Treasurer, with the request that, as a first priority, the new Mayor of the City of Toronto meet with the new Premier of Ontario to discuss the financial implications of this issue.

REPORT NO. 7 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 2 - "Environmental Tobacco Smoke (ETS) By-law - Designated Smoking Rooms (All Wards)".

City Council took no action on this Clause.

Clause No. 21 - "Green Parking Lots in City Parks and Ravines (Various Wards)".

City Council amended this Clause by adding thereto the following:

"It is further recommended that the creation of new parking lots, or the transformation of any temporary parking lots into permanent lots, in a City park or ravine be the subject of a separate report to the Economic Development and Parks Committee and Council, before any work is undertaken on such a lot."

REPORT NO. 9 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 1 - "Use of the Public Highway for Sale of Event Tickets".

City Council amended this Clause by adding thereto the following:

"It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the amount of the set fine(s)."

Clause No. 3 - "Revised Organizational Structure for the Committee of Adjustment (All Wards)".

City Council amended this Clause by:

- (1) deleting from Recommendation No. (3)(a) contained in the report dated August 14, 2003, from the Commissioner of Urban Development Services, as embodied in the Clause, the figure "\$300.00", and inserting in lieu thereof the figure "\$500.00", and adding thereto the words "as an interim amount until the review is completed by the ABC Ad Hoc Committee", so that such recommendation shall now read as follows:

“(3) City Council adopt remuneration for the Committee of Adjustment of:

- (a) \$500.00 per Member for each Hearing Day attended, as an interim amount until the review is completed by the ABC Ad Hoc Committee; and”;

(2) adding thereto the following:

“It is further recommended that:

- (a) the Committees of Adjustment meet at the Community Council locations;
- (b) the starting times of the Committees of Adjustment meetings be after work, at 6:30 p.m. or 7:00 p.m., depending on the respective panel;
- (c) the Commissioner of Urban Development Services be requested to submit a report to the first meeting of the Planning and Transportation Committee in the new term of Council, on the budgetary and staffing implications of the revised organizational structure of the Committee of Adjustment as amended by Council; and
- (d) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee, within six months of the operation of the new Committees of Adjustment, such report to address workload issues and the wisdom of increasing the number of members that sit on the panels.”

Clause No. 4 - “Interim Procedures During Council Election - All Wards”.

City Council amended this Clause by adding to Recommendation No. (1) contained in the report dated July 25, 2003, from the Commissioner of Urban Development Services, as embodied in the Clause, the words “in consultation with the Ward Councillor, wherever possible”, so that such recommendation shall now read as follows:

- “(1) the Commissioner of Urban Development Services and the City Solicitor be authorized to send staff to Ontario Municipal Board hearings on matters of concern to the City, as needed, during the Council Election, in consultation with the Ward Councillor, wherever possible;”.

Clause No. 6 - “Terms of Reference for the Taxicab Advisory Committee”.

City Council referred this Clause back to the Planning and Transportation Committee for further consideration.

Clause No. 8 - “Business Watch Pilot Project”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that a copy of this Clause be forwarded to the Toronto Police Services Board for its information.”

Clause No. 9 - “Other Items Considered by the Committee”.

Council received this Clause as information, subject to referring Item (g), entitled “Terms of Reference for the Licensing Sub-Committee”, embodied therein, back to the Planning and Transportation Committee for further consideration.

REPORT NO. 9 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 4 - “Hydro Corridors - Park and Recreation Uses and Property Taxes”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) Council endorse the following resolution passed by the Large Urban Mayors’ Caucus of Ontario:

‘THAT the Large Urban Mayors’ Caucus of Ontario request the Chair, Management Board of Cabinet, Honourable David Tsubouchi, for a provincial policy change to eliminate the property tax pass through for parks, recreation, commuter parking, and other transit related purposes.’; and
- (2) the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to Council, through the Economic Development and Parks Committee, on the level of turf maintenance on non-City leased hydro corridor lands abutting residential areas.”

Clause No. 7 - “2003 Levy of Railway Roadways and Rights-of-Way and on Power Utility Transmission and Distribution Corridors”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) City Council formally object to the Province of Ontario’s reduction in rates for these lands without consultation; and
- (2) the Province of Ontario be requested to begin discussions with the City of Toronto and the Association of Municipalities of Ontario (AMO), in the event the Province contemplates further changes, before any new regulations are introduced.”

Clause No. 8 - **“Canadian Broadcasting Corporation (250 Front Street West, Crown Corporation) - Reduction in Payment-in-Lieu of Taxes (Ward 20 - Trinity Spadina)”**.

City Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) the City of Toronto request, in writing, a review by the Payment-in-Lieu Disputes Advisory Board of the revised assessment of the CBC property; and
- (2) the Chief Financial Officer and Treasurer be authorized to retain professional services required to pursue this matter, up to an amount representing five percent of the potential revenue lost by the City.”

Clause No. 10 - **“Youth Criminal Justice Act Referral Program and One Day Summit on Youth-Police Relations”**.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the Toronto Police Services Board be requested to consider allocating \$25,000.00, from within its existing 2003 Operating Budget, to allow the Youth Criminal Justice Act Referral Program to continue for the first three months of 2004.”

Clause No. 11 - **“2003 Operating Budget Variance Reports Ending April 30, 2003, for the Toronto Police Service and Toronto Police Service - Parking Enforcement Unit”**.

City Council received this Clause.

Clause No. 14 - **“Analysis of Annual Reports of City of Toronto Agencies, Boards and Commissions”**.

City Council referred this Clause back to the Chief Administrative Officer, with the request that she submit a detailed report on annual reports to the Policy and Finance Committee, such report to:

- (1) clearly outline what is being spent on annual reports within the Corporation and its agencies, boards and commissions; and
- (2) provide guidelines for the writing of annual reports which will produce annual reports without excessive costs.

Clause No. 25 - “Toronto Hydro - Payment of Dividends”.

City Council referred this Clause back to the Chief Financial Officer and Treasurer and the City Solicitor and issued confidential instructions to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the Municipal Act, having regard that they contain information pertaining to the security of the property of the municipality or local board.

Clause No. 27 - “China Trademart in the Queen Elizabeth Building - Long Term Lease”.

City Council referred this Clause back to the Board of Governors of Exhibition Place for further consideration and further discussion with the Chinese community.

City Council also adopted the following recommendations:

“It is recommended that:

- (1) the Board of Governors of Exhibition Place and the CNEA be requested to develop and submit to City Council within six months, through the Economic Development and Parks Committee, a plan on future space requirements for the CNE, to ensure its continuing future success; and
- (2) the Commissioner of Economic Development, Culture and Tourism be involved in finding a suitable location for the China Trademart in the City of Toronto.”

Clause No. 28 - “Shelter Management Information System: Request for Proposals and Partnership Arrangement with the Federal Government”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) Councillor Minnan-Wong be invited to join the community reference group created by the Commissioner of Community and Neighbourhood Services for the purpose of project accountability; and
- (2) the Commissioner of Community and Neighbourhood Services be requested to:
 - (a) submit a report to the Community Services Committee on ways in which this management system can be used to make the shelter system more financially efficient; and
 - (b) submit a report to the Community Services Committee, the Advisory Committee on Homeless and Socially-Isolated Persons and the Budget Advisory Committee, at six months and also one year after the implementation of the Management System, on the effectiveness and benefit of the new shelter management information system, such report to include what level of financial commitment is anticipated, on a long-term basis, from the Federal Government.”

Clause No. 37 - "F.G. Gardiner Expressway Main Deck Rehabilitation, Jarvis Street to Don Valley Parkway - Request for Proposal No. 9117-03-7189 (Ward 28 – Toronto Centre-Rosedale and Ward 30 – Toronto-Danforth)".

City Council amended this Clause by adding thereto the following:

"It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the results of the Engineer's study on the investigation and design of the F. G. Gardiner Expressway Main Deck Rehabilitation, from Jarvis Street to the Don Valley Parkway, authorized by this report, as part of the report on the 'scoping study' authorized by City Council on February 4, 5 and 6, 2003, by its adoption of Clause No. 3 of Report No. 1 of The Policy and Finance Committee."

Clause No. 41 - "New and Emerging Technologies and Practices, Environmental Assessment Timeframe and Workplan".

City Council amended this Clause by adding thereto the following:

"It is further recommended that:

(a) Council adopt the supplementary report dated September 15, 2003, from the Commissioner of Works and Emergency Services, subject to inserting the following new Recommendation No. (3) and renumbering the subsequent recommendation as Recommendation No. (4):

'(3) upon completion of the Request for Qualifications, the Commissioner of Works and Emergency Services be requested to submit to the Works Committee a series of steps to manage the lobbying protocol at the Request for Proposals stage for the small scale research facilities that are presented;'

so that the recommendations embodied in such report, as amended by City Council, shall now read as follows:

'It is recommended that:

(1) the proposed issuance of a Request for Qualifications for new and emerging solid waste management technologies be issued under the City of Toronto's Lobbying Disclosure Policy;

(2) the City Clerk be requested to submit directly to Works Committee quarterly reports containing a summary of the lobbying disclosures submitted by potential vendors following the issuance of the Request for Qualifications cited in Recommendation No. (1) and post those reports on the City of Toronto Web site;

- (3) upon completion of the Request for Qualifications, the Commissioner of Works and Emergency Services be requested to submit to the Works Committee a series of steps to manage the lobbying protocol at the Request for Proposals stage for the small scale research facilities that are presented; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.'; and
- (b) the Commissioner of Works and Emergency Services be requested to include, in his forthcoming report, a clear analysis of the budget implications of the pilot projects on the 2004 Capital Budget."

Clause No. 42 - "Wet Weather Flow Management Master Plan and Wet Weather Flow Management Policy".

City Council amended this Clause by adding thereto the following:

"It is further recommended that:

- (1) Council acknowledge that approval of the policy does not include approval for any form of deflector arm related to the Humber River and that all options for resolving pollution in the Western Beaches, caused by the Humber River outfall, will be considered as part of the Environmental Assessment process;
- (2) the following motion be adopted:

WHEREAS suitable projects based on natural processes, such as natural vegetated wetlands/infiltration sites, can be effective and economical in cleaning up stormwater; and

WHEREAS the knowledge and expertise of competent community organizations are a valuable resource in implementing the Plan;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to work with knowledgeable Humber Watershed groups to pursue the inclusion of some low cost projects that utilize effective natural processes for the 2003-2007 implementation period of the Wet Weather Flow Management Master Plan.'; and

- (3) the Commissioner of Works and Emergency Services be requested to:
 - (a) submit a report to report to the Works Committee, within three months, on what the first and second steps would be to make our rivers meet water quality goals for swimming and any financial implications necessary to accomplish this, such report to also include time targets; and

- (b) submit a report to the Works Committee on the feasibility of improving the natural heritage features of local watercourses by developing principles that establish minimum budget allocations for Channel Form Naturalization, Riparian Restoration, Fish Barrier Removal and Pond Construction, either as a guaranteed for engineered expenditure or as a minimum percentage of the overall Wet Weather Flow budget.”

Clause No. 43 - “Wet Weather Flow Management Master Plan - Funding Mechanisms”.

City Council amended this Clause by adding to Section 4.6.2.2. of the Wet Weather Flow Management Policy the following words:

“All cash-in-lieu proposals must be discussed with the respective Councillor(s) who shall have the right to bump up any proposal to City Council through the Works Committee.”

Clause No. 51 - “Funding for Ten Affordable Rental Housing Projects Under Let’s Build and the Community Rental Housing Program, Pilot Project Component (Various Wards)”.

City Council amended this Clause in accordance with the supplementary report dated September 17, 2003, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendation:

“It is recommended that Clause No. 51 of Report No. 9 of The Policy and Finance Committee be amended by deleting Recommendation No. (2) of the Policy and Finance Committee and inserting in lieu thereof the following new Recommendation No. (2):

- ‘(2) households on the Toronto Social Housing Connections waiting list be provided opportunities to rent moderate-rent units in new Community Rental Housing Program/Let’s Build projects, without affecting their position on the waiting list for rent-g geared-to-income (RGI) units.’ ”

Clause No. 52 - “Morningside Neighbourhood Branch Library Relocation Capital Funding Pre-Approval”.

City Council amended this Clause in accordance with the following recommendations:

“It is recommended that:

- (1) the Chief Librarian, in consultation with the Chief Financial Officer and Treasurer and appropriate staff, be requested to conduct a further review of the option prior to October 31, 2003, for the relocation of the Morningside Library, based on relocating and constructing the library on City-owned land and this option be reviewed by the Toronto Public Library Board at its meeting on October 20, 2003;

- (2) should the option of constructing on City-owned land be operationally viable and at a total cost equal or lesser than the net present value of leasing the new library, City Council recommend approval to the incoming Council, subject to concurrence of the Library Board, of a 2004 Capital project, with a total value estimated at \$2.030 million (gross) and \$1.408 million (debt) for the construction of a new library on City-owned land;
- (3) in the event that the option to construct on City-owned land is not operationally and financially viable, then Report No. 9, Clause No. 52 of the Policy and Finance Committee, entitled 'Morningside Neighbourhood Library Relocation Capital Funding Pre-Approval', be adopted, which has the concurrence of the Library Board; and
- (4) the Chief Librarian be requested to submit a report to the incoming Council and the Library Board on the selected option."

Clause No. 54 - "Revised Motion in Support of Funding for Environmental Assessments of Subway Extensions".

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

"It is recommended that Council re-affirm its decision from its meeting held on July 22, 23 and 24, 2003."

Clause No. 55 - "Procurement Authorization - Option to Purchase 250, 40-Foot Low Floor Clean Diesel Buses from Orion Bus Industries".

City Council amended this Clause by adding thereto the following:

"It is further recommended that Council adopt the following recommendation of the Board of Health embodied in the communication dated September 16, 2003, from the Secretary, Board of Health:

'The Board of Health recommends that, as of 2006, the Toronto Transit Commission be requested to retrofit all diesel buses with filters or catalyts.' "

Clause No. 58 - "2004 Budget Process, Directions and Schedule".

City Council amended this Clause:

- (1) to provide that Council recommend to the incoming Council that the revised 2004 budget process calendar submitted by the Chief Financial Officer and Treasurer be implemented; and

(2) by adding thereto the following:

“It is further recommended that the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to prepare:

- (a) an orientation for Members of Council regarding the 2004 Capital and Operating Budgets; and
- (b) tools to educate the public regarding the City of Toronto’s budget challenges.”

Clause No. 59 - “Pre-Approval Request for 2004-2008 Capital Projects”.

City Council amended this Clause in accordance with the supplementary report dated September 16, 2003, from the Chief Financial Officer and Treasurer, embodying the following recommendation:

“It is recommended that the pre-approval amount for the TTC Capital program in 2004 be increased by \$44.0 million to a total of \$71.8 million, to account for the delivery and partial payment of the bus deliveries in the first quarter of 2004.”

Clause No. 61 - “2003 Second Quarter Capital Variance Report”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on any unexpended funds from the 2000, 2001 and 2002 Capital Budgets.”

Clause No. 71 - “Supreme Court of Canada Decision - Leave to Appeal Application - Canadian Radio-Television and Telecommunication Commission (CRTC) Decision 2001-23 Terms and Conditions for Access to Municipal Property by Telecommunications Carriers”.

City Council amended this Clause by adding thereto the following:

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

‘WHEREAS Allstream Corp. (formerly AT&T Canada Corp.) has filed an application (dated July 24, 2003) with the Canadian Radio-television and Telecommunications Commission (“CRTC”) seeking an order for access to the highways and public places under the jurisdiction of the City of Edmonton under Section 43 of the Telecommunications Act for the purpose of constructing, maintaining and operating its transmission lines; and

WHEREAS the Application indicates that it is being made to resolve the issue of the applicability of section 43 to the property of the City of Edmonton used for the purposes of its Light Rapid Transit (LRT) system; and

WHEREAS Allstream is arguing that it should be granted access to the LRT property, including the rights-of-way, tunnels, stations, bridges, pedways, stairwells, platform levels and concourse levels, on the basis that these are “public places” which telecommunication carriers are entitled to access under Section 43 of the Telecommunications Act in the same manner as public highways; and

WHEREAS Allstream is also arguing that the ruling made in CRTC Decision No. 2001-23, respecting the terms and conditions of construction, operation and maintenance of certain transmission lines in Vancouver, is equally applicable to the LRT property; and

WHEREAS a CRTC decision on the Application respecting these two issues may have implications for other municipalities, including the City of Toronto, to the extent that the decision may provide carriers with the right to demand and obtain access to municipal property other than highways, most notably subway or other transit systems similar to Edmonton’s LRT, and expand the scope of CRTC Decision No. 2001-23; and

WHEREAS the Federation of Canadian Municipalities (FCM) and other individual Canadian municipalities are considering whether to intervene in order to protect the national interests of Canadian municipalities; and

WHEREAS City Council, at its meeting of May 30, 31 and June 1, 2001, agreed to contribute to the Federation of Canadian Municipalities (FCM) Legal Defence Fund to fund the legal and administrative costs of its appeal of CRTC Decision 2001-23 to the Federal Court of Appeal, and all subsequent appeals; and

WHEREAS FCM shall be considering whether to continue the Legal Defence Fund and seek to apply it to other related legal actions, including the Allstream application discussed above; and

WHEREAS submissions in response to the Allstream Application must be filed with the CRTC by September 29, 2003, and this legal deadline requires that Council consider this matter at its meeting of September 22, 2003;

NOW THEREFORE BE IT RESOLVED THAT Council:

- (1) authorize the City Solicitor, in consultation with other City staff and the Toronto Transit Commission as required, to file a submission in support of the City of Edmonton and in opposition to the Application (July 23, 2003) of Allstream Corp. seeking access to highways and other public places under the jurisdiction of the City of Edmonton, addressing such issues as may be required to preserve the interests of the City of Toronto;

- (2) confirm to the Federation of Canadian Municipalities (FCM) that it has no objection to its contributions to the Legal Defence Fund being applied for the purpose of undertaking legal proceedings respecting the use and occupation of municipal property by telecommunications companies where there is a significant municipal interest involved, and authorize any remaining contributions to be made on this basis, in accordance with Council's previous direction at its meeting of May 30, 31 and June 1, 2001; and
- (3) authorize and direct the appropriate City officials to take the necessary action to give effect hereto.' "

Clause No. 75 - "Integrated Fire and Police Radio Communications System Final Project Report".

City Council received this Clause.

Clause No. 79 - "Financial Impact of the August 14, 2003 Electrical Blackout".

City Council amended this Clause by adding thereto the following:

"It is further recommended that a copy of this Clause be forwarded to the Chief Administrative Officer and the Chief Financial Officer and Treasurer with the request that, as a first priority, the new Mayor of the City of Toronto meet with the new Premier of Ontario to discuss the financial implications of this issue."

Clause No. 81 - "Other Items Considered by the Committee".

City Council amended this Clause as follows:

- (1) Council waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to consider Item (e), entitled "City Natural Gas Supply, Energy Retrofits and Enwave District Energy Limited", embodied therein. Council subsequently adopted the following motion:

"WHEREAS City Council, by its adoption of Policy and Finance Committee Report No. 4, Clause No. 26, at its meeting of May 21, 22 and 23, 2003, respecting the assignment of the City's Natural Gas Supply Agreement, directed that City staff meeting with Enwave District Energy Limited to discuss potential business arrangements pertaining to the purchase of natural gas, prior to the issuance of a Request for Proposals in this regard, and submit a report thereon to the Policy and Finance Committee by September 2003; and

WHEREAS the Policy and Finance Committee had before it for consideration at its meeting held on September 11, 2003, a report dated August 1, 2003, from the Commissioner of Corporate Services, in which it was noted that the City's

purchasing strategies are not compatible with those of Enwave, due to differing risk tolerances, and suggesting that the City and Enwave should meet annually to share market information, purchasing strategies and to explore potential future opportunities related to natural gas purchasing in a changing deregulated market; and

WHEREAS the Policy and Finance Committee deferred consideration of the Commissioner's report to the Policy and Finance Committee meeting to be held in January 2004; and

WHEREAS the effect of the deferral of the report prevents City staff from issuing the Request for Proposals for the City of Toronto natural gas supply and may subject the City to paying higher prices if this matter is deferred until some time in late January or early February; and

WHEREAS it is clear from the Commissioner's report that the likelihood of a joint Enwave-City purchase of natural gas is minimal, given the divergence in their risk tolerance, and it is in the best interests of the City to allow staff to prepare and issue the Request for Proposals for natural gas supply prior to the end of the year, rather than waiting until sometime in early 2004 to try to take advantage of optimal pricing;

NOW THEREFORE BE IT RESOLVED THAT City staff be authorized to issue the Request for Proposals for the natural gas supply at the earliest possible time.”; and

- (2) Item (r), entitled “City Funding for the Healthy Babies Healthy Children, Provincial Subsidy Shortfall – Financial Implications”, embodied in the Clause, was referred to the Chief Administrative Officer and the Chief Financial Officer and Treasurer, with the request that, as a first priority, the new Mayor of the City of Toronto meet with the new Premier of Ontario to discuss the financial implications of this issue.

City Council received the balance of the Clause as information.

REPORT NO. 7 OF THE WORKS COMMITTEE

Clause No. 6 - **“Mechanical Litter Removal from City Sidewalks, Gutters, Boulevards and Laneways in Districts 1 and 2 - Request for Quotation No. 6033-03-3191”.**

City Council amended this Clause 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, early in 2004, on a plan to co-ordinate the litter cleanup operations of all departments, agencies, boards and commissions throughout the City of Toronto, including a particular strategy for the downtown area.”

Clause No. 8 - “Counterclaim Against Recycle Plus Ltd. Arising Out of Termination of Contract”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the City Solicitor be authorized to add 1236797 Ontario Inc. and, if determined necessary by the City Solicitor, Enviro Glass Recycling, as parties to the said counterclaim.”

Clause No. 9 - “Proposed Municipal Code Chapter Prohibiting Littering and Dumping”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the City design of a standardized, distinctive form of signage to deter illegal dumping and littering be referred to the Clean Streets Working Group for subsequent report thereon to Council, through the Works Committee, on:

- (1) how and where such signage shall be erected;
- (2) improvements to enforcement procedures; and
- (3) provisions for the removal and/or replacement of existing signage.”

Clause No. 10 - “Water Metering and Meter Reading Technology”.

City Council did not re-open Clause No. 13 of Report No. 14 of The Policy and Finance Committee for further consideration.

City Council adopted the following recommendations:

“It is recommended that:

- (1) the following take place, prior to the issuance of any Request for Proposals:
 - (a) funds from the approved 2003 Capital Budget be expended for staff to issue a tender for a field assessment of approximately 10 per cent of the high volume meters to ensure that the risk to the City is minimized; and
 - (b) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in January 2004, on the next phase of the water meter project;
- (2) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee, with a copy to the Works Committee, on the feasibility of the City of Toronto sending water bills out once every two months; and

- (3) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee and the Works Committee on the feasibility of direct payment of water bills.”

Clause No. 12 - **“Co-generation Interconnection Agreement with Toronto Hydro-Electric System Limited for Humber Treatment Plant (Ward 5 – Etobicoke-Lakeshore; Ward 13 – Parkdale-High-Park)”**.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to explore other opportunities, such as the Highland Creek sewage plant, for the implementation of co-generation and report thereon to the Works Committee.”

Clause No. 19 - **“Pickering Townline Agreement Renewal”**.

City Council amended this Clause by adding thereto the following:

“It is further recommended that the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on all cross-jurisdictional agreements, with a view to updating or renegotiating these agreements in the interest of the City of Toronto.”

Clause No. 20 - **“Street Lighting Pole Replacement Program”**.

City Council amended this Clause 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, separately, on a program to either maintain or replace the deteriorating street lighting system on the William R. Allen Road.”

Clause No. 21 - **“Front Street West, Between York Street and Bay Street - Review of Parking Regulations on the South Side, in Front of Union Station (Ward 28 - Toronto Centre-Rosedale)”**.

City Council amended this Clause by inserting the following new Recommendation No. (2) in the report dated August 26, 2003, from the Commissioner of Works and Emergency Services, as embodied in the Clause, and renumbering the remaining recommendation as Recommendation No. (3):

- “(2) the Independent Cab Owners Association taxi stand located on the south side of Front Street east from York Street be moved eastward to coincide with the top of the exit ramp from Union Station, subject to the approval of the Commissioner of Works and Emergency Services; and”,

so that the recommendations contained in such report, as amended by City Council, shall now read as follows:

“It is recommended that:

- (1) a five-space ‘Taxicab Stand’, to be in effect at all times, be located on the south side of Front Street West, from a point 30.5 metres west of Bay Street to a point 31.5 metres further west;
- (2) the Independent Cab Owners Association taxi stand located on the south side of Front Street east from York Street be moved eastward to coincide with the top of the exit ramp from Union Station, subject to the approval of the Commissioner of Works and Emergency Services; and
- (3) appropriate City officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

Clause No. 24 - “Winter Maintenance on Sidewalks (Snow Clearing, Sanding and Salting) - District 1, Area 1 - Quadrant A, Contract No. 03D1-159TR, Tender Call No. 185-2003 (Parts of Wards 16, 22, 25, 26, 27, 28, 29, 30, 31 and 32)”.

City Council amended this Clause in accordance with the supplementary confidential joint report dated September 15, 2003, from the Chief Financial Officer and Treasurer and the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the recommendation of the Works Committee to award the contract to K.J. Beamish Construction Co. Ltd. be struck; and
- (2) the recommendations contained in the joint report of the Commissioner of Works and Emergency Services and Chief Financial Officer and Treasurer, dated August 26, 2003, to award the contract to Queensway Excavating & Landscaping Ltd., be adopted.”

Clause No. 42 - “Assignment of Winter Maintenance Contracts Nos. 02D4-142TW and 02D4-143TW, (Part of Wards 35, 36, 37, 38, 39, 40 and 41)”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (a) Council adopt the supplementary confidential joint report dated September 19, 2003, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

‘It is recommended that:

- (1) the Commissioner of Works and Emergency Services be authorized to exercise the authority delegated by the recommendations contained in the public report on this matter, taking into consideration the matters set out in this in-camera report; and
- (2) the appropriate City officials take the necessary action to give effect thereto.’; and

- (b) Council adopt the joint report dated September 19, 2003, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, embodying the following recommendations:

‘It is recommended that:

- (1) the Commissioner of Works and Emergency Services, in consultation with the Chief Financial Officer and Treasurer and the City Solicitor, be delegated authority to do the following:
 - (a) enter into any necessary negotiations with Metropolitan Paving & Concrete Incorporated and its surety Jevco Insurance Company with respect to the performance of the contracts;
 - (b) determine whether any proposed contractor and/or surety is satisfactory to the City to perform the contracts, including acceptance of the terms and conditions of the original Metropolitan Paving & Concrete Incorporated tenders, satisfaction of the Ministry of Transportation pre-qualification rating, satisfaction of the Fair Wage and Labour Trades requirements, etc., and if satisfactory, entering into any necessary agreement with the proposed contractor and surety;

- (c) determine, in consultation with the Purchasing Agent, what alternative methods should be pursued, in the event that the surety does not fulfil its obligations with respect to providing a contract and/or surety satisfactory to the City to perform the contracts; and
 - (d) determine, in consultation with the Chief Financial Officer and Treasurer, what funds are available to obtain the performance of the contract, such funds not to exceed a stipulated amount, as set out more particularly in the in-camera report;
- (2) the Commissioner of Works and Emergency Services report back to the Works Committee and Council, at the first opportunity in 2004, on the outcome of this matter; and
 - (3) the appropriate City officials take the necessary action to give effect thereto.’ ”

Clause No. 54 - “Waterfront Breakwall Along Western Beaches”.

City Council adopted the following recommendations:

“It is recommended that:

- (a) Council adopt the report dated September 15, 2003, from the Commissioner of Works and Emergency Services, subject to adding to the lead-in phrase to the recommendations contained therein, the words ‘before the winter of 2003-2004’, so that the recommendations embodied in such report, as amended by City Council, shall now read as follows:

‘It is recommended that, before the winter of 2003-2004:

- (1) Transport Canada, Harbours and Ports Branch be requested to update the 1997 detailed inspection report for the 4.6 kilometres of breakwall outside the City’s ownership and, in consultation with the Provincial Ministry of Natural Resources, determine the appropriate Federal Department and/or Provincial Ministry to undertake any immediate breakwall repairs which are of an urgent safety concern and further to determine the Provincial Ministry and/or Federal Department responsible for the long-term maintenance of the breakwall;

- (2) in the event that the City of Toronto has not received confirmation from the appropriate Provincial Ministry and/or Federal Department on the issues of breakwall ownership and responsibility for undertaking the immediate and ongoing repairs to the 4.6 kilometres of breakwall outside the City's ownership, the City Solicitor be requested to prepare a joint report with the Commissioner of Works and Emergency Services, for the first Works Committee of 2004, on the appropriate legal steps necessary to resolve these issues; and
 - (3) the appropriate City officials be granted the authority to give effect thereto.'; and
- (b) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, in March 2004, on how the opportunity presented by the breakwall repairs can be used to enhance the water quality in the western beaches."

REPORT NO. 7 OF THE ETOBICOKE COMMUNITY COUNCIL

Clause No. 12 - **"Traffic Assessment - The Kingsway Neighbourhood (Ward 5- Etobicoke-Lakeshore)".**

City Council took no action on this Clause.

Clause No. 13 - **"Traffic Assessment - Edgemore Drive, Glenroy Avenue and Meadowvale Drive (Ward 5 – Etobicoke-Lakeshore)".**

City Council took no action on this Clause.

Clause No. 15 - **"Introduction of Designated Bicycle Lanes, No Stopping Prohibitions and Exclusive Right-Turn Lanes on Birmingham Street Between Islington Avenue and Twenty Second Street (Ward 6 – Etobicoke-Lakeshore)".**

City Council amended this Clause by deleting from Recommendation No. (13) embodied in the report dated August 11, 2003, from the Director, Transportation Services, District 2, as embodied in the Clause, the word "north", and inserting in lieu thereof the word "south", so that such recommendation shall now read as follows:

- "(13) stopping be prohibited anytime on the south side of Birmingham Street between Twenty Second Street and a point 41.0 metres east thereof;"

Clause No. 25 - “Appeal to the Ontario Municipal Board - 1050 The Queensway (Ward 5 - Etobicoke-Lakeshore)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the confidential report dated September 4, 2003, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendation embodied therein:

‘It is recommended that the City Solicitor and staff from Urban Development Services be instructed to support the modified proposal at the upcoming Ontario Municipal Board hearing.’ ”

Clause No. 36 - “Request for Fence Variance - 35 Fieldway Road (Ward 5 - Etobicoke-Lakeshore)”.

City Council amended this Clause by striking out the recommendation of the Etobicoke Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the supplementary report dated September 19, 2003, from the Commissioner, Urban Development Services, embodying the following recommendations:

‘It is recommended that the acoustical barrier walls recommended by Messrs. S.S. Wilson Associates in their report dated January 27, 2003, as part of the development review process for the east, south and west elevations be approved, subject to discussions and agreement by Zanini Developments Inc. and City of Toronto staff on the following conditions:

- (1) the acoustical barrier wall on the east elevation of the development be eliminated;
- (2) the west acoustical barrier wall be a maximum height of 5.5 metres;
- (3) the south acoustical barrier wall, subject to a maximum height of 5.5 metres, be extended further eastward from its originally proposed location, with the new extension located adjacent to the rear yards at the properties 223, 225 and 227 Van Dusen Boulevard, on the Bering Yard, being a City of Toronto property; and
- (4) the developer enters into an Encroachment Agreement with the City of Toronto for any encroachments of the acoustical barrier walls onto Bering Yard.’ ”

Clause No. 38 - “Request for Fence Variance - 1 Bradfield Avenue (Ward 5 – Etobicoke-Lakeshore)”.

City Council adopted the following recommendation:

“It is recommended that Chapter 447 of the City of Toronto Municipal Code be amended to permit a fence in the front yard of 1 Bradfield Avenue provided that:

- (1) the fence is set back at least 3.0 metres from the edge of the sidewalk;
- (2) the fence does not exceed a height of 1.83 metres; and
- (3) the fence is located in the front yard, as defined by Chapter 447.”

REPORT NO. 7 OF THE HUMBER YORK COMMUNITY COUNCIL

Clause No. 11 - “Little Avenue: (1) Poll Results to change the Direction of Traffic between Lawrence Avenue West and Weston Road; (2) On-Street Permit Parking; and (3) Request to Change Little Avenue into a Cul-de-Sac (Ward 11 - York South-Weston)”.

City Council took no action on this Clause.

Clause No. 16 - “Status Report - 1900 Lake Shore Boulevard West - Applications to Amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86 (Ward 13 - Parkdale-High Park)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 23, 2003, from the Commissioner of Urban Development Services, subject to striking out Recommendation No. (1), embodied therein, and inserting in lieu thereof the following new Recommendation No. (1):

‘It is recommended that City Council:

- (1) authorize the City Solicitor to appear at the Ontario Municipal Board to request deferral of the appeal of the application to after March 2004 to allow time for:
 - (a) the submission of the required studies and comments for review by the City, local residents and other objectors;

- (b) a public meeting or meetings to be held pursuant to The Planning Act; and
- (c) Community Council and City Council to consider all information received;’,

so that the recommendations contained in such report, as amended by City Council, shall now read as follows:

‘It is recommended that City Council:

- (1) authorize the City Solicitor to appear at the Ontario Municipal Board to request deferral of the appeal of the application to after March 2004 to allow time for:
 - (a) the submission of the required studies and comments for review by the City, local residents and other objectors;
 - (b) a public meeting or meetings to be held pursuant to The Planning Act; and
 - (c) Community Council and City Council to consider all information received;
- (2) authorize City Planning staff to attempt to secure a Section 37 Agreement for local City benefits, in the event that the Ontario Municipal Board approves this application; and
- (3) authorize the City Solicitor to secure conditions of approval requested by City departments and agencies in relation to Site Plan Approval.’ ”

Clause No. 30 - **“Status and Directions Report - 1100 King Street West - Applications to Amend the Official Plan and Zoning By-law and for Site Plan Approval Canadian Pacific Company (Kirkor Architects & Planners) (Ward 14 - Parkdale-High-Park)”**.

City Council adopted the following recommendation:

“It is recommended that City Council refuse this application, given the lack of adequate information provided to City Council which would enable Council to undertake due diligence and reach a decision as it is required to do.”

Clause No. 33 - "Request for Roadway Modifications on Church Street Between Weston Road and Jane Street (Ward 11 - York South-Weston)".

City Council amended this Clause by inserting in Part (3) of the request of the Humber York Community Council, as embodied in the Clause, after the words "City of York", the words "or commitment for funding made", so that such Part shall now read as follows:

- "(3) report on the availability of any funds that were received by the former City of York, or commitment for funding made, during the rezoning process of the former Humber Hospital, and that these funds be allocated towards the proposed roadway modification plan."

Clause No. 41 - "(1) Kennedy Park Road between Bloor Street West and Glendonwynne Avenue; and (2) Margdon Road between Glendonwynne Avenue and Kennedy Park Road - Adjustments to Parking Regulations (Ward 13 - Parkdale-High Park)".

City Council amended this Clause by amending the report dated August 20, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

- (1) deleting the street name "Glendonwynne Avenue", wherever it appears, and inserting in lieu thereof the street name "Glendonwynne Road";
- (2) deleting from Recommendation No. (4) embodied in Appendix "A", the words "Parts G and P of Schedule XXVI (Permit Parking)", and inserting in lieu thereof the words "Parts A and P of Schedule XXVI (Permit Parking)"; and
- (3) deleting the number "45.2", wherever it appears in Appendices "A", "B" and "C", and inserting in lieu thereof the number "45.7".

Clause No. 56 - "3 and 6 Windermere Avenue - Amendments to the Section 37 Agreement (Ward 13 - Parkdale-High Park)".

City Council amended this Clause by adding thereto the following:

"It is further recommended that:

- (1) the supplementary report dated September 23, 2003, from the Commissioner of Urban Development Services, be received; and
- (2) the City Solicitor be authorized to amend the Section 37 Agreement for 3 and 6 Windermere Avenue to re-direct \$44,000.00 of the funds allocated to the construction of a boathouse on the Humber River as follows:
 - (a) \$23,000.00 to the Swansea Town Hall basement extension; and
 - (b) \$21,000.00 to the Ormskirk Parkette."

Clause No. 61 - “Safety Audit of Weston Road from Denison Road to Coulter Avenue (Ward 11 - York South-Weston)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 22, 2003, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

‘It is recommended that:

- (1) this report be received for information;
- (2) subject to Council direction on this matter, the Commissioner of Works and Emergency Services report on the costs through the budget cycle; and
- (3) this report be forwarded to the Works Committee.’ ”

Clause No. 62 - “Ontario Municipal Board Hearing - 361 Symington Avenue and 1 Wiltshire Avenue (Ward 17 – Davenport)”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that Council adopt the supplementary confidential report dated September 22, 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 pertains to litigation or potential litigation.”

Clause No. 63 - “Status and Direction Report - 46 Halford Avenue (West Side of Halford Avenue, east of Old Mill Dirve, North of the East-West Section of Halford Avenue and South of Humberview Road); Application to Amend Zoning By-law No. 1-83 (Ward 13 – Parkdale-High Park)”.

City Council adopted the following recommendations:

“It is recommended that:

- (1) Council receive the supplementary report dated September 15, 2003, from the Commissioner of Urban Development Services; and
- (2) the City Solicitor be instructed to attend at the November 3, 2003 Ontario Municipal Board hearing to oppose the site plan and zoning appeals for 46 Halford Avenue in the original form as appealed or as revised and to retain such expert assistance as may be required.”

REPORT NO. 7 OF THE MIDTOWN COMMUNITY COUNCIL

Clause No. 2 - "Preliminary Report - Application to Amend the Zoning By-law of the City of Toronto as per Toronto Parking Authority (Turner Fleischer Architects Inc.) 453 Spadina Road No. 203005, TD CMB 2003 0009 (St. Paul's - Ward 22)".

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

"It is recommended that:

- (1) the Chief Administrative Officer, in consultation with the Auditor General, retain (on a sole source basis if necessary) a well respected outside Counsel with expertise in municipal law, real estate law and litigation;
- (2) Council instruct outside Counsel:
 - (a) to investigate the facts surrounding this matter; and
 - (b) to review all Council reports with respect to this matter, the agreement of purchase and sale dated November 8, 2001, with respect to 453 Spadina Road, signed by the City of Toronto, the Toronto Parking Authority and First Spadina Place Inc., and all submissions presented to Midtown Community Council and City Council;
- (3) after considering the documents and submissions set out in Recommendation No. (2) above, outside Counsel provide his/her opinion whether City Council at its meeting of April 11, 12 and 13, 2000, authorized the terms of the Agreement of Purchase and Sale dated November 8, 2001, with respect to 453 Spadina Road, and further that outside Counsel provide an analysis of options available to City Council and provide a risk assessment of the options available;
- (4) outside Counsel be instructed to present his/her report with respect to the matters set out in Recommendation No. (3) above, to the January 2004 meeting of the Administration Committee, such report to be provided in-camera as it is solicitor-client advice; and
- (5) if necessary, the City Solicitor attend at the Ontario Municipal Board to request an adjournment of the appeal of the development application at 453 Spadina Road, until City Council can consider the report of outside Counsel."

Clause No. 3 - “Renaming of Davisville Park, Ward 22 to ‘June Rowlands Park’ (St. Paul’s - Ward 22)”.

City Council adopted the following recommendation:

“It is recommended that City Council adopt the supplementary report dated September 23, 2003, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

‘It is recommended that:

- (1) Economic Development Culture and Tourism proceed with the recommendation by Midtown Community Council to rename Davisville Park to June Rowlands Park, in accordance with the Naming and Renaming Policy for Parks and Recreation Facilities and Parks; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 27 - “Request for Approval of a Variance from the Former City of North York Sign By-law No. 30788, as Amended, for the Erection of an Off-premise Ground Sign on the CN Rail Lands on the West of Leslie Street, South of Highway 401 (Don Valley West - Ward 25)”.

City Council referred this Clause to the Toronto North Community Council for further consideration.

Clause No. 32 - “Sale of Surplus Vacant Land Located on the North Side of Melrose Avenue between Nos.518 and 522 Melrose Avenue (Eglinton-Lawrence - Ward 16)”.

City Council did not adopt this Clause.

Clause No. 53 - “Introduction of Permit Parking on the South Side of McPherson Avenue, Between Poplar Plains Road and Rathnally Avenue (St. Paul’s - Ward 22)”.

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

“It is recommended that the report dated August 21, 2003, from the Manager, Right-of-Way Management, Transportation Services, District 1, be adopted, subject to:

- (1) amending Recommendation No. (3) to read as follows:

- '(3) parking be allowed for a maximum period of one hour on the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, from 8:00 a.m. to midnight, Monday to Friday;'; and
- (2) inserting the following new Recommendation No. (4) and re-numbering the remaining recommendation as Recommendation No. (5):
 - '(4) the existing "No Parking" prohibition in operation between 8:00 a.m. to 6:00 p.m., daily, on the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, be rescinded; and'

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

'It is recommended that:

- (1) permit parking be introduced on the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, on a street name basis, to operate during the hours of 12:01 a.m. to 8:00 a.m., Monday to Friday;
- (2) the newly created Part AK of Schedule XXVI (Permit Parking), of Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, be introduced to incorporate the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, to operate between 12:01 a.m. to 8:00 a.m., Monday to Friday;
- (3) parking be allowed for a maximum period of one hour on the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, from 8:00 a.m. to midnight, Monday to Friday;
- (4) the existing "No Parking" prohibition in operation between 8:00 a.m. to 6:00 p.m., daily, on the south side of MacPherson Avenue, between Poplar Plains Road and Rathnelly Avenue, be rescinded; and
- (5) 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. 62 - **"Request to Amend Subdivision Agreement - 9 Legacy Court, Lot 7, RP 66M-2331, UD 10 AME 9UDOZ-94-33 and UDSB-1221 (Don Valley West - Ward 25)".**

City Council referred this Clause to the Toronto North Community Council for further consideration.

- Clause No. 66** - **“Final Report – Application to Amend the Zoning By-law 7625, 73 Jonesville Crescent, George and Melina Tenacs (Axiis Architect Design Inc.) TB ZBL 2002 0007 (Don Valley East – Ward 34)”**.

City Council adopted the following recommendation:

“It is recommended that City Council adopt the supplementary report dated September 17, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that City Council:

- (1) amend the Final Report for 73 Jonesville Avenue dated August 21, 2003, by removing Recommendation No. (3)(iv); and
- (2) approve the Final Report, as amended.’ ”

- Clause No. 67** - **“Final Report (OMB Direction) Application to Amend the Official Plan and Zoning By-law No. 7625, 1200 - 1202 York Mills Road, Sterling Silver Development Corporation, Northgrave Architects Inc. TD CMB 2001 0006 (Don Valley East - Ward 34)”**.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 16, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) City Council adopt the following revision and additions to the Final Report dated August 21, 2003, from the Acting Director, Community Planning, North District:
 - (a) Recommendation No. (4)(l) be revised to read “a cash payment of \$200,000.00 for parks improvements, over and above the cash-in-lieu contribution required under Section 42 of the Planning Act to be paid upon the execution of the Section 37 Agreement.”;
 - (b) that upgrading the lobbies of the two existing buildings valued at \$154,000.00 be added as Recommendation No. (4)(m);

- (c) that upgrading the corridors throughout the two existing buildings valued at \$320,000.00 be added as Recommendation No. (4)(n); and
 - (d) that the owner will not seek a rent increase above the Provincial guideline to cover the costs of the improvements in (b) and (c) above;
- (2) City Council adopt the Final Report dated August 21, 2003, from the Acting Director, Community Planning, North District, as revised by Recommendation No. (1) of this report and the Supplementary Report dated September 4, 2003; and
 - (3) City Council direct the City Solicitor to seek approval at the Ontario Municipal Board for Official Plan and Zoning By-law Amendment Application No. TD CMB 2001 0006 as amended by Recommendation No. (1) of this report.’ ”

Clause No. 75 - “Prohibition of Skateboarding on Ptarmigan Crescent and Wallingford Drive (Don Valley East - Ward 34)”.

City Council amended this Clause by deleting the first Operative Paragraph contained in the Resolution by Councillor Minnan-Wong, as embodied in the Clause, and inserting in lieu thereof the following:

“NOW THEREFORE BE IT RESOLVED THAT skateboarding on the sidewalks and roadways on each of Ptarmigan Crescent and Wallingford Drive be prohibited;”.

REPORT NO. 7 OF THE NORTH YORK COMMUNITY COUNCIL

Clause No. 9 - “On-Street Metered Parking – Yonge Street Between Church Avenue and Byng Avenue (Ward 23 - Willowdale)”.

City Council amended this Clause by deleting Recommendation No. (3) in the report dated August 21, 2003, from the Director, Transportation Services, District 3, Works and Emergency Services, as embodied in the Clause, and inserting in lieu thereof the following new Recommendation No. (3):

- “(3) the metered parking and/or parking machine regulations for the east side of Yonge Street, between Church Avenue and a point 128 metres north thereof, be extended to operate between Church Avenue and a point 145 metres north thereof; and”.

Clause No. 21 - **“Amendment to the Sign By-law for the former City of North York to Restrict Signs on Office and Industrial Buildings in the Yonge Street City Centre Area (Ward 23 - Willowdale)”.**

City Council referred this Clause to the Toronto North Community Council for further consideration.

Clause No. 22 - **“Final Report - Application to Amend North York Zoning By-law No. 7625 - TB ZBL 2003 0005 (03 035353 NNY 24 OZ) - Yu-Min Zhang (c/o Action Planning Consultants) - 230 Finch Avenue East (Ward 24 - Willowdale)”.**

City Council adopted the following recommendation:

“It is recommended that the report dated August 18, 2003, from the Acting Director, Community Planning, North District, Urban Development Services, as embodied in the Clause, be adopted.”

REPORT NO. 7 OF THE SCARBOROUGH COMMUNITY COUNCIL

Clause No. 40 - **“Request for Direction - TF ZBL 2003 0010 and TF SUB 2003 0005, 758893 Ontario Limited, South of Pickford Road, North of Craggview Drive, West Hill Community (Ward 43 - Scarborough East)”.**

City Council amended this Clause by adding thereto the following:

“It is further recommended that City Council adopt the report dated September 24, 2003, from the Acting Director of Community Planning, East District, embodying the following recommendations:

‘It is recommended that:

- (1) Council adopt Report No. 7, Clause No. 40, Request for Directions, Scarborough Community Council; and
- (2) direct staff to consider the issues raised by the community with those issues raised in Report No. 7, Clause No. 40, Request for Direction Report, Scarborough Community Council.’ ”

Clause No. 41 - “Proposed Gerrard/Clonmore Multi-Unit Residential Development (Ward 36 – Scarborough Southwest)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the following Recommendations Nos. (2) and (3) embodied in the confidential report dated September 19, 2003, from the City Solicitor, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege:

‘It is recommended that:

- (2) Council direct staff to:
 - (a) negotiate with the applicant to achieve an improved development form;
 - (b) request that the variance application now before the Committee of Adjustment be further deferred;
 - (c) request the applicant to bring forward a site plan control application; and
 - (d) request the applicant to respond to environmental matters set out in this report; and
- (3) Council direct the Commissioner of Urban Development Services to carry out a study of land use policies and in respect of that area of land lying east of Victoria Park Avenue, south of the CN rail tracks and fronting on Gerrard and Clonmore.’ ”

REPORT NO. 8 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

Clause No. 6 - “Draft By-laws – Official Plan Amendment and Rezoning - 49-51 River Street (Toronto Centre-Rosedale, Ward 28)”.

City Council amended this Clause in accordance with the following motion:

Moved by: Councillor McConnell

Seconded by: Councillor Pantalone

“**WHEREAS** Toronto East York Community Council has recommended adoption of Clause No. 6 of Report No. 8, recommending approval of Official Plan and Zoning By-law Amendments to permit development of 30 freehold townhouses; and

WHEREAS the draft Zoning By-law Amendment, Official Plan Amendment and New Official Plan Amendment attached to the report indicate that the total residential gross floor area of the proposed development will not exceed 3,990 square metres; and

WHEREAS initial calculations of the proposed residential gross floor area did not take into account below grade areas in the proposed units to be developed; and

WHEREAS By-law No. 438-86 requires inclusion of certain below-grade areas in the calculation of residential gross floor area; and

WHEREAS the inclusion of this additional floor space in the calculation of total residential gross floor area does not alter the size of the proposed buildings;

NOW THEREFORE BE IT RESOLVED THAT:

(1) the draft Zoning By-law Amendment be revised to read as follows:

‘1. (ii) the aggregate residential gross floor area erected or used on the lands shown on Map 1 does not exceed 4645 square metres.’;

(2) the draft Official Plan Amendment be revised to read as follows:

‘(1) 18.604 (a) Notwithstanding any of the provisions of the Official Plan, Council may pass by-laws respecting the lands shown delineated by heavy lines on the map attached hereto and designated as “Map No. 18.604” to permit the erection and use of buildings containing dwelling units and uses accessory thereto and having not more than 4,645 square metres of gross floor area provided.’;

(3) the draft New Official Plan Amendment be revised to read as follows:

‘xx. 49-51 River Street

No framework for new development as set out in a Secondary Plan will be required for these lands if the lands are developed only to permit 30 residential units and maximum gross floor area of 4645 square metres.’; and

(4) no further notice shall be given in respect of the proposed by-laws.”

Clause No. 12 - **“Draft By-laws – Official Plan Amendment and Rezoning and Authority to Enter into Heritage Easement Agreement - 56 Queen Street East and 51 Bond Street (Metropolitan United Church) (Toronto Centre-Rosedale, Ward 27)”**.

City Council amended this Clause in accordance with the following motion:

Moved by: Councillor Rae

“WHEREAS at its meeting of September 9, 2003, Toronto East York Community Council recommended the adoption of the Final Report – Application to Amend the Official Plan and Zoning By-law for 56 Queen Street East and 51 Bond Street (Metropolitan United Church), dated August 25, 2003, from the Director, Community Planning, South District, and the report dated August 7, 2003, from the Commissioner of Economic Development, Culture and Tourism; and

WHEREAS the report recommends approving the application to amend the Official Plan and the Zoning By-law No. 438-86 for the former City of Toronto and securing the improvements to the site, church and parsonage through a Section 37 Agreement to be registered on title prior to introduction of the Bills; and

WHEREAS the parties to the proposed Section 37 Agreement have not been able to fulfil all of the conditions to the execution of the Agreement prior to this Council meeting and have requested an extension of time to complete; and

WHEREAS the Director, Community Planning, South District, and the Commissioner of Economic Development, Culture and Tourism have agreed that the timing of the execution of the recommended Heritage Easement Agreements should be achieved before Site Plan Approval;

NOW THEREFORE BE IT RESOLVED THAT Recommendation No. (4) of the Final Report of the Director, South District, Community Planning, be deleted and the following Recommendation No. (4) be inserted in its place:

- ‘(4) (a) the owners (Metropolitan United Church and Lancer Metropolitan Corporation) jointly and severally, are required to enter into a Section 37 Agreement with the City containing the benefits outlined in this report and in a form to the satisfaction of the City Solicitor and further to complete the registration on title of this agreement within ten(10) business days from the time the notice (pursuant to the Planning Act) has been provided that requisite Bills have been enacted by City Council; and
- (b) notwithstanding Recommendation No. (4)(a), Council shall authorize the City Solicitor to appeal the requisite Bills noted therein, should the owners fail to meet the obligations in Recommendation No. (4)(a);’;

AND IT BE FURTHER RESOLVED THAT Recommendation No. (1) of the report from the Commissioner of Economic Development, Culture and Tourism be deleted and replaced with the following:

- (1) the owners enter into and register a Heritage Easement Agreement for Metropolitan United Church and Parsonage with the City prior to Site Plan Approval;’;

AND IT BE FURTHER RESOLVED THAT City Council, under Section 34(17) of the Planning Act determine that no further notice to the public is required for the changes noted above.”

Clause No. 15 - “Request for Direction – OMB Hearing – 511 Bremner and 2 and 20 Housey Street; 20, 22A and 24 Bathurst Street (Trinity-Spadina, Wards 19 and 20)”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated September 23, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that City Council:

- (1) instruct the City Solicitor and other staff, as necessary, to attend at the Ontario Municipal Board to support the official plan and zoning by-law amendment applications submitted by Wittington Properties Limited as set out in this report and in accordance with the parameters listed below:
 - (a) that the draft by-laws incorporate provisions to allow for certain temporary and small kiosk-type buildings on the lands beneath the Gardiner Expressway, without precluding any future options for the Expressway;
 - (b) that any changes to road rights-of-way and building setbacks contained in the draft by-law ultimately reflect those to be described in a Council-approved Public Realm Master Plan and Architectural Design Guidelines for the Fort York Neighbourhood and Blocks 33 and 37 of the Railway Lands West;
 - (c) that residential gross floor area in the proposed towers above 40 metres in height be limited to 710 m² on Block 3, 750 m² on Block 4 and 790 m² on Block 6 in the Fort York Neighbourhood, and to 735 m² on each of Blocks 33 and 37 in the Railway Lands West; and

- (d) that non-residential gross floor area be limited to 5000 m² on Block 33 and to 4455 m² on Block 37 of the Railway Lands West;
- (2) direct the City Solicitor to request, in association with Wittington Properties Ltd., that the Ontario Municipal Board withhold any Order on an official plan and zoning by-law amendment with respect to the subject lands west of Bathurst Street until the owner and the City have entered into a Section 37 agreement that conforms to the policies of the Fort York Neighbourhood Part II Official Plan and the Fort York Neighbourhood Secondary Plan and the owner has satisfied any other requirements of those plans;
- (3) authorize execution of a Section 37 Agreement and any other agreements required to secure matters outlined in this report in connection within the proposed development on the Wittington lands west of Bathurst Street and within the Fort York Neighbourhood;
- (4) authorize the use of a Section 37 Agreement pursuant to the Planning Act to secure matters required as a condition of precinct plan approval in connection with Blocks 33 and 37 in the Railway Lands West as well as matters, services or facilities that may be related to the increase in the height and density on Blocks 33 and Blocks 37 and, further, authorize any necessary site specific official plan amendment to implement the same;
- (5) direct the City Solicitor to request, in association with Wittington Properties Ltd., that the Ontario Municipal Board withhold any Order on an official plan or zoning by-law amendment with respect to the subject lands east of Bathurst Street until the owner and the City have entered into the necessary agreements that conform to the policies of the Railway Land West Part II Plan and the Railway Lands West Secondary Plan and the owner has satisfied any other requirements of those plans;
- (6) report to Council in connection with ongoing negotiations with Wittington Properties Inc. necessary to finalize all required agreements prior to release of the Order of the Ontario Municipal Board relevant to the Wittington lands east of Bathurst in the Railway Lands West (Blocks 33 and 37);
- (7) authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services to make such stylistic and technical changes to any draft Official Plan amendments and draft zoning by-law amendments as may be required to implement any OMB Decision;
- (8) support any required amendments to the Fort York Neighbourhood Part II Plan, the Fort York Neighbourhood Secondary Plan and Zoning By-laws to implement recommendations of the report, including By-law No. 438-86, as amended, and By-law No. 1995-0466;

- (9) support any required amendments to the Railway Lands West Part II Plan, Railway Lands West Secondary Plan and Zoning By-laws to implement the recommendations of this report, including By-law No. 1994-0805, as amended;
- (10) instruct the City Solicitor and other staff, as necessary, to attend at the Ontario Municipal Board and support correcting modifications to the text and maps of Official Plan Amendment No. 265 (Fort York Neighbourhood Part II Plan) and Official Plan Amendment No. 12 (Fort York Neighbourhood Secondary Plan) that maintain the intent of those amendments and, further, to support the appeal by Wittington with respect to revisions to alter the proportion of non-residential/residential gross floor area permitted in connection with its Blocks 4, 4A, 6 and 6A as outlined in this report; and
- (11) instruct the City Solicitor to attend at the Ontario Municipal Board and support the request by Wittington to defer its appeal of applicable sections of Official Plan Amendment No. 265 and Official Plan Amendment No. 12 related to Blocks 8, 9 and 10 pending consideration by Council of specific development applications related to those lands.’

as amended by the further supplementary report dated September 24, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that City Council amend the September 23, 2003 staff report requesting direction for the Ontario Municipal Board hearing on the Wittington lands, as follows:

- (a) that Recommendation No. (1)(a) regarding temporary and small-scale uses under the Gardiner Expressway be deleted;
- (b) that Wittington Properties Ltd. or its successors be required to contribute the full cost of improvements to its lands under the Gardiner Expressway;
- (c) that Wittington Properties Ltd. or its successors be required to convey a public easement over the lands under the Gardiner Expressway to ensure public access through the site;
- (d) that the reference to the Block 33 tower setback from the Portland Street/Dan Leckie Way building face be amended to read “at least 6.0 metres and to the satisfaction of the Commissioner of Urban Development Services”; and
- (e) that the list of public benefits to be negotiated with Wittington for its lands in the Railway Lands West include “contributions toward affordable housing”.’ ”

Clause No. 30 - “Draft By-laws - Official Plan Amendment and Rezoning and Authority to Execute Heritage Easement Agreement - 1001 Queen Street West (Centre for Addiction and Mental Health) (Trinity-Spadina, Ward 19)”.

City Council amended this Clause:

- (1) in accordance with the supplementary report dated September 15, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

- (1) the draft official plan amendments (Attachments 9 and 10 to the report (August 20, 2003) from the Director, Community Planning, South District), be replaced with Attachments 1 and 2 of this report;
- (2) the draft by-law (Attachment 11 to the report (August 20, 2003) from the Director, Community Planning, South District), be replaced with Attachment 3 of this report;
- (3) the Proposed Heights map contained in the report (August 20, 2003) from the Director, Community Planning, South District), be amended to change the height on the south-west corner of Block 4 to 37 metres from 33 metres;
- (4) the Proposed Zoning map contained in the report (August 20, 2003) from the Director, Community Planning, South District), be amended to change the zoning on Block 13 to G from CR(h);
- (5) Recommendation No. (5) of the Final Report (August 20, 2003) from the Director, Community Planning, South District), be amended to read:
 - ‘(5) approve the design guidelines for the redevelopment of 1001 Queen Street West, entitled “Design Guidelines for the Centre for Addiction and Mental Health, 1001 Queen Street”, prepared by Urban Strategies Inc, date stamped as received September 15, 2003, and on file with the Commissioner of Urban Development Services;’;
- (6) the City Solicitor be authorized to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendment as may be required; and
- (7) no further notice be given of the proposed amendments.’; and

(2) by adding thereto the following:

“It is further recommended that, as recommended in the communication dated September 22, 2003, from Councillor Pantalone, Trinity-Spadina, a Neighbourhood Committee be established, chaired by the Ward Councillor, to discuss land use issues relating to the Holding Provision and Site Plan Review.”

Clause No. 31 - “Revocation of Vending Licences - Village of Yorkville Park (Toronto Centre-Rosedale, Ward 27)”.

City Council referred this Clause to the Toronto South Community Council for further consideration.

REPORT NO. 9 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

Clause No. 19 - “Construction and Maintenance of Chinese Archway - Hamilton Street Flank of 573 Gerrard Street East (Toronto Parking Authority Lot) (Toronto-Danforth, Ward 30)”.

City Council referred this Clause to the Commissioner of Economic Development, Culture and Tourism, with a request that he, in consultation with the Commissioner of Works and Emergency Services and the President of the Toronto Parking Authority, submit a report to City Council, through the appropriate Community Council, in January 2004, on the acceptance of the donation of a Chinese Archway at Gerrard Street East and Hamilton Street, from the Chinese Chamber of Commerce, in accordance with the “Official Gifts and Donations Policy”.

Clause No. 23 - “Installation of Traffic Control Signals - British Columbia Drive and Yukon Place (Trinity-Spadina, Ward 19)”.

City Council referred this Clause to the Toronto South Community Council for further consideration.

Clause No. 28 - “Implementation of ‘No Stopping Anytime’ Prohibition and Associated Parking Regulation Amendments - Adelaide Street East, North Side, between George Street and Sherbourne Street (No. 330 Adelaide Street East) (Toronto Centre-Rosedale, Ward 28)”.

City Council amended this Clause by amending the report dated August 12, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by deleting from Recommendation No. (1)(a), the word “east”, and inserting in lieu thereof the word “west”, so that such recommendation shall now read as follows:

“(a) Sherbourne Street to a point 47.5 metres west thereof; and”.

Clause No. 47 - "Requests for Endorsement of Events for Liquor Licensing Purposes".

City Council amended this Clause by amending the recommendations of the Toronto East York Community as follows:

- (1) adding the St. Lawrence Market 200th Anniversary Celebration to be held from October 30, 2003, to November 1, 2003, to Recommendation No. (1), so that such recommendation shall now read as follows:

“(1) declare the following events to be events of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to such events taking place:

- (a) the Corktown Octoberfest to be held at Sackville Park, 420 King Street East, between 11:00 a.m. and 11 p.m., on September 27, 2003; and
- (b) the St. Lawrence Market 200th Anniversary Celebration to be held on October 30, 2003, to November 1, 2003;”;

- (2) adding the following events to Recommendation No. (2):

“(c) the Amsterdam Beer Festival to be held at the Amsterdam Brew Pub and Grill, 600 King Street West, on Thursday, September 25, 2003, from 11:00 a.m. to 2:00 a.m., Friday, September 26, 2003, from 11:00 a.m. to 2:00 a.m., Saturday, September 27, 2003, from 11:00 a.m. to 2:00 a.m., Sunday, September 28, 2003, from 11:00 a.m. to 2:00 a.m., Thursday, October 2, 2003, from 11:00 a.m. to 2:00 a.m., Friday, October 3, 2003, from 11:00 a.m. to 2:00 a.m., Saturday, October 4, 2003, from 11:00 a.m. to 2:00 a.m., and Sunday, October 5, 2003, from 11:00 a.m. to 2:00 a.m., in the north and east parking laneways of the premises;

(d) a dinner/dance to be held at the Kew Gardens Tennis Club on September 27, 2003, from 6:30 p.m. to 1:00 a.m.; and

(e) an art vernissage at Gallery 888, 888 Queen Street East, Toronto, on Wednesday, October 22, 2003, from 6:00 p.m. to 9:00 p.m.;”.

Clause No. 49 - “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 14 Strachan Avenue (Trinity-Spadina, Ward 19)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 16, 2003, from the Commissioner of Urban Development Services, subject to amending Recommendation No. (1) by adding thereto the following new Parts (d) and (e):

- ‘(d) the dimensions of each sign face be limited to 6.80 metres in height and 16.92 metres in width and the message centre panel be limited to 1.35 metres in height and 17.07 metres in width, for an overall area of 138.10 m²; and
- (e) encroachments be permitted over the bike lane north of the sign and over the curb/retaining walls, not to exceed a total encroachment of 2.5 metres, subject to an encroachment agreement satisfactory to the Commissioner of Works and Emergency Services.’,

so that the recommendations embodied in such report, as amended by City Council, shall now read as follows:

‘It is recommended that:

- (1) the requested variances be approved, subject to the following conditions:
 - (a) the approval be granted only for the remaining period of the sign lease which expires on March 31, 2018;
 - (b) the northeast and northwest sign panels be non-illuminated, as they would be facing the residential units located in the four future condominium apartment buildings to be constructed on an adjacent lot north of the proposed Front Street Extension;
 - (c) the builder be asked to provide an undertaking that, prior to the sale and purchase agreement of the residential units in the four above mentioned buildings, he will give a written “Buyer Beware” notice to all the future buyers of the residential units stating that an illuminated, third-party sign of this size and height is located to the south of these buildings;
 - (d) the dimensions of each sign face be limited to 6.80 metres in height and 16.92 metres in width and the message centre panel be limited to 1.35 metres in height and 17.07 metres in width, for an overall area of 138.10 m²; and

- (e) encroachments be permitted over the bike lane north of the sign and over the curb/retaining walls, not to exceed a total encroachment of 2.5 metres, subject to an encroachment agreement satisfactory to the Commissioner of Works and Emergency Services; and
- (2) the applicant be advised of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services, upon approval of the variances.’ ”

Clause No. 52 - “Official Plan Amendment and Rezoning - 764 Yonge Street and 35 Balmuto Street (Toronto Centre-Rosedale, Ward 27)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 23, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) Council direct the City Solicitor and planning staff to attend the Ontario Municipal Board (OMB) and support the position generally outlined in this report;
- (2) Council not support the application in its current form and direct staff to continue negotiating with the applicant to address the issues outlined in this report; and
- (3) Council direct the City Solicitor to request the Ontario Municipal Board to defer setting a hearing date until after the first Council meeting of the new year, in order to receive further direction from Council as may be necessary as a result of continuing negotiations held to address the issues outlined in this report.’ ”

Clause No. 53 - “Revisions to Draft Plan of Subdivision for Precincts 1 and 2; Removal of Holding Designation from Blocks 24, 25, 26 and 29 in the Railway Lands West (Trinity-Spadina, Ward 20)”.

City Council adopted the following recommendation:

“It is recommended that Council adopt the supplementary report dated September 23, 2003, from the City Solicitor, embodying the following recommendations:

‘It is recommended that:

- (1) Council authorize the execution of the Subdivision Agreement and associated escrow and heritage agreements for the proposed development of Precincts 1 & 2 in Railway Lands West as described in this report;
- (2) Council authorize the payment of the City’s contribution to infrastructure, in accordance with the terms of the Subdivision Agreement, and grant authority to the Commissioner of Works and Emergency Services to issue the necessary Purchase Orders for such payments as required; and
- (3) Council authorize, upon receipt of notice from Concord Adex that it intends to proceed with the construction of Bremner Boulevard, the delivery of notice pursuant to the terms of the Wittington Land Exchange Agreement requiring Wittington to remove the existing buildings from the lands required for the construction of Bremner Boulevard.’ ”

Clause No. 55 - “Installation of Speed Bumps - Tracy Street, between Sydenham Street and Shuter Street (Toronto Centre-Rosedale, Ward 28)”.

City Council amended this Clause by deleting from Recommendation No. (1) embodied in the report dated August 27, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, the reference “Drawing Nos. 421F-6832”, and inserting in lieu thereof the reference “Drawing No. 421F-7129”, so that such recommendation shall now read as follows:

- “(1) the installation of speed bumps on Tracy Street between Sydenham Street and Shuter Street, of the type and design noted and at the locations shown on Drawing No. 421F-7129 dated August, 2003 be approved; and”.

Clause No. 66 - “Removal of Holding Symbol from Portion of City Block Bounded by Trinity Street, Eastern Avenue, Front Street East and Cherry Street (First Parliament Buildings of Upper Canada) (Toronto Centre-Rosedale, Ward 28)”.

City Council amended this Clause by deleting Recommendation No. (2)(ii) contained in the report dated September 4, 2003, from the Director, Community Planning, South District, as embodied in the Clause, and inserting in lieu thereof the following:

- “(2) (ii) the Province of Ontario provide to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, in consultation with other City officials and the City Solicitor, prior to December 1, 2003, adequate documentation to confirm that the Province is legally bound to complete the conveyance of the lands, generally shown on the Context Plan in this report, as part of a land exchange transaction whereby the Province of Ontario becomes the owner of 265 Front Street East, and the current

owners of 265 Front Street East become the owners of the lands on which the Holding symbol is to be removed, and that, in the event the Province is unable to demonstrate this legal commitment, staff be authorized to take any action necessary to re-impose the Holding symbol on that portion of the West Don Lands affected by the lifting of the Holding symbol at the first available meeting after December 1, 2003.”

REPORT NO. 6 OF THE BOARD OF HEALTH

Clause No. 1 - “Toronto Public Health’s Response to the Severe Acute Respiratory Syndrome (SARS) Outbreak 2003”.

City Council amended this Clause by adding thereto the following:

“It is further recommended that a copy of this Clause be forwarded to the Chief Administrative Officer and the Chief Financial Officer and Treasurer, with the request that, as a first priority, the new Mayor of the City of Toronto meet with the new Premier of Ontario to discuss the financial implications of this issue.”

ADDITIONAL MATTER:

Council adopted the following recommendation:

“It is recommended that the comments of Mayor Mel Lastman and the record of accomplishments during his term as the first Mayor of the amalgamated City of Toronto be recorded, in full, in the minutes of this meeting.”

NOTICES OF MOTION APPEARING UNDER ITEM F

F(1) City Employees Strike - Summer of 2002

Moved by: Councillor Bussin

Seconded by: Councillor McConnell

“**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: *The Motion was withdrawn.*

F(2) **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; and

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: *City Council, at its meeting held on April 14, 15 and 16, 2003, re-opened 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”, for further consideration. City Council subsequently adopted the balance of this Motion, without amendment.*

F(3) **Freedom of Information Request – Removal of Trees at Bales Avenue and Glendora Avenue (Ward 23, Willowdale)**

Moved by: Councillor Fillion

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 Fillion, 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 Fillion 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 Fillion was denied access to the files by the City Solicitor; and

WHEREAS following a subsequent Freedom of Information request, Councillor Fillion 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: City Council received this Motion.

F(4) **Mandatory Retirement Policy**

Moved by: Councillor Johnston

Seconded by: Councillor Miller

“**WHEREAS** the Ontario Human Rights Commission has held that mandatory retirement is age discrimination; and

WHEREAS the United Nations has said that state parties to the International Covenant on Economic, Social and Cultural Rights, should expedite the trend towards the elimination of mandatory retirement; and

WHEREAS Bill 68 2003 An ‘Act to amend the provisions of certain Acts respecting the age of retirement’, has had a first reading on May 29, 2003, in the Provincial legislature, and has been committed to by the government in its Throne Speech; and

WHEREAS mandatory retirement tends to particularly affect women and recent immigrants; and

WHEREAS the application of this policy has resulted in the cancellation of important and valuable recreation services to the citizens of this City; and

WHEREAS mandatory retirement results in the loss of an irreplaceable source of institutional memory that is especially crucial as the City attempts to move forward after the enforced amalgamation of the former six cities;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services, in consultation with the employee associations and labour unions, be directed to report back to Council, through the Administration Committee, on the merits of abolishing mandatory retirement in its future labour agreements.”

Disposition: City Council referred this Motion to the Administration Committee.

F(5) **Approval to Erect Election Signs on Mayoral and City Councillor Candidates Campaign Offices prior to September 11, 2003 (60 days prior to voting day)**

Moved by: Councillor Bussin

Seconded by: Councillor Pantalone

“**WHEREAS** candidates for the office of Mayor and for Toronto City Council may officially register and commence campaigning as early as January 2, 2003; and

WHEREAS candidates for Mayor and City Council can establish a campaign office anytime after registering; and

WHEREAS major contending candidates for Mayor have established their campaign offices many months prior to September 11, 2003; and

WHEREAS it is democratically desirable and appropriate that the residents of Toronto have every opportunity to access their municipal candidates for elected office and know where the campaign offices are located;

NOW THEREFORE BE IT RESOLVED THAT Council authorize a minor variance from Article II, Election Signs, of Chapter 693, Signs, of the City of Toronto Municipal Code to permit candidates in the 2003 municipal election to erect and display election signs on their campaign offices prior to September 11, 2003 (60 days prior to voting day);

AND BE IT FURTHER RESOLVED THAT, in the opinion of Council, the general intent and purpose of Article II, Election Signs, of Chapter 693, Signs, of the Toronto Municipal Code are maintained.”

Disposition: City Council referred this Motion to the Administration Committee, as one of the priority issues dealing with the next election.

NOTICES OF MOTION APPEARING UNDER ITEM I

I(1) Clothing Drop Boxes

Moved by: Councillor Moscoe

Seconded by: Councillor Holyday

“**WHEREAS** the City of Toronto requires any person or business wishing to encroach on public property to secure an agreement with the City; and

WHEREAS the owners of clothing drop boxes, many of whom represent charities that are questionable, seem to indiscriminately drop these boxes onto public property; and

WHEREAS an unsupervised box frequently is accompanied by litter and piles of clothing being deposited onto the road allowance; and

WHEREAS legitimate charities should have no difficulty whatsoever in securing permission from the City to locate their clothing drop boxes on City property;

NOW THEREFORE BE IT RESOLVED THAT the City require anyone wishing to locate a clothing drop box on City property to:

- (a) secure the permission of the City;
- (b) agree to maintain and keep clean the area in and around the drop box; and
- (c) produce a legally registered charitable number;

AND BE IT FURTHER RESOLVED THAT staff do all things necessary to ensure that this policy is enforced.”

Disposition: City Council adopted this Motion, without amendment.

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) Request to Waive Council’s Policy to Permit the Mailing of a Notice Regarding the Rezoning of Lands Located in the Gerrard/Clonmore Area

Moved by: Councillor Ashton

Seconded by: Councillor Bussin

“**WHEREAS** the City of Toronto is in receipt of an Application for a Minor Variance with respect to lands located in the Gerrard/Clonmore area; and

WHEREAS consideration of the application was deferred at the Scarborough Committee of Adjustment to its meeting scheduled to be held on October 15, 2003; and

WHEREAS the application is a request to modify existing zoning that permits the development of approximately 1,455 units, with seven buildings ranging from 23 to 27 storeys; and

WHEREAS the surrounding communities have expressed great concern over the impact of these densities on City services and City infrastructure; and

WHEREAS the surrounding communities have expressed grave concern over the environmental impact of developing this former landfill site; and

WHEREAS the normal community notification for Committee of Adjustment Hearings is limited; and

WHEREAS Council policy prohibits Notices by Councillors after September 25th, unless Council approval is obtained;

NOW THEREFORE BE IT RESOLVED THAT Council waive its policy, in this instance, to permit Councillors Ashton and Bussin to notify their respective communities of the October 15th meeting of the Scarborough Committee of Adjustment;

AND BE IT FURTHER RESOLVED THAT the following boundaries describe the mailing:

Councillor Bussin CNR rail line to the north, Pickering Street to the west, Kingston Road to the south, and Victoria Park Avenue to the east.

Councillor Ashton CNR rail line to the north, Warden Avenue to the east, waterfront to the south, and Victoria Park Avenue to the west.”

Disposition: ***City Council adopted this Motion, subject to adding the following words to the second Operative Paragraph:***

“and to all persons having requested notification at the Committee of Adjustment hearing at the Scarborough Civic Centre”, so that such Operative Paragraph shall now read as follows:

“AND BE IT FURTHER RESOLVED THAT the following boundaries describe the mailing:

Councillor Bussin CNR rail line to the north, Pickering Street to the west, Kingston Road to the south, and Victoria Park Avenue to the east.

Councillor Ashton CNR rail line to the north, Warden Avenue to the east, waterfront to the south, and Victoria Park Avenue to the west.

and to all persons having requested notification at the Committee of Adjustment hearing at the Scarborough Civic Centre.”

J(2) **Ontario Municipal Board Hearing - 482 and 484 St. Clair Avenue East**

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** the Committee of Adjustment, Toronto East York Panel, held a public meeting on May 7, 2003, to consider a request for the granting of minor variances at 482 and 484 St. Clair Avenue East; and

WHEREAS the Committee heard from a large number of area residents opposed to the granting of these variances; and

WHEREAS the Committee of Adjustment refused to grant the requested variances on the basis that the proposal was not minor in nature, did not represent an appropriate development of the property and did not meet the general intent of the Zoning By-law; and

WHEREAS the Committee of Adjustment determined that the extension of the legal non-conforming use would increase the usability of the building for the use not permitted by the by-law and that the proposal is not appropriate for the development of the land and the building and does cause undue impacts on the surrounding properties and neighbourhood; and

WHEREAS the applicant has now appealed this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the Ontario Municipal Board hearing in defence of the City’s Committee of Adjustment decision.”

Disposition: *City Council adopted this Motion, without amendment.*

J(3) **Notification of Applications for Rooftop Signage in the City of Toronto**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Dominelli

“**WHEREAS** the current policy of the Urban Development Services regarding the processing of rooftop signage in the City of Toronto, does not require City staff to notify the Ward Councillors of applications made to the City of Toronto; and

WHEREAS, as Councillor for Ward 14 – Parkdale High Park, I have had written correspondence with the Commissioner of Urban Development Services on rooftop signage applications, to which I had been assured that City staff would keep my office informed of future applications for rooftop signage and, to date, this has not happened; and

WHEREAS we, as Ward Councillors, need to be kept informed by City staff with respect to applications for the erection of rooftop signs in our Wards, so that each Councillor can provide their comments to City staff when processing the application; and

WHEREAS having City staff keeping the Ward Councillors informed of rooftop signage applications will enable the Ward Councillor to have consultation with his/her constituents affected by the display of rooftop signage on their street;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Commissioner of Urban Development Services to make changes to the policy on rooftop signage, so that each Ward Councillor is consulted on rooftop signage applications in their Ward in the City of Toronto during this term and in the future.”

Disposition: City Council referred this Motion to the Commissioner of Urban Development Services for report thereon to Council, through the Planning and Transportation Committee.

J(4) **Ontario Municipal Board Hearing - 433-437 Roncesvalles Avenue**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Dominelli

“**WHEREAS** the Ontario Municipal Board will be considering an appeal by Stinson Developments Limited, for 433-437 Roncesvalles Avenue, with respect to a decision by the Committee of Adjustment, denying permission to demolish the existing place of worship and pastor’s residence (St. Jude’s Church), retail store and restaurant, and to construct a seven-storey, commercial/residential building containing 101 residential units with underground parking; and

WHEREAS Stinson Developments Limited made an agreement with the community and has reneged on that agreement that was based on a proposal containing 99 residential units; and

WHEREAS the community has significant concerns with this project and the building surpasses the maximum permitted residential gross floor area and the maximum permitted combined residential and non-residential gross floor area;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Ontario Municipal Board that the variances being sought by the applicant are not considered minor and do not warrant consideration of approval of the appeal by the Ontario Municipal Board;

AND BE IT FURTHER RESOLVED THAT a representative from Legal Services and an outside planner be requested to appear in support of the Committee of Adjustment decision at the Ontario Municipal Board Hearing.”

Disposition: City Council adopted this Motion, without amendment.

- J(5) **20 Gothic Avenue – Status Reports, Application to Amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86, and Site Plan Approval; Quebex Development Corporation on behalf of the City of Toronto (Dermot J. Sweeny, Architects)**

Moved by: Councillor Moscoe

Seconded by: Councillor Di Giorgio

“WHEREAS City Council, at its meeting held on July 22, 23 and 24, 2003, adopted without amendment, Humber York Community Council Report No. 6, Clause No. 21, headed ‘Status Reports – 20 Gothic Avenue, Application to amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86 and Site Plan Approval; Quebex Development Corporation on behalf of the City of Toronto (Dermot J. Sweeny, Architects), Ward 13-Parkdale-High Park’, and, in so doing, adopted the recommendation of the Humber York Community Council to designate Gothic Avenue one-way south and eastbound to the westerly limits of the driveway of the new development on Gothic Avenue, subject to favourable results of a resident poll conducted by Councillor Moscoe; and

WHEREAS the Humber York Community Council on July 8, 2003, had before it for consideration a Status Report (June 24, 2003) and a Further Status Report (July 7, 2003), from the Director, Community Planning, South District; both of which recommended receipt for information; and

WHEREAS the Humber York Community Council reported for the information of Council, that the Status Reports (July 7, 2003 and June 24, 2003) from the Director, Community Planning, South District, were received; and

WHEREAS in Clause No. 21 of Report No. 6, the Status Report (June 24, 2003) from the Director, Community Planning, South District, was copied in error and duplicated where the text for the Further Status Report (July 7, 2003) should have been indicated; and as a result, the Further Status Report (July 7, 2003) from the Director, Community Planning, South District, was inadvertently omitted from Clause No. 21;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Humber York Community Council Report No. 6, Clause No. 21, headed ‘Status Reports – 20 Gothic Avenue, Application to amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86 and Site Plan Approval; Quebex Development Corporation on behalf of the City of Toronto

(Dermot J. Sweeny, Architects), Ward 13-Parkdale-High Park)', be re-opened for further consideration, for the purpose of including the Further Status Report (July 7, 2003) from the Director, Community Planning, South District, so that it forms part of the record of Clause No. 21 in Report No. 6, of the Humber York Community Council."

Disposition: *City Council re-opened Humber York Community Council Report No. 6, Clause No. 21, headed "Status Reports - 20 Gothic Avenue, Application to amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86 and Site Plan Approval; Quebex Development Corporation on behalf of the City of Toronto (Dermot J. Sweeny, Architects), Ward 13-Parkdale-High Park)", for further consideration and adopted the balance of this Motion, without amendment.*

J(6) **Approval for the Issue and Sale of Debentures**

Moved by: Councillor Shiner

Seconded by: Mayor Lastman

“WHEREAS at its meeting held on February 4, 5 and 6, 2003, City Council adopted By-law No. 114-2003 being a by-law to authorize agreements respecting the issue and sale of debentures; and

WHEREAS pursuant to By-law No. 114-2003, the Mayor and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures upon such terms and conditions, including price or prices as they deem expedient, to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including the purposes of any former area municipality, the former Municipality of Metropolitan Toronto and a board of education; and

WHEREAS the Mayor and Treasurer have entered into an agreement dated September 12, 2003 for the issue and sale of debentures and the Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering into of such agreement; and

WHEREAS the City of Toronto Act, 1997 (No. 2), subsection 102(6), requires Council to pass all necessary money by-laws in accordance with the said agreement and applicable legislation;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report of the Chief Financial Officer and Treasurer, dated September 15, 2003, regarding the issuance of debentures; that such report be adopted; and that leave be granted for the introduction of the necessary Bills in Council to give effect to the issuance of debentures.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(6), without amendment, Council adopted, without amendment, the report dated September 15, 2003, from the Chief Financial Officer and Treasurer, entitled “Issuance of Debentures”, embodying the following recommendations:

“It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on September 22, 2003, to give effect to the issuance of debentures as described in this report; and*
- (2) the appropriate Officials be authorized to take the necessary actions to give effect thereto.”*

J(7) Defence of Committee of Adjustment Decision - 209A and 209B Scarborough Road

Moved by: Councillor Bussin

Seconded by: Councillor Walker

“WHEREAS on May 28, 2003, the Committee of Adjustment refused a variance for lot coverage for properties municipally known as 209A and 209B Scarborough Road; and

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

WHEREAS the Committee of Adjustment refused the variance on the grounds that the general intent and purpose of the Zoning By-law had not been maintained, the variance was not considered desirable for the appropriate development of the land and that in the opinion of the Committee, the variance was not minor; and

WHEREAS the appellant has now been before the Committee of Adjustment on three separate occasions for relief from the By-law on these properties and has appealed the Committee’s refusal to the Ontario Municipal Board on all three occasions and has not been successful on the previous appeals;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Solicitor to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to refuse the variance for lot coverage for properties municipally known as 209A and 209B Scarborough Road.”

Disposition: *City Council adopted this Motion, without amendment.*

J(8) **Proposed Changes to Parking Regulations on the South Side of Milner Avenue (Ward 42 - Scarborough-Rouge River)**

Moved by: Councillor Cho

Seconded by: Councillor Altobello

“WHEREAS City Council at its meeting held on June 24, 25 and 26, 2003, adopted, without amendment, Clause No. 6 of Report No. 5 of The Scarborough Community Council headed ‘Proposed Changes to Parking Regulations on the South Side of Milner Avenue between Markham Road and Scunthorpe Road’; and

WHEREAS By-law No. 476-2003 was subsequently enacted by City Council on June 26, 2003, to give effect to the changes; and

WHEREAS an amendment is required to Column 4 of Appendix 2 embodied in the aforementioned Clause;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report No. 5, Clause No. 6, headed ‘Proposed Changes to Parking Regulations on the South Side of Milner Avenue between Markham Road and Scunthorpe Road’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Appendix 2 be amended by deleting from Column 4 the times ‘3:00 p.m. to 8:00 p.m.’ and inserting in lieu thereof the times ‘3:00 p.m. – to 8:00 a.m.’;

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

Disposition: City Council re-opened Scarborough Community Council Report No. 5, Clause No. 6, headed “Proposed Changes to Parking Regulations on the South Side of Milner Avenue between Markham Road and Scunthorpe Road”, for further consideration, and adopted the balance of this Motion, without amendment.

J(9) **2100 and 2110 Keele Street – Final Report, Application to Amend the North York Official Plan and Zoning By-law No. 7625 (Ward 12 - York South-Weston)**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Dominelli

“WHEREAS City Council, at its meeting held on February 4, 5 and 6, 2003, adopted, without amendment, Humber York Community Council Clause No. 2, Report No. 1, headed ‘Final Report - 2100 and 2110 Keele Street Application to amend the North York Official Plan and Zoning By-law No. 7625 (York South-Weston, Ward 12)’, and in so doing, adopted the recommendation that, ‘The Humber York Community Council, based on findings of fact and conclusions and for the reasons that the proposal is an appropriate use of lands, recommends the adoption of the Final Report (January 7, 2003) from the Acting Director, Community Planning, North District, subject to ‘Section 37 Agreement’ of the Draft Zoning By-law being amended to include an undertaking from the owner, that an application will not be submitted to Committee of Adjustment for relief from the parking standards and the site plan conditions’; and

WHEREAS the Councillor for the Ward has undertaken further consultation with respect to the parking standards for this application as well as the related site plan; and

WHEREAS the Councillor for the Ward is satisfied that it is no longer necessary to include a requirement in the Zoning By-law regarding future applications to the Committee of Adjustment, as they relate to parking standards for the site;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Humber York Community Council Report No. 1, Clause No. 2, headed ‘Final Report – 2100 and 2110 Keele Street, Application to Amend the North York Official Plan and Zoning By-law No. 7625’, be re-opened for further consideration;

AND THEREFORE BE IT FURTHER RESOLVED THAT the above-noted previous direction of City Council as it relates to parking standards for any future applications to the Committee of Adjustment no longer be required.”

Disposition: City Council re-opened Humber York Community Council Report No. 1, Clause No. 2, headed “Final Report – 2100 and 2110 Keele Street, Application to Amend the North York Official Plan and Zoning By-law No. 7625”, for further consideration, and adopted the balance of this Motion, without amendment.

J(10) **Alternate Parking Requirement for 131 Coxwell Avenue Under Supporting Communities Partnership Initiative (SCPI)**

Moved by: Councillor Bussin

Seconded by: Councillor Walker

“WHEREAS 873815 Ontario Inc., operating as Mahogany Management, applied for funding and Council, at its meeting to be held on September 22, 23 and 24, 2003 has before it Community Services Committee Clause No. 20 Report No. 7, a motion to approve federal Supporting Communities Partnership Initiative (SCPI) funds for 873815 Ontario Inc. to develop affordable rental housing at 131 Coxwell Avenue; and

WHEREAS 873815 Ontario Inc., completed the agreement for purchase and sale for the site at 131 Coxwell Avenue on September 8, 2003, with the intent to provide affordable rental housing in the long term; and

WHEREAS 873815 Ontario Inc., once approved by Council for SCPI funding, will enter into a SCPI Agreement with the City obligating it to provide affordable rental housing for a term of twenty five years, which will be registered on the title of 131 Coxwell Avenue; and

WHEREAS 873815 Ontario Inc. has proposed to develop land at 131 Coxwell Avenue for social housing within the meaning of the City of Toronto Act, 1988 (No.2); and

WHEREAS the City of Toronto Zoning By-law allows for a reduced number of parking spaces on land which the owner or operator agrees to use for the purpose of social housing; and

WHEREAS 873815 Ontario Inc. has requested relief from the parking requirements of the City of Toronto Zoning By-law with respect to the proposed project; and

WHEREAS without the reduced number of parking spaces permitted under the City of Toronto Zoning By-law, the proposed development by 873815 Ontario Inc. at 131 Coxwell Avenue is not viable; and

WHEREAS the City of Toronto Act 1988 (No. 2) authorizes the City of Toronto to enter into a social housing agreement with the owner or operator of a social housing project which, in the opinion of Council, is designated primarily to accommodate persons with low to moderate incomes; and

WHEREAS 873815 Ontario Inc. is prepared to enter into a social housing agreement to use the land at 131 Coxwell Avenue for the purpose of social housing designated primarily to accommodate persons with low to moderate incomes through a long term lease for all units with a non-profit social housing provider;

NOW THEREFORE BE IT RESOLVED THAT the City enter into a social housing agreement with 873815 Ontario Inc. to ensure that the land at 131 Coxwell Avenue shall be used for the purpose of a social housing project designed to provide housing for persons with low to moderate incomes, such agreement to be on terms and conditions satisfactory to the Commissioner of Community and Neighbourhood Services, and in a form satisfactory to the City Solicitor.”

Disposition: City Council adopted this Motion, without amendment.

J(11) To Designate Certain Toronto Parking Authority Carparks for use as Parking Facilities

Moved by: Councillor Rae

Seconded by: Councillor Feldman

“**WHEREAS** City Council, under the provisions of Municipal Code Chapter 179, Parking Authority, has authorized the Toronto Parking Authority, subject to the approval of Council, to enter into agreements for the construction of parking facilities, provided that the land and buildings where vehicles may be parked shall be acquired and owned by the City and shall be used by the Parking Authority only where designated by by-law of Council for that purpose; and

WHEREAS consolidated regulations concerning the use and operation of municipal parking facilities within the City of Toronto are now found in Article VI of Municipal Code Chapter 950, Traffic and Parking, which requires that all carparks to which the by-law applies be explicitly identified in Schedule III to Chapter 950; and

WHEREAS, since the enactment of Article VI of Chapter 950 in June 2002, the Parking Authority has received Council approval for the acquisition, construction and operation of several carparks not originally included in Schedule III; and

WHEREAS these lands were designated by Council for use as parking facilities for the purposes of development, but explicit authority was not given to add them to the schedule in Chapter 950 once a carpark name and number were assigned; and

WHEREAS it is necessary for enforcement purposes that these new carparks be added to the schedule in Chapter 950 as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Schedule III to Municipal Code Chapter 950, Traffic and Parking, be amended by adding the following carparks to the list contained in the Schedule:

| Car Park Number | Name | Address/Location |
|-----------------|---------------------|--------------------------------|
| 195 | Rowanwood/Price | 15 Price Street |
| 216 | McCaul | 209 McCaul Street |
| 217 | Richmond/Jarvis | 87 Richmond Street |
| 218 | Malta Village | 3354 Dundas Street West |
| 219 | Bathurst/St. Clair | 1445 Bathurst Street |
| 220 | St Clair/Greensides | 789 St. Clair Avenue West |
| 221 | St. Patrick | 121 St. Patrick Street |
| 222 | Skydome Bus Parking | 305 Bremner Boulevard |
| 602 | Bayview/Millwood | 1503 Bayview Avenue |
| 667 | Eglinton/Alameda | 1531-1535 Eglinton Avenue West |
| 706 | Milner | 284 Milner Avenue |
| 707 | Markham | 1530 Markham Road |

- (2) Municipal Code Chapter 179, Parking Authority, be amended to provide the City Solicitor with standing authority to process housekeeping amendments to Schedule III to Municipal Code Chapter 950, Traffic and Parking, to add new carparks to the list in Schedule III as the names and numbers are assigned, provided that the lands and buildings have been acquired and developed and approved by Council in accordance with the requirements of Municipal Code Chapter 179, Parking Authority; and
- (3) staff be requested to take all appropriate action to give effect to these recommendations.”

Disposition: *City Council adopted this Motion, without amendment.*

- J(12) **Request for “Student Pick-up/Drop-off Zone”, Fronting Upper Canada College Preparatory School - Lonsdale Road, North Side, between Forest Hill Road and Avenue Road**

Moved by: **Councillor Walker**

Seconded by: **Councillor Moscoe**

“**WHEREAS** a request has been received to introduce a ‘Student Pick-up/Drop-off Zone’ allowing parking for a maximum period of 15 minutes on the north side of Lonsdale Road, fronting Upper Canada College Preparatory School, in order to provide parents/guardians with a designated parking area in order to facilitate picking-up/dropping off their children; and

WHEREAS staff have evaluated the request and concluded that the appropriate by-law amendments can be implemented to provide the desired pick-up/drop-off arrangements; and

WHEREAS staff have advised that funds in the estimated amount of \$500.00 to implement the necessary signage adjustments are available in the Transportation Services 2003 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT the following by-law amendments be implemented:

- (1) the 'No Stopping' regulation, in operation from 7:00 a.m. to 9:00 a.m., and from 4:00 p.m. to 6:00 p.m., Monday to Friday, on the north side of Lonsdale Road, from Avenue Road to Warren Road, be amended to be in effect from Forest Hill Road to Warren Road;
- (2) the 'No Parking Anytime' regulation, in effect on the north side of Lonsdale Road, from a point opposite Avenue Road to Forest Hill Road, be rescinded; and
- (3) parking be prohibited at anytime on the north side of Lonsdale Road, from a point 80 metres east of Forest Hill Road, to a point opposite Avenue Road;
- (4) parking be permitted for a maximum period of 15 minutes from 7:45 a.m. to 9:00 a.m., and from 2:00 p.m. to 3:30 p.m., Monday to Friday, on the north side of Lonsdale Road, from a point 15 metres east of Forest Hill Road, to a point 80 metres east of Forest Hill Road; and
- (5) parking be prohibited, from 12:01 a.m. to 7:45 a.m., from 9:00 a.m. to 2:00 p.m., and from 3:30 p.m. to 12:00 midnight, Monday to Friday, and at all times on Saturday and Sunday, on the north side of Lonsdale Road, from a point 15 metres east of Forest Hill Road, to a point 80 metres east of Forest Hill Road;

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 withdrawn.

J(13) No. 11 Millbank Avenue – Request to Prohibit Parking

Moved by: Councillor Mihevc

Seconded by: Councillor Pitfield

“**WHEREAS** a request has been received to prohibit parking in front of No. 11 Millbank Avenue, due to safety reasons; and

WHEREAS staff have evaluated the request and concluded that the appropriate by-law amendments can be implemented to prohibit parking in front of No. 11 Millbank Avenue with minimal impacts with the loss of only one on-street parking space; and

WHEREAS staff have advised that funds in the estimated amount of \$300.00 to implement the necessary signage adjustments are available in the Transportation Services 2003 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT the following by-law amendments be implemented:

- (1) parking be prohibited at all times on the south side of Millbank Avenue, from a point 20.2 metres east of Vesta Drive to a point 70.7 metres east of Vesta Drive;
- (2) the existing parking prohibition in effect from 2:00 a.m. to 7:00 a.m., daily, on the south side of Millbank Avenue, from Strathearn Boulevard to Vesta Drive, be amended to operate from Vesta Drive to a point 20.2 metres east thereof, and from a point 70.7 metres east of Vesta Drive to Strathearn Boulevard; and
- (3) the existing 2-hour maximum parking regulation in effect from 7:00 a.m. to 6:00 p.m., Monday to Saturday, on the south side of Millbank Avenue, from Strathearn Boulevard to Vesta Drive, be amended to operate from Vesta Drive to a point 20.2 metres east thereof, and from a point 70.7 metres east of Vesta Drive to Strathearn Boulevard;

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: City Council adopted this Motion, without amendment.

J(14) **Defense of Committee of Adjustment Decision – 18 Fern Avenue**

Moved by: Councillor Nunziata

Seconded by: Councillor Dominelli

“**WHEREAS** the Humber York Committee of Adjustment, at its hearing held on Tuesday, August 12, 2003, unanimously refused Application File No. B18/03HY and A55/03HY by Federico Dirienzo to obtain consent to sever the lands into two residential lots and to maintain the existing two-storey detached dwelling on the easterly portion of the site, identified as Part 2; and

WHEREAS City Council at its meeting held on April 14, 15 and 16, 2003 passed a By-law designating the property at 18 Fern Avenue (John Gardhouse and Stable) under Part 1V of the Ontario Heritage Act; and

WHEREAS the 2 ½ storey structure at 18 Fern Avenue, known as the John Gardhouse (with adjoining Stable), is a good example of residential architecture in the former Village of Weston and is associated with Edwardian Classicism; and

WHEREAS the property is of historical interest for its association with John Gardhouse, a distinguished cattle breeder who was posthumously elected to the Canadian Agricultural Hall of Fame, and who served as Mayor of Weston, the Reeve of Etobicoke Township and the Warden of York County; and

WHEREAS The Toronto Preservation Board recommended to the Humber York Community Council and City Council, that the application to demolish the stable on the property at 18 Fern Avenue (John Gardhouse Stable) under Section 34 of the Ontario Heritage Act, be refused; and

WHEREAS Humber York Community Council and City Council subsequently refused the application to demolish the stable on the property at 18 Fern Avenue (John Gardhouse Stable) under Section 34 of the Ontario Heritage Act;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Solicitor to authorize City Legal staff to attend the Ontario Municipal Board hearing to support the unanimous decision of the Committee of Adjustment.”

Disposition: City Council adopted this Motion, without amendment.

J(15) **City of Toronto Initiative to Explore the Possibility of Entering into a Long Term Relationship with the City of Paris, France to Stimulate Investment, Trade, Tourism and Civic Exchange**

Moved by: Councillor Silva

Seconded by: Councillor Ootes

“WHEREAS the Mayor of the City of Toronto and Councillor Mario Silva have held discussions with the Mayor of Paris, France; and

WHEREAS the City of Paris has expressed an interest in creating a longer-term relationship with the City of Toronto; and

WHEREAS the Mayor of the City of Paris has stated publicly that he believes that Paris can learn much from the City of Toronto; and

WHEREAS the City of Paris has been identified as an Alpha category City, meaning it is a world City and therefore the type of City with which Toronto should align itself; and

WHEREAS the City of Toronto recognizes that forming economic, cultural and community ties with other world cities strengthens Toronto's economy, well-being and international profile; and

WHEREAS the City of Toronto has developed an International Alliance Program to use City-to-City relationships to further Toronto's economic, cultural, tourism, and cross-cultural community development ties internationally; and

WHEREAS the City of Toronto's International Alliance Program Policy outlines the criteria and process by which the selection of all new relationships must abide;

NOW THEREFORE BE IT RESOLVED THAT in accordance with the procedures and criteria established in the International Alliance Program Policy approved by Council in its meeting on December 4, 5 and 6, 2001, Council initiate the exploration of a long-term relationship with the City of Paris.”

Disposition: City Council referred this Motion to the Economic Development and Parks Committee.

J(16) **Prohibited Right Turns From Doris Avenue to Byng Avenue**

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** Doris Avenue forms the East Service Road of the North Yonge Centre area from Avondale Avenue to Byng Avenue; and

WHEREAS the opening of the recent extension of Doris Avenue, from Norton Avenue to Byng Avenue, is imminent; and

WHEREAS the completion of the extension of the Service Road, from Byng Avenue to Finch Avenue East, has not yet been scheduled; and

WHEREAS residents of the community to the east of Doris Avenue have expressed concerns with the potential increase in traffic volumes on their streets until the full extension of the Service Road is completed;

NOW THEREFORE BE IT RESOLVED THAT northbound right turns from Doris Avenue to Byng Avenue be prohibited from 4:00 p.m. to 6:00 p.m., Monday to Friday;

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: City Council adopted this Motion, subject to amending the first Operative Paragraph by adding after the word “Friday” the words “until the full extension of the Service Road is completed”, so that such Operative Paragraph shall now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT northbound right turns from Doris Avenue to Byng Avenue be prohibited from 4:00 p.m. to 6:00 p.m., Monday to Friday until the full extension of the Service Road is completed.”

J(17) Temporary Road Closure of Doris Avenue

Moved by: Councillor Fillion

Seconded by: Councillor Moscoe

“WHEREAS a 16-storey residential building is under construction at the north-west corner of Doris Avenue and McKee Avenue; and

WHEREAS Doris Avenue has recently been extended from Norton Avenue to Byng Avenue; and

WHEREAS staff of the Works and Emergency Services Department have expressed concern with the potential damage to the new roadway resulting from construction traffic and activities;

NOW THEREFORE BE IT RESOLVED THAT McKee Avenue west of Doris Avenue be temporarily closed until August 31, 2004, in order to restrict to construction and local traffic on this section of McKee Avenue.”

Disposition: City Council adopted this Motion, without amendment.

J(18) Restricted Parking on Mill Street, Between Parliament Street and Cherry Street

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“WHEREAS residents of Mill Street, between Parliament Street and Cherry Street, have expressed concerns respecting the increased use of Mill Street and Trinity Street for long-term parking by visitors attending events occurring at the former Gooderham-Worts Distillery site; and

WHEREAS there are upcoming events scheduled at the Gooderham-Worts site that could exacerbate this problem in the near future; and

WHEREAS staff has confirmed that long-term parking is occurring on both sides of Mill Street, between Parliament Street and Cherry Street and on the east side of Trinity Street, between Mill Street and Front Street; and

WHEREAS this practice might be discouraged by approving a by-law amendment implementing a one-hour temporal parking regulation on the above-noted streets; and

WHEREAS staff has advised that funds in the estimated amount of \$1,000.00 to implement the necessary signage adjustments are available in Transportation Services 2003 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT the following by-law amendments be implemented:

- (1) parking be restricted to a maximum period of one hour between 10:00 a.m. of one day and 12:01 a.m. of the next following day at the following locations:
 - (i) on the south side of Mill Street, from Parliament Street to Cherry Street;
 - (ii) on the north side of Mill Street, from Cherry Street to a point 40 metres west thereof;
 - (iii) on the north side of Mill Street, from a point 51 metres west of Cherry Street to a point 130 metres west of Cherry Street; and
 - (iv) on the north side of Mill Street, from a point 141 metres west of Cherry Street to Parliament Street; and
- (2) parking be restricted to a maximum period of one hour at anytime on the east side of Trinity Street, between Mill Street and a point 110.5 metres south of Front Street East;

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

Disposition: City Council adopted this Motion, without amendment.

J(19) **Section 37 Agreement Regarding the Bathurst/Bremner/Fort York Boulevard Intersection**

Moved by: Councillor Pantalone

Seconded by: Councillor Chow

“**WHEREAS** City Council, at its meeting held on April 16, 1998, amended and adopted Clause No. 41 of Report No. 3 of The Toronto East York Community Council, requiring owner contributions towards the Bathurst/Bremner/Fort York Boulevard intersection; and

WHEREAS The Toronto East York Panel of the Committee of Adjustment, in its decision dated July 10, 2003, granted certain variances to former City of Toronto By-law No. 938-2002 for the property at 600 Fleet Street, subject to the condition that the owner enter into an amending Section 37 Agreement with the City, if deemed necessary by the Commissioner of Urban Development Services, and the City Solicitor, to secure public benefits and allow for the orderly development of the property;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the execution of an amending agreement under Section 37 of the Planning Act with the owner of 600 Fleet Street to secure those facilities, services and matters referred to in the decision of the Toronto East York Panel of the Committee of Adjustment dated July 10, 2003, on the terms set out therein, including such matters that are necessary for the orderly development of the land, in a form satisfactory to the City Solicitor, in consultation with the Commissioner of Urban Development Services.”

Disposition: City Council adopted this Motion, without amendment.

J(20) **Installation of Traffic Control Signals at the Intersection of Church Street and Maitland Street**

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** the Church Wellesley Village Business Improvement Area has formally requested that the City install traffic control signals at the intersection of Church and Maitland Street; and

WHEREAS the Church – Wellesley neighbourhood has long recognized that this is a dangerous intersection; and

WHEREAS the Transportation Services Division of the Works and Emergency Services Department has investigated the intersection and supports the installation of traffic control signals;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the Commissioner of Works and Emergency Services to install traffic control signals at the intersection of Church and Maitland Streets;

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

Disposition: City Council adopted this Motion, without amendment.

J(21) Report on Local 3888 Collective Agreement 2002 – 2004 Bargaining - Basic Salaries

Moved by: Councillor Ootes

Seconded by: Councillor Holyday

“WHEREAS the City and the Toronto Professional Fire Fighters’ Association, Local 3888, have recently concluded the collective agreement for the term 1999 – 2001;

WHEREAS the City and the Toronto Professional Fire Fighters’ Association have commenced negotiations for the collective agreement covering the term 2002 – 2004;

WHEREAS the members of Local 3888 have not received a pay increase for the years 2002 and 2003, while other City employees have;

WHEREAS the financial impacts associated with this Motion are described in the attached confidential report;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential joint report dated September 22, 2003 from the Commissioner of Works and Emergency Services, the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, and that such report be adopted.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(21), without amendment, Council adopted, without amendment, the confidential joint report dated September 22, 2003, from the Commissioner of Corporate Services, the Commissioner of Works and Emergency Services, and the Chief Financial Officer and Treasurer, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to labour relations, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) authority be granted to establish the new annual basic rates of pay effective January 1, 2002 and January 1, 2003 for all positions in Local 3888 in accordance with the Memorandum of Agreement;*
- (2) authority be granted to pay any retroactive amounts by the first pay period in December 2003;*

- (3) *it is recommended that any shortfall between the budgeted provisions and the actual costs of the settlement be addressed as part of the year-end financial accounting process and reported through the 2003 Year End Operating Budget Variance Report; and*
- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(22) Installation of Speed Bumps on the First Lane East of Pape Avenue, Extending Between Cavell Avenue and Hazelwood Avenue

Moved by: Councillor L. Jones

Seconded by: Councillor Chow

“**WHEREAS** residents of Pape Avenue abutting the public lane extending north from Cavell Avenue to Hazelwood Avenue, at the rear of Premises Nos. 631 to 685 Pape Avenue have expressed concerns respecting cut-through traffic and vehicles travelling at excessive rates of speed and have requested that speed bumps be installed in this lane; and

WHEREAS staff has confirmed that over 100 vehicles a day travel in this lane and that operating speed is in excess of 25 kilometres per hour, thereby satisfying the installation guidelines for speed bumps; and

WHEREAS the speed of traffic could be reduced and operational safety could be enhanced by approving a by-law amendment authorizing the installation of speed bumps in the above-noted lane; and

WHEREAS staff has advised that funds in the estimated amount of \$2,000.00 to implement this proposal are available in the Works and Emergency Services Department’s 2003 Capital Program for Public Laneway Improvements;

NOW THEREFORE BE IT RESOLVED THAT speed bumps be installed in the first lane east of Pape Avenue, extending between Cavell Avenue and Hazelwood Avenue, of the type and design noted and at the locations shown on the attached print of Drawing No. 421F-7147 dated September 2003; and

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

Disposition: *City Council referred this Motion to the Toronto South Community Council.*

(23) **Proposed Change to Provisions of Section 37 Benefits; Rezoning Application No. TB ZBL 2002 0014 – Empire Communities – South Side of Finch Avenue West Between Blakeley Road and Lorraine Drive (Ward 23 – Willowdale)**

Moved by: Councillor Filion

Seconded by: Councillor Mammoliti

“WHEREAS City Council at its meeting on July 22, 23 and 24, 2003, adopted, without amendment, North York Community Council Report No. 6, Clause No. 13, headed, ‘Final Report - Application to Amend the Zoning By-law - TB ZBL 2002 0014 & TB SPC 2003 0010 - Empire Communities – South side of Finch Avenue West between Blakeley Road and Lorraine Drive (25, 27, 29, 31, 33 & 35 Finch Ave. West; 8, 10, 12, 14, 26, 28, 30, 32 & 34 Lorraine Drive; 5 & 9 Blakeley Road) & properties south of Finch Avenue West & west of Yonge Street (35 Lorraine Drive & 47 Horsham Avenue & portion of City-owned lands – (Ward 23 - Willowdale)’, and in so doing, approved an amendment to Zoning By-law No. 7625 to permit the construction of a 21-storey residential building in the block defined by Finch Avenue West, Blakeley Road and Lorraine Drive, being Application No. TB ZBL 2002 0014 – Empire Communities, subject to certain conditions; and

WHEREAS one of the conditions of approval in relation to required public benefits pursuant to Section 37 of the Planning Act was the conveyance for nominal consideration, free and clear of encumbrances, of a number of on-site properties in connection with construction of a service road and buffer area, together with two off-site properties at 35 Lorraine Drive and 47 Horsham Avenue, for the purpose of future construction by the City of a public road across such lands; and

WHEREAS City Council authorized, in the event that such lands were not conveyed by December 15, 2003, that staff commence proceedings whereby Council might repeal the site specific zoning enacted to permit the development proposal; and

WHEREAS the applicant for re-zoning, when it originally acquired such lands, had made arrangements for certain tenants to remain in possession beyond the December 15, 2003 deadline and did not realize that the City requires vacant possession of the conveyed land without tenants or residential structures; and

WHEREAS the applicant for re-zoning proposes to extend the December 15, 2003 deadline to provide vacant possession of such land without structures thereon and the Commissioner of Works and Emergency Services confirms that the extended deadline will not adversely impact the construction schedule for the proposed road and related works;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, The North York Community Council Report No. 6, Clause No. 13, headed ‘Final Report - Application to Amend the Zoning

By-law - TB ZBL 2002 0014 & TB SPC 2003 0010 - Empire Communities – South side of Finch Avenue West between Blakeley Road and Lorraine Drive (25, 27, 29, 31, 33 & 35 Finch Ave. West; 8, 10, 12, 14, 26, 28, 30, 32 & 34 Lorraine Drive; 5 & 9 Blakeley Road) & properties south of Finch Avenue West & west of Yonge Street (35 Lorraine Drive & 47 Horsham Avenue & portion of City-owned lands – (Ward 23 - Willowdale)', be re-opened for further consideration, only insofar as it pertains to revising the Section 37 public benefits to extend the date for conveyance of the required lands to the City and to revise the City's power to repeal the zoning, in the event that the conveyances are not completed on the required date;

AND BE IT FURTHER RESOLVED THAT City Council revise the Section 37 benefits referenced in North York Community Council Report No. 6 of Clause No. 13, to require the owner to enter into a Section 37 Agreement, to the satisfaction of the City Solicitor, to require all of the properties referenced in that Clause, save and except for 47 Horsham Avenue, to be conveyed to the City prior to March 1, 2004;

AND BE IT FURTHER RESOLVED THAT City Council revise the Section 37 benefits referenced in Clause No. 13 of Report No. 6 of The North York Community Council to require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor providing that 47 Horsham Avenue will be conveyed to the City prior to September 15, 2004;

AND BE IT FURTHER RESOLVED THAT City Council revise the Section 37 benefits referenced in Clause No. 13 of Report No. 6 of The North York Community Council to authorize staff to commence proceedings to repeal the site specific zoning in the event that the owner has not, within 30 days after March 1, 2004, conveyed to the City all of the properties referenced in Clause No. 13, save and except for 47 Horsham Avenue, and has not, by that date, supplemented the Section 37 Agreement by providing an executed Offer to Transfer 47 Horsham Avenue to the City upon terms and conditions satisfactory to the City Solicitor;

AND BE IT FURTHER RESOLVED THAT pursuant to subsection 34(17) of the Planning Act, the change to the proposed zoning by-law resulting from this Motion shall be considered minor and further notice is not required in relation to the proposed zoning by-law.”

Disposition: *City Council re-opened North York Community Council Report No. 6, Clause No. 13, headed ‘Final Report - Application to Amend the Zoning By-law - TB ZBL 2002 0014 & TB SPC 2003 0010 - Empire Communities – South Side of Finch Avenue West between Blakeley Road and Lorraine Drive (25, 27, 29, 31, 33 & 35 Finch Ave. West; 8, 10, 12, 14, 26, 28, 30, 32 & 34 Lorraine Drive; 5 & 9 Blakeley Road) & Properties South of Finch Avenue West & west of Yonge Street (35 Lorraine Drive & 47 Horsham Avenue & portion of City-owned lands – (Ward 23 - Willowdale)’’, for further consideration, only insofar as it*

pertains to revising the Section 37 public benefits to extend the date for conveyance of the required lands to the City and to revise the City's power to repeal the zoning, in the event that the conveyances are not completed on the required date, for further consideration, and adopted the balance of this Motion, without amendment.

J(24) **2003 Food and Hunger Action Fund Allocations and Appeals – Grant for The Learning Enrichment Foundation – 116 Industry Street**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Dominelli

“WHEREAS City Council on April 14, 15 and 16, 2003 adopted, as amended, Clause No. 11 of Report No. 3 of the Community Services Committee, headed ‘2003 Food and Hunger Action Fund Allocations and Appeals’; and

WHEREAS the Learning Enrichment Foundation was approved for financial assistance in order to install necessary equipment in their kitchen to enable the preparation of 500 meals a day for the homeless; and

WHEREAS this small capital project is vitally necessary; and

WHEREAS a draft settlement document undertaken by the City has not been prepared and has resulted in a delay in the issuance of the grant; and

WHEREAS this organization’s civil action against the City of Toronto remains unsettled and the City has decided to withhold the grant, pending the settlement of the LEF civil action and the City’s counterclaim;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Community Services Committee Report No. 3, Clause No. 11, headed ‘2003 Food and Hunger Action Fund Allocations and Appeals’, be re-opened for further consideration, as it pertains to the LEF grant;

AND BE IT FURTHER RESOLVED THAT the requirement for the Learning Enrichment Foundation civil action and the City’s counter claim to be settled prior to the issuance of the grant, be rescinded, and the subject grant be now issued.”

Disposition: City Council took no action on this Motion.

J(25) **Refund of Fees for Barricades and Venue Rentals for Caribana 2003**

Moved by: Councillor Mihevc

Seconded by: Councillor Chow

“**WHEREAS** the Caribana festival is a cornerstone summer festival for our City, regularly attracting close to 1 million visitors, 40 percent of which comes from the United States and the Caribbean expressly for the annual Parade and other related events; and

WHEREAS in 2003 the Caribbean Cultural Committee (CCC), the traditional lead organizer for the Caribana festival, successfully dealt with its debt, implemented an organizational restructuring, provided the City an audit for the 2001 and 2002 festivals and hosted a 17-day, 9-event festival that returned the spotlight to our City immediately following the SARS outbreak; and

WHEREAS the Caribbean Cultural Committee is faced with a revenue shortfall for Caribana 2003 due to reduced attendance, close to 40 percent, due to the negative tourist impact associated with the SARS outbreak, poor weather and that the Rolling Stones SARS relief concert at Downsview Park was held during Caribana week; and

WHEREAS the Mayor’s Toronto You Belong Here Recovery Task Force agreed to waive City fees associated with barricades and other fees for all community and cultural events held in the City from June through to September 2003;

NOW THEREFORE BE IT RESOLVED THAT City Council direct appropriate staff to refund all City fees paid by the Caribbean Cultural Committee (CCC), on a one-time basis, for barricades, transportation signage and venue rentals associated with the King & Queen Extravaganza at Lamport Stadium, the Scarborough Junior Carnival in and around Malvern Community Centre, and the Caribana Arts and Culture Festival on Olympic Island.”

Disposition: City Council took no action on this Motion.

J(26) **Toronto Hydro-Electric System Limited - Trunked Radio System and Equipment Maintenance Services Agreement**

Moved by: Councillor Chow

Seconded by: Councillor Augimeri

“**WHEREAS** City Council at its meeting held on June 18, 19 and 20, 2002, approved Clause No. 4 of Report 6 of The Community Services Committee, headed, ‘Toronto Hydro-Electric System Limited - Trunked Radio System and Equipment Maintenance Services Agreement’ with respect to the Toronto Hydro-Electric System Limited - Trunked Radio System and Equipment Maintenance Services Agreement (‘Approved Report’); and

WHEREAS subsequent negotiations with Toronto Hydro-Electric System Limited with respect to the specific terms of this Services Agreement resulted in a number of issues being addressed that require amendments, clarifications or additions to the original terms outlined in the Approved Report; and

WHEREAS the Commissioner of Works and Emergency Services and the Fire Chief and General Manager, by a confidential joint report dated September 19, 2003, have made recommendations pertaining to this Services Agreement;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to and make a decision on the aforementioned confidential joint report from the Commissioner of Works and Emergency Services and the Fire Chief.”

Disposition: City Council adopted this Motion, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the confidential joint report dated September 19, 2003, from the Commissioner of Works and Emergency Services and the Fire Chief and General Manager, be adopted.”

In adopting Motion J(26), as amended, Council adopted, without amendment, the confidential joint report dated September 19, 2003, from the Commissioner of Works and Emergency Services and the Fire Chief and General Manager, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the agreement between the City of Toronto and Toronto Hydro-Electric System Limited for the maintenance of the Toronto Hydro's 900MHz trunked radio system infrastructure by Toronto Fire Services include a limited indemnity in favour of Toronto Hydro-Electric System Limited, such indemnity to contain terms and conditions substantially as set out in this report;*
- (2) this agreement contain the other risk management, audit cost and other terms and conditions substantially as set out in this report;*
- (3) subject to approval of Recommendations Nos. (1) and (2), the City be authorized to enter into this agreement; and*

- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto and to take any action required to be taken thereunder.*”

J(27) **Financial Impact of Infestation of Asian Longhorned Beetles**

Moved by: Councillor Mammoliti

Seconded by: Councillor Pantalone

“**WHEREAS** the Asian Longhorned Beetles have made their way into the City of Toronto and have hit York West the hardest; and

WHEREAS yard waste collection has been cancelled for the residents who live in the area bordered by Finch Avenue, north to Steeles and from Highway 400 west to the Humber River; and

WHEREAS the Asian Longhorned Beetle poses a deadly threat to attack and kill healthy broadleaf trees, including all species of maple, elm, ash, poplar, alder, linden, willow and fruit trees; and

WHEREAS the beetle kills trees when their larvae feed within the tree trunks and limbs, causing them to die; and

WHEREAS it has been confirmed that the Federal Government will be cutting down thousands of infected trees in York West, which is home to the City’s largest industrial sector; and

WHEREAS there is a definite possibility that the Asian Longhorned Beetle could attack and kill the many trees along the Humber River;

NOW THEREFORE BE IT RESOLVED THAT City staff be requested to report to the February 2004 meeting of the Economic Development and Parks Committee with respect to the financial impact caused by the Asian Longhorned Beetle infestation and identify the source of additional funds needed to replace the infected trees that were cut down.”

Disposition: *City Council adopted this Motion, subject to adding the following new Operative Paragraphs:*

“AND BE IT FURTHER RESOLVED THAT *the appropriate federal and provincial Ministers of the Crown and leaders of the provincial and federal parties be contacted so as to alert them to the situation in the Cities of Vaughan and Toronto and assistance from their respective levels of government be sought for costs, including tree replacement in the affected areas, especially in the public realm;*

AND BE IT FURTHER RESOLVED THAT Council establish a task force comprising the Members of Council whose wards are affected, being Councillors Mammoliti, Li Preti and Hall, the Tree Advocate and appropriate City staff, and the Commissioner of Economic Development, Culture and Tourism be requested to invite the City of Vaughan and the provincial and federal governments to appoint representatives to the task force, the mandate of such task force to be the formation of a consolidated effort to tackle the Asian Longhorned Beetle infestation.”

J(28) **Amendment to the Noise By-law - Quiet Zone or Residential Area**

Moved by: Councillor Nunziata

Seconded by: Councillor Dominelli

“WHEREAS Toronto Municipal Code Chapter 591, Noise, prohibits noise which is clearly audible at a point of reception located in a Residential Area resulting from the loading, unloading, delivering, packing, unpacking, or otherwise handling of any containers, products or materials during the hours of 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays; and

WHEREAS animals are being unloaded from trucks at all hours at an abattoir located at the property occupied by New York Pork and Food Exchange Limited and municipally known as 2306 St. Clair Avenue West, Toronto; and

WHEREAS the current prohibition in Toronto Municipal Code Chapter 591, Noise, would not, in this specific case, be sufficient to avoid an undue hardship on the residents of the community;

NOW THEREFORE BE IT RESOLVED THAT a new section be added to the Table in Section §591-4 of Municipal Code Chapter 591, Noise, to prohibit noise which is clearly audible at a point of reception located in a Quiet Zone or Residential Area resulting from the loading, unloading, delivering, packing, unpacking, or otherwise handling of any animals, containers, products or materials at any abattoir during the hours of 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.”

Disposition: *City Council adopted this Motion, without amendment.*

J(29) **Residential Demolition Application – 1445 Bathurst Street (Ward 21 – St. Paul’s)**

Moved by: Councillor Mihevc

Seconded by: Councillor Feldman

“**WHEREAS** City Council at its meeting of July 30, 31 and August 1, 2002 amended and adopted Clause No. 27 of Report No. 10 of the Administration Committee, headed ‘Purchase of 1445 Bathurst Street (Ward 21 - St. Paul’s)’; and

WHEREAS City Council thereby adopted confidential reports from the President, Toronto Parking Authority, regarding the acquisition of 1445 Bathurst Street for the purpose of developing the site for a municipal parking lot; and

WHEREAS an application for Development Approval has been submitted to the City on April 29, 2003, for development of the site for a municipal parking lot; and

WHEREAS an application to demolish the existing vacant residential property (retail store and four dwelling units) at 1445 Bathurst Street has been submitted to the City on August 21, 2003; and

WHEREAS City Council may issue the permit or refuse to issue the permit pursuant to Section 33 of the Planning Act;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt Recommendation No. (2), including conditions (a) to (h), embodied in the attached report dated September 19, 2003, from the Commissioner of Urban Development Services, headed, ‘Residential Demolition Application – 1445 Bathurst Street - Ward 21’.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(29), without amendment, Council, adopted, without amendment, the following Recommendation No. (2), including conditions (a) to (h), as embodied in the report dated September 19, 2003, from the Commissioner of Urban Development Services, headed, ‘Residential Demolition Application – 1445 Bathurst Street - Ward 21’:

“It is recommended that City Council:

(2) approve the application to demolish the subject residential building with the following conditions:

(a) that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;

- (b) *that all debris and rubble be removed immediately after demolition;*
- (c) *that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 623-5 and 629-10, Paragraph B;*
- (d) *that any holes on the property are backfilled with clean fill;*
- (e) *the removal, disposal and handling of all hazardous materials are conducted in accordance with the Ministry of Environment and Technical Standards and Safety Authority regulations and guidelines;*
- (f) *all excavated soil shall remain on site until tested to determine the disposal options;*
- (g) *the dust control measures, approved by the Medical Officer of Health, are implemented during demolition; and*
- (h) *the application for Development approval to establish the site as a municipal parking lot is approved and any conditions of approval are satisfied.”*

J(30) Construction Staging Area and Covered Sidewalk for a Portion of the Adjacent Northbound Curb Lane of Bay Street

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** representatives of Canderel Stoneridge Equity Group met with staff of Transportation Services on August 22, 2003, and requested that a construction staging area be established within the boulevard and northbound curb lane of Bay Street, from a point approximately 70.0 metres north of Gerrard Street West to a point approximately 170.0 metres north of Gerrard Street West in connection with the construction of ‘the Residences of College Park Condominium’ at Premises No. 757 Bay Street; and

WHEREAS consultation with representatives of the Toronto Transit Commission (TTC) regarding this proposal did not meet with any objection; and

WHEREAS Staff of Transportation Services and the TTC recognize that the establishment of this construction staging area is critical to facilitate the construction of two new buildings of 51 and 45 storeys in height at Premises No. 757 Bay Street, and are also aware of the urgency of this matter as it relates to the constraints of the construction schedule of Canderel Stoneridge Equity Group;

NOW THEREFORE BE IT RESOLVED THAT a construction staging area and covered sidewalk be established within the boulevard, sidewalk and adjacent northbound curb lane of Bay Street, from a point approximately 70 metres north of Gerrard Street West to a point approximately 170 metres north of Gerrard Street, to facilitate construction at Premises No. 757 Bay Street;

AND BE IT FURTHER RESOLVED THAT the construction staging area be removed from the boulevard, sidewalk and northbound curb lane of Bay Street at the conclusion of this construction at Premises No. 757 Bay Street;

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

Disposition: City Council adopted this Motion, without amendment.

J(31) **A By-law to Prohibit Harassment of Youth**

Moved by: Councillor Moeser

Seconded by: Councillor Soknacki

“**WHEREAS** teen suicide is a growing problem in our communities with the Toronto Police Service reporting that, in 1999 alone, there were 134 suicides in Toronto among those aged 13-19 years; and

WHEREAS over a recent 7-year period, Ward 44 mourned the loss of 7 teens who took their own lives; and

WHEREAS the community responded to these suicides with the establishment of a charitable, non-profit organization known as Creating Awareness of Teenage Suicide, Yellow Ribbon Campaign, Toronto (C.A.T.S.) with members that include adults and teenagers who have come together to discuss the problem and to find ways of preventing teen suicide; and

WHEREAS there is considerable anecdotal and direct evidence to suggest that a major contributing factor in teen suicides is harassment from other teens; and

WHEREAS, in 1985, the City of Edmonton, passed Public Places By-law No. 7608 (since amended) that, among other things, makes harassment of a minor an offence punishable by a fine of \$250.00; and

WHEREAS Sergeant Jeff Wilks of the Edmonton Police Department's School Resource Officer Unit reports that the by-law has successfully been used, confirms that having the by-law has proven to be a powerful deterrent and claims that the number of reported incidents of harassment has dropped substantially since the by-law was passed and a public education campaign was completed;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Solicitor to review the City of Edmonton Public Places By-law No. 7608 and submit a report back to City Council, through the Community Services Committee, on the feasibility of the City of Toronto enacting a similar by-law;

AND BE IT FURTHER RESOLVED THAT City Council, once the by-law has been finalized, direct the Commissioner of Community and Neighbourhood Services to meet with representatives from C.A.T.S., the Toronto District School Board, and the Toronto Catholic District School Board to formulate a communications strategy."

Disposition: City Council adopted this Motion, subject to inserting in the second Operative Paragraph after the words "Toronto Catholic District School Board", the words "and the Toronto Police Services Board", so that such Operative Paragraph shall now read as follows:

"AND BE IT FURTHER RESOLVED THAT City Council, once the by-law has been finalized, direct the Commissioner of Community and Neighbourhood Services to meet with representatives from C.A.T.S., the Toronto District School Board, the Toronto Catholic District School Board and the Toronto Police Services Board to formulate a communications strategy."

J(32) Objection to Application for First Registration – 12 Duthie Street

Moved by: Councillor Moeser

Seconded by: Councillor Altobello

"WHEREAS the owners of 12 Duthie Street claim to have acquired ownership, through adverse possession, of the City-owned land forming part of Cherry Street that abuts the north limit of Lots 18 and 19 on Plan 5, and the lane extending southwesterly from the east end of Cherry Street to Duthie Street (collectively the 'Disputed Lands'); and

WHEREAS it is anticipated that the owners of 12 Duthie Street are going to submit an Application for First Registration under the Land Titles Act, to request that they be certified as the owners of the Disputed Lands; and

WHEREAS notice of any such Application for First Registration will be served upon the City and the City will have 30 days to notify the Director of Titles whether it objects to the Application; and

WHEREAS in order to protect the City's ownership claim to the Disputed Lands, the City should object to any Application for First Registration that is submitted in respect of the Disputed Lands and the City should take all steps necessary to assert the City's claim thereto;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to object to any Application for First Registration that is submitted under the Land Titles Act in respect of the Disputed Lands and to take all steps necessary to assert the City's ownership claim to the Disputed Lands.”

Disposition: *City Council adopted this Motion, without amendment.*

J(33) **City Purchase of a Portion of Lands at Saranac Public School**

Moved by: **Councillor Moscoe**

Seconded by: **Councillor Di Giorgio**

“**WHEREAS** in 1953, by registration of Instrument No. NY155056, the Corporation of the Township of North York (the ‘City’) conveyed a parcel of land to the Trustees of the First Township School Area of North York, now the Toronto District School Board (‘TDSB’), for Two Dollars (\$2.00); and

WHEREAS the conveyance to the TDSB was subject to a restrictive covenant whereby, among other matters, the City is entitled, in the event that the TDSB decides that the lands are not required for school purposes, the City shall have the right to re-purchase the said lands at the price the TDSB paid to the City (\$2.00) and if the TDSB has erected a school building on the lands and the lands and the buildings are not required for school purposes, the price of the re-purchase by the City shall be the value of the land as hereinbefore provided, plus a value to be agreed upon for the building, and if the value of the building cannot be agreed upon, the value shall be determined by the Ontario Municipal Board; and

WHEREAS the said lands, shown as Part 1 on the attached sketch (the ‘Part 1 Lands’), represent the majority portion of the lands conveyed in 1953 and form part of the Saranac Public School at 15 Saranac Boulevard; and

WHEREAS the TDSB, at its Board's meeting of January 31, 2001, adopted a resolution declaring the Saranac Public School property surplus to the educational needs of the TDSB, and that the TDSB proposes to sever a 2-acre portion of the Saranac Public School property to be offered for disposal in exchange for a school site, and the balance of the Saranac Public School property be offered under a 35-year ground lease; and

WHEREAS in compliance with *Ontario Regulation 444/98*, by letter dated April 12, 2001, the TDSB has advised the City of the proposal for the sale or lease of seven (7) school surplus properties, including the Saranac Public School property; and

WHEREAS City staff circulated the aforesaid surplus TDSB properties to the City's Agencies, Boards, Commissions and Departments to ascertain whether or not there is a municipal interest in the said school properties, and no interest was expressed for the Saranac Public School property; and

WHEREAS the City was not notified directly by the TDSB regarding the City's option to re-purchase that part of Saranac Public School property the City originally conveyed to the TDSB, that is now surplus; and

WHEREAS staff requires an opportunity to review the City's option to re-purchase the Part 1 Lands pursuant to the restrictive covenant in place for the Part 1 Lands;

NOW THEREFORE BE IT RESOLVED THAT Council request the Toronto District School Board to provide to the City a status report of the proposal to sell and lease parts of Saranac Public School property;

AND BE IT FURTHER RESOLVED THAT the restrictive covenant in the City's favour for the Part 1 Lands not be released unless the City has a legal obligation to do so and City staff be authorized to negotiate with the TDSB respecting the restrictive covenant and report back thereon;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized and directed to take all steps necessary to protect the City's option to re-purchase in the interim."

Disposition: *City Council adopted this Motion, subject to adding the following new Operative Paragraph:*

"AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to submit a further report in this regard to the incoming Council."

J(34) **Request for Sign Variance - 1069 St. Clair Avenue West**

Moved by: Councillor Dominelli

Seconded by: Councillor Di Giorgio

“WHEREAS Urban Development Services Staff was inundated with requests for sign variances over the summer months; and

WHEREAS a report regarding a request for a variance to permit a roof sign at 1069 St. Clair Avenue West wasn’t available in time for the Humber York Community Council meeting on September 9, 2003; and

WHEREAS the applicant, Pattison Outdoor Advertising on behalf of Certified Dry Cleaners, is requesting to replace an existing sign already located on the roof;

NOW THEREFORE BE IT RESOLVED THAT, notwithstanding the recommendations embodied in the report dated September 23, 2003, from the Commissioner of Urban Development Services, the request for approval of a variance from Chapter 297, Signs, of the former City of Toronto Municipal Code be granted to permit a roof sign for third party advertising purposes at 1069 St. Clair Avenue West.”

Disposition: *City Council adopted this Motion, without amendment.*

J(35) **Request for Sign Variance - 48 and 50 Caledonia Park Road**

Moved by: Councillor Dominelli

Seconded by: Councillor Di Giorgio

“WHEREAS Urban Development Services Staff was inundated with requests for sign variances over the summer months; and

WHEREAS a report regarding a request for a variance to permit a roof sign at 48 and 50 Caledonia Park Road wasn’t available in time for the Humber York Community Council meeting on September 9, 2003; and

WHEREAS the applicant, Pattison Outdoor Advertising on behalf of David Macedo, is requesting to place two illuminated signs on the rooftop for advertising purposes; and

WHEREAS the finished height of the signs would still be at a lower level than the grade at Earls court Park and would be blocked out by the mature trees located on the park lands;

NOW THEREFORE BE IT RESOLVED THAT, notwithstanding the recommendations embodied in the report dated September 23, 2003 from the Commissioner of Urban Development Services, the request for approval of a variance from Chapter 297, Signs, of the former City of Toronto Municipal Code be granted to permit two illuminated rooftop signs for third party advertising purposes at 48 and 50 Caledonia Park Road.”

Disposition: City Council referred this Motion to the Toronto South Community Council.

J(36) Congratulations to Salome Bey

Moved by: Councillor Miller

Seconded by: Councillor Cho

“**WHEREAS** a group of prominent Toronto community leaders, artists, and musicians are arranging a special tribute to Salome Bey on the occasion of her seventieth birthday this October; and

WHEREAS Salome Bey, affectionately known as Canada’s Queen of Jazz and Blues, has made a tremendous contribution to Toronto and the rest of Canada through international recognition and appreciation of her work; and

WHEREAS Salome Bey has dedicated her adult life to assisting and training young people in Toronto in the performing arts and leadership development for over thirty years; and

WHEREAS there are few celebrities of major talent who have given more generously and unselfishly to their community than Salome Bey;

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the people of Toronto, the Mayor and Members of Toronto City Council express our appreciation to Salome Bey for her dedication, commitment and contribution to the well-being of the City of Toronto.”

Disposition: City Council adopted this Motion, without amendment.

J(37) Notification of Application for a Rooftop Sign at 3768 Bathurst Street in the City of Toronto

Moved by: Councillor Feldman

Seconded by: Councillor Minnan-Wong

“**WHEREAS** an application has been brought on behalf of the owner of 3768 Bathurst Street in the former City of North York, now the City of Toronto, for the erection of a rooftop sign; and

WHEREAS the current regulations under the existing By-law in the former City of North York, now the City of Toronto, which does permit roof signs, states that said roof sign must be located and erected in a manner that places it at a distance no closer than 500 feet, from any other sign, on the same side of the street; and

WHEREAS on that same side of the street, being the west side of Bathurst Street, there is currently a sign now existing approximately 311 feet north of the proposed sign location; and

WHEREAS on that same side of that street, being the west side of Bathurst Street, there is currently a sign now existing and located approximately 350 feet south of the proposed sign location; and

WHEREAS on that same side of the street, being the North Side of Wilson Avenue, there is currently a sign now existing approximately 196 feet east of the proposed roof sign location; and

WHEREAS on that same side of the street, being the North side of Wilson Avenue, there is currently a sign now existing approximately 164 feet west of the proposed roof sign location; and

WHEREAS the subject property is located at the intersection of Bathurst Street and Wilson Avenue, and as such, has frontages on both Wilson Avenue and Bathurst Street, and as such would technically be affected by distance issues both on Bathurst Street and Wilson Avenue; and

WHEREAS it is proposed that the sign be located on the building at 3768 Bathurst Street and the separation distances along Wilson Avenue and Bathurst Street are as outlined above, it should be deemed that these variances are minor in nature and are in keeping with the general intent and purpose of the Sign By-law of the former City of North York; and

WHEREAS it is the policy of the City of Toronto to encourage the improvement and upgrading of the urban streetscape, particularly at core intersections and this invariably places economic pressures on property owners, and as such an augmented revenue flow would encourage such improvements to be implemented;

NOW THEREFORE BE IT RESOLVED THAT the necessary provisions of the By-law of the former City of North York be varied to allow and permit the necessary approvals for the erection of the roof sign.”

Disposition: *City Council referred this Motion to the Toronto North Community Council.*

J(38) **Status Report Respecting Easements - 9 Hanna Avenue**

Moved by: Councillor Pantalone

Seconded by: Councillor Lindsay Luby

“WHEREAS City Council at its meeting held on July 22, 23 and 24, 2003, adopted Clause No. 20 of Report No. 8 of The Policy and Finance Committee, headed ‘9 Hanna Street - Purchase of Building for Toronto Police Service Central Traffic and Garage and Court Services (Ward 19 - Trinity-Spadina)’ and in so doing, requested that staff report back directly to Council on the minimization of existing easements located on 9 Hanna Avenue; and

WHEREAS the City entered into a Section 30 Agreement with 863880 Ontario Limited to purchase a property west of Strachan Avenue under a Section 30 Agreement for the future provision of land for the Front Street Extension; and

WHEREAS Staff have had negotiations with the representatives of 11 Hanna Avenue and the Strachan Avenue property and through these negotiations the terms of an amending agreement have been reached with 863880 Ontario Limited, subject to Council’s approval;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential report dated September 18, 2003, from the Commissioner of Corporate Services and that such report be adopted.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(38), without amendment, Council adopted, without amendment, the confidential report dated September 18, 2003, from the Commissioner of Corporate Services, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information regarding the proposed acquisition of land for municipal purposes, save and except the following recommendations embodied therein:

“It is recommended that City Council:

- (1) authority be granted for the City to enter into an agreement with 863880 Ontario Limited to amend the existing agreement between the City and 863880 Ontario Limited, dated December 14, 2001, to include the revised terms and conditions outlined in the body of this report;*

- (2) *authority be delegated to the Chief Administrative Officer to waive the environmental condition in the Agreement of Purchase and Sale related to the 9 Hanna Avenue property purchase provided the results of the due diligence investigations are acceptable to the Toronto Police Services and the Commissioner of Corporate Services; and*
- (3) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(39) Defence of Committee of Adjustment Decision - 1186 Royal York Road

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Holyday

“WHEREAS the Etobicoke Committee of Adjustment refused an application for a four-plex on a property at 1186 Royal York Road; and

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

WHEREAS the proposal for a four-plex is not an appropriate use of the land;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested 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: *City Council adopted this Motion, without amendment.*

J(40) Final Report of the Mayor’s Toronto “You Belong Here” Recovery Task Force

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Ootes

“WHEREAS Council at its special meeting held on April 24, 2003, established the Mayor’s SARS Recovery Task Force to spearhead the City’s economic recovery efforts following the SARS outbreak; and

WHEREAS the Task Force has developed and implemented the Toronto ‘You Belong Here’ campaign and other initiatives to engage Torontonians, generate civic pride, encourage local spending and support events and attractions;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated September 18, 2003, from the Commissioner of Economic Development, Culture and Tourism, entitled 'Final Report on the Initiatives and the Toronto You Belong Here campaign undertaken by the Mayor's Toronto You Belong Here Recovery Task Force', and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT Council thank corporate partners, celebrities and business associations for their support and contribution to the City's Toronto You Belong Here campaign; and in particular, Council thank the citizens of Toronto for their support to the City's in its economic recovery efforts."

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(40), without amendment, Council adopted, without amendment, the report dated September 18, 2003, from the Commissioner of Economic Development, Culture and Tourism, entitled "Final Report on the Initiatives and the Toronto You Belong Here Campaign Undertaken by the Mayor's 'Toronto You Belong Here' Recovery Task Force (All Wards)" embodying the following recommendations:

"It is recommended that:

- (1) Council endorse and provide concurrence with the actions taken by the Task Force to date, including the forthcoming elements of the Toronto You Belong Here campaign as outlined in this report;*
- (2) the Mayor and members of Toronto City Council thank corporate partners, celebrities and business associations for their support and contribution to the City's Toronto You Belong Here campaign; and*
- (3) the Mayor and members of Toronto City Council thank the citizens of Toronto for their support to the City and to the Toronto You Belong Here campaign to date."*

J(41) **Ontario Municipal Board Hearing – 34 Southport Street**

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS City Council, at its meeting held on June 24, 25 and 26, 2003, adopted without amendment, Humber York Community Council Report No. 5, Clause No. 29, headed “Ontario Municipal Board Hearing – Application to amend the City of Toronto Official Plan and Zoning By-law No. 438-86 and Site Plan Approval; 34 Southport Street; Bentley Valley Investors Inc., (E. I. Richmond Architects Ltd.), Parkdale-High Park, Ward 13”, and in so doing adopted Recommendation No. (1), as amended by Humber York Community Council, to recommend that City Council authorize the City Solicitor to request the Ontario Municipal Board to set a hearing date that allows sufficient time for City staff to consult with the community and to negotiate changes to the proposal to address the concerns raised in the Preliminary Report and at the community meeting, and to provide the opportunity for Council consideration of an amended application; and

WHEREAS City Planning staff has undertaken negotiations with the applicant which have been unsuccessful in resolving this matter; and

WHEREAS the City Solicitor and City Planning staff require City Council direction to appear on this matter at the Ontario Municipal Hearing which is scheduled to begin on October 27, 2003; and

WHEREAS the Commissioner of Urban Development Services has submitted the attached report dated September 16, 2003, which makes recommendations on actions that need to be considered by City Council at its meeting of September 22, 23 and 24, 2003; and

WHEREAS there are no financial implications resulting from the above;

NOW THEREFORE BE IT RESOLVED THAT Council consider the aforementioned report dated September 16, 2003, from the Commissioner of Urban Development Services.”

Disposition: *City Council adopted this Motion, subject to adding the following new Operative Paragraph:*

“AND BE IT FURTHER RESOLVED THAT the report dated September 16, 2003, from the Commissioner of Urban Development Services be adopted.”

In adopting Motion J(41), as amended, Council adopted, without amendment, the report dated September 16, 2003, from the Commissioner of Urban Development Services, entitled, "Further Report Ontario Municipal Board Appeals of Applications to amend the Official Plan and Zoning By-law 438-86 and Site Plan Approval, 34 Southport Street, Mid-block between The Queensway and Ormskirk Avenue, Bently Valley Investors Inc., (E. I. Richmond Architects Ltd.), 102029, TC CMB 2002 0016 (Parkdale-High Park, Ward 13)" embodying the following recommendations:

"It is recommended that City Council:

- (1) authorize the City Solicitor and appropriate staff to oppose the amended application in its current form;*
- (2) authorize City Planning staff to attempt to secure a Section 37 Agreement for local City benefits in the event that the Ontario Municipal Board approves some form of this application; and*
- (3) authorize the City Solicitor to secure conditions of approval requested by City departments and agencies in relation to Site Plan approval."*

J(42) **Draft By-laws – Official Plan Amendment and Rezoning - 33-45 Lombard Street; 98-110 Church Street; 106 King Street East (St. James Cathedral) (Toronto Centre-Rosedale, Ward 28)**

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“WHEREAS City Council at its meeting held on July 22, 23 and 24, 2003, adopted, without amendment, Toronto East York Community Council Report No. 7, Clause No. 14, headed ‘Draft By-laws – Official Plan Amendment and Rezoning - 33-45 Lombard Street; 98-110 Church Street; 106 King Street East (St. James Cathedral) (Toronto Centre-Rosedale, Ward 28)’; and

WHEREAS Toronto East York Community Council recommended the adoption of the report dated June 18, 2003, from the Director, Community Planning, South District; and

WHEREAS the draft Zoning By-law attached to the June 18, 2003, report as Attachment 9 makes certain requirements regarding parking, the provision of publicly accessible space, the provision of amenity space, and the height of accessory structures; and

WHEREAS during preparation of the Bills in Council there has been minor adjustments to those provisions as contained in the proposed Zoning By-law amendment;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 7, Clause No. 14, headed ‘Draft By-laws – Official Plan Amendment and Rezoning - 33-45 Lombard Street; 98-110 Church Street; 106 King Street East (St. James Cathedral) (Toronto Centre-Rosedale, Ward 28)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Clause 1(4) Attachment 9 of the report be amended to alter the permitted height of the development to permit the construction of a stair tower from the underground parking garage beneath the publicly accessible open space and permit certain accessory structures within the rooftop outdoor amenity area;

AND BE IT FURTHER RESOLVED THAT Clause 1(7), Attachment 9 of the report be amended to permit the required indoor and outdoor residential amenity space to be separated from each other;

AND BE IT FURTHER RESOLVED THAT Clause 1(8), Attachment 9 of the report, be amended to correct a typographical error changing the parking standard for visitor parking from 0.006 parking spaces per dwelling unit to 0.06;

AND BE IT FURTHER RESOLVED THAT Clause (1)(10)(iii) be amended to require that the publicly accessible open space provided may be completed shortly after occupancy, should the weather not permit completion immediately and provided that the cost of the unfinished work is secured through a Letter of Credit deposited with the City;

AND BE IT FURTHER RESOLVED THAT City Council, under 34(17) of the Planning Act determine that no further notice to the public is required for the changes noted above.”

Disposition:

City Council re-opened Toronto East York Community Council Report No. 7, Clause No. 14, headed “Draft By-laws – Official Plan Amendment and Rezoning - 33-45 Lombard Street; 98-110 Church Street; 106 King Street East (St. James Cathedral) (Toronto Centre-Rosedale, Ward 28)”, for further consideration, and adopted the balance of this Motion, without amendment.

J(43) **Use of City Facilities For All-Candidates Meetings**

Moved by: Councillor Milczyn

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** Toronto City Council at its meeting held on April 14, 15 and 16, 2003, by its adoption, as amended, of Administration Committee Report No. 1, Clause No. 2a, headed ‘Use of Corporate Resources for Election Purposes Especially During a Municipal Election Year’, re-affirmed its policy that corporate resources and funding may not be used for election-related purposes; and

WHEREAS this policy prohibits all-candidates’ meetings held by local ratepayer groups or community associations to take place during a municipal election year on City premises; and

WHEREAS costs for renting alternative locations, such as local schools or private facilities, are prohibitive; and

WHEREAS the Thistletown Ratepayers Association is an established and respected community group in Etobicoke with a long tradition of holding informative and professional all-candidates meetings and community events at the Thistletown Multi-Service Centre; and

WHEREAS the City prides itself on developing higher civic participation and engagement;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 1, Clause No. 2a, headed ‘Use of Corporate Resources for Election Purposes Especially During a Municipal Election Year’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Thistletown Multi-Service Centre be made immediately available for all-candidates meetings in this upcoming municipal election;

AND BE IT FURTHER RESOLVED THAT other community groups throughout Toronto be extended the same access to respective City facilities for the explicit purpose of conducting all-candidates meetings.”

Disposition: City Council re-opened Administration Committee Report No. 1, Clause No. 2a, headed “Use of Corporate Resources for Election Purposes Especially During a Municipal Election Year” for further consideration. City Council adopted the balance of this Motion, subject to amending the third Operative Paragraph to read as follows:

“AND BE IT FURTHER RESOLVED THAT community groups be extended access to City facilities for the explicit purpose of conducting all-candidates meetings, including all-candidates’ meetings for municipal, provincial and federal elections, at a nominal fee of \$1.00, and all registered candidates within each specific category must be invited to attend such meetings.”

J(44) Task Force on Federal Revenue Sharing

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS the Federation of Canadian Municipalities has a Task Force on Federal Revenue Sharing, which is reviewing options for the sharing of federal revenues, including a portion of the federal fuel tax; and

WHEREAS the Big City Mayors’ Caucus of the Federation of Canadian Municipalities, at their meeting held in Brampton on September 19, 2003, adopted a resolution that:

- (1) the FCM Big City Mayors’ Caucus requests the Government of Canada to immediately enter into discussions with FCM on implementation of 5 cents per litre federal fuel tax sharing, based on the recommendations of the FCM Task Force on Revenue Sharing, for implementation in the next federal budget; and
- (2) these discussions and negotiations on financing options for immediate implementation take place with the understanding of all parties that a full review of financing, intergovernmental mechanisms and program options is to follow; and

WHEREAS the Big City Mayors’ Caucus resolution and media release are attached; and

WHEREAS these resolutions are consistent with positions adopted by Toronto City Council calling for a new financial relationship with the federal and provincial governments;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Federation of Canadian Municipalities that it endorses the resolution regarding implementation of 5 cents per litre federal fuel tax sharing for implementation in the next federal budget and a full review of federal revenue sharing mechanisms, that was adopted by the FCM Big City Mayors’ Caucus on September 19, 2003.”

Disposition: City Council adopted this Motion, without amendment.

J(45) **Amendment to Chapter 447, Fences, Regarding School Fencing**

Moved by: Councillor Pantalone

Seconded by: Councillor McConnell

WHEREAS the City of Toronto has consistently expressed interest in maintaining public and community access to school playground areas; and

WHEREAS it is not in the best interest of the neighbouring community to have a fence totally surrounding and enclosing school playgrounds; and

WHEREAS Toronto Municipal Code Chapter 447, Fences, provided that a fence for a tennis court, baseball diamond or other recreational facility on non-residential property has no maximum height restriction; and

WHEREAS exemptions from Toronto Municipal Code Chapter 447, Fences, may be granted by Council after a hearing at the local Community Council;

NOW THEREFORE BE IT RESOLVED THAT a new section be created in Chapter 447, Fences, with respect to school fencing to prohibit any portion of a fence adjacent to a public street and/or right-of-way, greater than 1.5 metres in height at any school;

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

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the impacts of this amendment associated with the construction and presence of recreational and sports facilities and installations on school properties.”

Disposition: City Council adopted this Motion, without amendment.

J(46) **261 Jarvis Street, Lease of Recreational Space – Extension of the Closing Date**

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** City Council, by the adoption of Clause No. 11, in Report No. 2 of the Administration Committee at its meeting of February 4, 5 and 6 2003 (the ‘Report’), approved a lease agreement between the City of Toronto and 1433838 Ontario Limited for the lease of recreational space at the property located at 261 Jarvis Street, the release of the Toronto Community Housing Corporation (‘TCHC’) from its obligation to convey the recreational facility to the City and certain ancillary transactions, all on terms outlined in the Report (collectively, the ‘Transactions’); and

WHEREAS the Report provided that the Transactions were to be completed within 90 days of the last to occur of approval by City Council and the Board of Directors of the TCHC; and

WHEREAS this 90-day period has now expired, and staff are recommending an extension to the closing date of the Transactions;

NOW THEREFORE BE IT RESOLVED THAT the closing date of the Transactions be extended until January 15, 2004, and that, with the concurrence of the Commissioner of Economic Development and Tourism and the Commissioner of Corporate Services, a further extension of up to 90 days from January 15, 2004, be granted, if required;

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

Disposition: City Council adopted this Motion, without amendment.

J(47) **Establishing a Green Roofs Task Force**

Moved by: Councillor Ootes

Seconded by: Councillor Pantalone

“**WHEREAS** ‘green’ building design alternatives and landscapes can conserve energy and water resources, minimize air emissions and improve the quality of the living environment for residents of the City; and

WHEREAS an important and highly visible aspect of green building designs are ‘green roofs’ which offer environmental as well as social benefits, including reducing storm water runoff, conserving energy, mitigating the urban heat island effect and restoring displaced green spaces; and

WHEREAS the City has already made a commitment to encourage the implementation of green roofs in the recommendations and policies of the Environmental Plan and Official Plan and participation in the ‘Green Roof Infrastructure Demonstration Project’ at City Hall and the Eastview Community Centre; and

WHEREAS the City of Toronto has no specific regulations governing green roofs, nor incentives to encourage their construction;

NOW THEREFORE BE IT RESOLVED THAT a ‘Green Roofs Task Force’ be established, in accordance with the attached terms of reference, to investigate and recommend policies and incentives to encourage the construction of more green roofs in new buildings and retrofits in the City of Toronto.”

Disposition: ***City Council adopted this Motion, without amendment.***

Green Roofs Task Force - Terms of Reference referred to above:

“Purpose of Task Force:

The purpose of the Green Roofs Task Force is to investigate ways in which the city could promote green roofs and make recommendations regarding policies and incentives to encourage implementation. Specifically, the Task Force will:

- ***investigate the benefits of green roofs and barriers to implementation;***
- ***provide a public forum to engage the stakeholders (developers, designers, environmental community) in discussion with the City; and***
- ***recommend actions the City might take to encourage implementation of green roofs.***

Composition of Task Force:

It is proposed that the Task Force be composed of no more than 9 members:

- ***3 members of Council; and***
- ***representatives from the following sectors:***
 - developers – UDI or specific developer;***
 - builders – Greater Toronto Home Builders Association;***
 - building managers – Building Owners and Managers Association;***
 - designers – Ontario Association of Landscape Architects; Ontario Association of Architects;***
 - green roof industry – Green Roofs for Healthy Cities Coalition; and***
 - environmental health - Clean Air Partnership.***

Work Program and Time Line:

It is anticipated that the work of the Task Force will occur over a 12 month period (January 2004 to January 2005) with 4 to 6 meetings.

Proposed Task Force Meetings:

January 2004

Initial meeting – introduction to green roofs; identification of issues.

April 2004

Presentation on initial findings; questions raised; case studies from other cities.

September 2004

Presentation on research findings.

November 2004 - Conclusions

Staff present findings, options for policies, programs, incentives. Discussion of alternatives.

December 2004 - Recommendations

Wrap up of committee work. Report and recommendations to January 2005 Council.”

J(48) Financial Authority for Interim Funding for Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building

Moved by: Councillor Pitfield

Seconded by: Councillor Bussin

“WHEREAS on August 21, 2003, the Ashbridges Bay Dryer/Pelletizer building was severally damaged by fire; and

WHEREAS the Chief Building Official has directed that no entry be made into the structure until it has been made safe and the City is obligated to make the building safe in order that damage assessments and property damage mitigation may proceed; and

WHEREAS authority is required to transfer funds for emergency repairs from the Wastewater Stabilization Reserve to fund a new capital project, Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building;

NOW THEREFORE BE IT RESOLVED THAT Council consider the joint report dated September 22, 2003, from the Chief Financial Officer and Treasurer and the Commissioner, Works and Emergency services, entitled 'Financial Authority for Interim Funding for Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building', and that such joint report be adopted."

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(48), without amendment, Council adopted, without amendment, the joint report dated September 22, 2003, from the Chief Financial officer and Treasurer, and the Commissioner of Works and Emergency Services, entitled "Financial Authority for Interim Funding for Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building", embodying the following recommendations:

"It is recommended that:

- (1) authority be granted to establish a Wastewater capital project, entitled 'Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building';*
- (2) authority be granted for an in-year \$1,000,000.00 adjustment to the 2003 Wastewater capital budget to be funded from the Wastewater Stabilization Reserve for the capital project, entitled 'Emergency Repairs to the Ashbridges Bay Dryer/Pelletizer Building'; and*
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

J(49) Land Exchange – The Manson Property, 5421 Lawrence Avenue East

Moved by: **Councillor Moeser**

Seconded by: **Councillor Hall**

“WHEREAS the Provincial Ministry of the Environment (MOE) has recently approved the audit for the property located at 5421 Lawrence Avenue East (also known as the Manson property) clearing the way for the resumption of the Ontario Municipal Board (OMB) hearing relating to the property; and

WHEREAS the property owner intends to construct more than 214 homes on this site; and

WHEREAS the MOE has approved the audit without consultation with the community or the Public Review Committee (PRC) established by the Ward Councillor, in consultation with the local Homeowners' Association; and

WHEREAS the Mayor and the area Provincial representative have held previous discussions on the future of this 26-acre property; and

WHEREAS the Manson property is an important component of the 8-acre Village Common which is presently under construction by the City and is an integral linkage for this community to the waterfront; and

WHEREAS Scarborough Council turned down the application by the property owner to build 214 homes on this site;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Ministry of the Environment and the area Provincial representative to immediately review the approval of the environmental audit for this site;

AND BE IT FURTHER RESOLVED THAT staff from the City and the Province, in consultation with the Ward Councillor and the area Provincial representative, initiate an immediate discussion regarding the future of this environmentally sensitive property;

AND BE IT FURTHER RESOLVED THAT all discussions be in consultation with the PRC Committee and key representatives from the community;

AND BE IT FURTHER RESOLVED THAT staff be requested to submit a report as quickly as possible to the Ward Councillor regarding options to bring the Manson property into public ownership in partnership with the Province including land exchange.”

Disposition: City Council adopted this Motion, without amendment.

J(50) Demolition of Structures at the former Don Incinerator

Moved by: Councillor Pitfield

Seconded by: Councillor Balkissoon

“**WHEREAS** the City issued Tender No. 260-2003 for the Demolition of Structures at the former Don Incinerator; and

WHEREAS the bid submitted by the lowest bidder, Teperman Contracting Inc. was declared informal as the Bid Bond and Agreement to Bond provided were photocopies from the bonding company, with an original signature of the bidder; and

WHEREAS Teperman Contracting Inc. later submitted an original Bid Bond and Agreement to Bond from the bonding company after the tender had closed which was not signed by Teperman Contracting Inc.; and

WHEREAS Teperman Contracting Inc. has objected to its tender being declared informal and has asked that the contract not be awarded until the City further considers this matter, and the solicitor for Teperman Contracting Inc., Howard Ungerman, has submitted a formal letter to the City dated September 15, 2003, in support of his client's objection, which letter is attached to this Motion; and

WHEREAS the City's Purchasing By-law, Municipal Code, Chapter 195, requires all matters be referred to Council for consideration where there is an objection to the award of a contract; and

WHEREAS the City is trying to have this work completed prior to the end of the construction season, and is seeking authority for the Bid Committee to award this contract, despite the objection, to the lowest bidder meeting specification;

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Bid Committee, on report by the Purchasing Agent, in consultation with the Commissioner of Works and Emergency Services and the City Solicitor, be authorized to award the contract for Tender No. 260-2003, despite the objection received (or any further objection which may be received) to the lowest bidder meeting specifications."

Disposition: City Council adopted this Motion, without amendment.

J(51) **Computer Equipment – End of Lease Transition Issues Preliminary Report**

Moved by: Councillor Ashton

Seconded by: Councillor Holyday

“WHEREAS the Commissioner of Corporate Services wishes to report on an analysis of the City's End of Lease options developed for the Toronto Computer Leasing Inquiry and the City's next steps to address the issue; and

WHEREAS the Assetlinx report was recently introduced at the Inquiry and its contents are no longer confidential; and

WHEREAS it is important that City Council be advised of these pending issues;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated September 22, 2003, from the Commissioner of Corporate Services, and that such report be adopted.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(51), without amendment, Council adopted, without amendment, the report dated September 22, 2003, from the Commissioner of Corporate Services, entitled “Computer Equipment - End of Lease Transition Issues Preliminary Report”, embodying the following recommendations:

“It is recommended that:

- (1) appropriate City staff be instructed to begin preliminary discussions with MFP, through the appropriate legal channels, on all end of lease issues; and*
- (2) City staff report, in detail, with respect to the end of lease transition plan and the financial implications to the new Council at its first business meeting of 2004.”*

J(52) Jarvis Street Corridor Reserve Fund

Moved by: **Councillor Rae**

Seconded by: **Councillor McConnell**

“WHEREAS at its meeting on February 13, 14, and 15, 2002, City Council adopted the recommendations contained in Report No. 2, Clause No. 17 of The Policy and Finance Committee, and thereby established the Jarvis Street Corridor Reserve Fund; and

WHEREAS a \$900,000.00 Section 37 Planning Act contribution received from Rogers Wireless Inc., has been deposited into the Jarvis Street Corridor Reserve Fund; and

WHEREAS funds can be withdrawn from the Reserve Fund to achieve heritage objectives for Jarvis Street, south of Isabella Street; and

WHEREAS the Culture Division of the Economic Development, Culture and Tourism Department has initiated the Jarvis Street Streetscape Study, as one element of a heritage plan for Jarvis Street; and

WHEREAS a traffic study would provide essential information for the Jarvis Street Streetscape Study; and

WHEREAS the Urban Development Services Department (UDS) and the Works and Emergency Services Department (WES) have agreed to contribute \$45,000.00 to the estimated \$75,000.00 cost of the traffic study (UDS - \$20,000.00 and WES \$25,000.00), and the Works and Emergency Services Department has also agreed to take the lead on this traffic study; and

WHEREAS the Chief Financial Officer and Treasurer has reviewed the transfer of \$30,000.00 from the Jarvis Street Corridor Reserve Fund to Works and Emergency Services Department, and also concurs that funds are available;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the transfer of \$30,000.00 from the Jarvis Street Corridor Reserve Fund to the Works and Emergency Services Department, as partial funding of the Jarvis Street Traffic Study.”

Disposition: City Council adopted this Motion, without amendment.

J(53) **2055 Kennedy Road, Application to Amend Official Plan, Zoning By-law and Plan of Subdivision**

Moved by: Councillor Soknacki

Seconded by: Councillor Altobello

“**WHEREAS** in November 2002, City Council directed the City Solicitor to attend an Ontario Municipal Board hearing in opposition to an application by the owner of 2055 Kennedy Road for Official Plan Amendment, Zoning By-law and Plan of Subdivision, to permit the addition of 2,000 residential units in the form of apartment buildings and stacked townhouses to the permitted uses, for the property; and

WHEREAS the Ontario Municipal Board hearing commenced on May 16, 2003, and continued until June 3, 2003, and is scheduled to resume on October 8, 2003; and

WHEREAS the applicant has made an Offer to Settle the planning applications; and

WHEREAS it is necessary for the City Solicitor to report directly to the September 22, 2003, meeting of Council so that instructions can be obtained prior to the resumption of the Ontario Municipal Board hearing;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated September 17, 2003, from the City Solicitor regarding the development proposal for 2055 Kennedy Road, and that such report be adopted.”

Disposition: City Council adopted this Motion, without amendment.

In adopting Motion J(53), without amendment, Council adopted, without amendment, the confidential report dated September 17, 2003, from the City Solicitor, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that Council not accept the settlement offer made by the applicant, and instruct staff to continue with the current Council position which is to oppose the planning applications currently before the Ontario Municipal Board.”

J(54) Declaration of Vacancy in Ward 25 – Don Valley West

Moved by: Councillor Nunziata

Seconded by: Councillor Ootes

“WHEREAS subsection 260(1) of the Municipal Act, 2001, as amended, provides that a Member of Council may resign from office, by filing a notice in writing, with the City Clerk; and

WHEREAS Councillor Joanne Flint has filed a letter of resignation dated September 8, 2003, with the City Clerk, such resignation to be effective immediately; and

WHEREAS subsection 259(1) of the Municipal Act, 2001, as amended, provides that the office of a Member of Council becomes vacant if the Member resigns from office; and

WHEREAS subsection 262(1) of the Municipal Act, 2001, as amended, requires that Council shall, at its next meeting, declare the office to be vacant; and

WHEREAS paragraph 263(5)3. of the Municipal Act, 2001, as amended, provides that if a vacancy occurs within 90 days of voting day, Council is not required to fill the vacancy;

NOW THEREFORE BE IT RESOLVED THAT pursuant to subsection 262(1) of the Municipal Act, 2001, as amended, the office of Councillor, Ward 25 – Don Valley West be declared vacant;

AND BE IT FURTHER RESOLVED THAT Council not fill the vacancy in the office of Councillor, Ward 25 – Don Valley West.”

Disposition: City Council adopted this Motion, without amendment.

J(55) **Vacancy on the Toronto Transit Commission**

Moved by: Councillor Moscoe

Seconded by: Councillor Ootes

“**WHEREAS** subsection 260(1) of the Municipal Act, 2001, as amended, provides that a Member of City Council may resign from office, by filing a notice in writing, with the City Clerk; and

WHEREAS Councillor Joanne Flint has filed a letter of resignation dated September 8, 2003, with the City Clerk, such resignation to be effective immediately; and

WHEREAS City Council, by its adoption on May 21, 22 and 23, 2002, of Clause No. 1 of Report No. 3 of the Striking Committee and By-law 430-2002, appointed former Councillor Joanne Flint to the Toronto Transit Commission for a term of office expiring November 30, 2003; and

WHEREAS Section 26 of the City of Toronto Act, No. 2, provides that for the Toronto Transit Commission:

- (3) ‘... a member of the council who is appointed as a member of the commission ceases to be a member of the commission on ceasing to be a member of the council.’ and
- (5) ‘If a member's term of office becomes vacant during his or her term of office, the council shall immediately appoint another person to hold office for the unexpired remainder of the term.’; and

WHEREAS City of Toronto Municipal Code, Chapter 27, Council Procedures, Section 106, provides that:

- A. ‘Before any recommendation is made for the appointment of any member to a committee, an agency, board or commission to fill a vacancy occurring during the term of the Council, all members shall be advised of the vacancy and shall be permitted to submit names for consideration.’;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the vacancy on the Toronto Transit Commission caused by the resignation of former Councillor Joanne Flint.”

Disposition: *City Council took no action on this Motion.*

J(56) **Restricted Parking on the East Side of Cherry Street, from Lake Shore Boulevard East to Mill Street**

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“**WHEREAS** the Gooderham-Worts Neighbourhood Association has expressed concerns respecting the increased use of Cherry Street, between Front Street East and Lake Shore Boulevard East, for long-term parking by commuters, people working in the area and visitors attending events at the former Gooderham-Worts distillery site; and

WHEREAS there are upcoming events scheduled in the Gooderham-Worts neighbourhood that could exacerbate this problem in the near future; and

WHEREAS staff has confirmed that parking in excess of three hours duration is occurring on the west side of Cherry Street, between Front Street East and Lake Shore Boulevard East; and

WHEREAS, this practice could be discouraged and the short term parking requirements of businesses, visitors and residents in the area could be facilitated by approving a by-law amendment implementing a two-hour temporal parking regulation on the above-noted street; and

WHEREAS staff has advised that funds, in the estimated amount of \$500.00.00, to implement the necessary signage adjustments, are available in Transportation Services 2003 Operating Budget;

NOW THEREFORE BE IT RESOLVED THAT the following by-law amendments be implemented:

- (1) parking be restricted to a maximum period of two hours, at anytime, on the east side of Cherry Street, from Lake Shore Boulevard East to Mill Street; and
- (2) parking be restricted to a maximum period of two hours, at anytime, on the west side of Cherry Street, from a point 30.5 metres south of Front Street East, to Lake Shore Boulevard East;

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

Disposition: *City Council adopted this Motion, without amendment.*

J(57) Request for Study of Parking Lots

Moved by: Councillor Moscoe

Seconded by: Councillor Kelly

“BE IT RESOLVED THAT the Commissioner of Urban Development Services, in consultation with the Toronto Parking Authority, be requested to submit a report to the Planning and Transportation Committee on the issue of standards for public and private parking lots, such report to explore the following issues:

- (a) the urban design of parking lots;
- (b) uniform standards for the development of parking lots across the City of Toronto;
- (c) the issue of temporary parking lots;
- (d) a strategy for encouraging the development of lands currently used as pay parking lots; and
- (e) illegal and unregulated parking lots;

Disposition: City Council adopted this Motion, without amendment.

J(58) Request to Rezone the Lands at 535 to 595 Commissioners Street

Moved by: Councillor Pantalone

Seconded by: Councillor L. Jones

“WHEREAS the lands at 535 to 595 Commissioners Street were the subject of a motion adopted by City Council at its meeting on June 24, 25, and 26, 2003, which directed the Commissioner of Urban Development Services to hold a community consultation meeting, together with the Ward Councillor, upon the receipt of an application to rezone the lands; and

WHEREAS the lands at 535 to 595 Commissioners Street have been subject to ongoing discussions with staff from Toronto Waterfront Revitalization Corporation, the Economic Development, Culture and Tourism Department, Urban Development Services Department (including the Waterfront Secretariat), the Works and Emergency Services Department, 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 the Commissioner of Urban Development Services be requested to file an application to rezone the lands to permit the proposed concrete related uses, and 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: City Council took no action on this Motion.

J(59) **Zanini Developments Inc., 35 Fieldway Road, Section 37 Agreement (Ward 5 - Etobicoke - Lakeshore)**

Moved by: Councillor Milczyn

Seconded by: Councillor Lindsay Luby

“**WHEREAS** City Council, at its meeting held on June 24, 25 and 26, 2003, adopted, as amended, Etobicoke Community Council Report No. 5, Clause No. 22(b), headed ‘Final Report – Application to Amend the Official Plan and Zoning Code, 35 Fieldway Road, Owner: CIC Millwork Ltd., Architect: OP Design Inc, File No. TA CMB 2002 0020’, thereby authorizing the preparation and execution of an agreement pursuant to Section 37 of the Planning Act; and

WHEREAS the owner of the lands, Zanini Developments Inc., entered into a Section 37 Agreement with the City of Toronto, which provides that a building permit may not be issued with respect to the development on the subject site, until such time, as the owner has remediated the environmental contamination on the owner’s property, and on the abutting City owned lands; and

WHEREAS the owner has remediated his lands, and desires that a building permit be issued, notwithstanding that the owner has not yet remediated the off-site environmental contamination on the abutting City-owned lands; and

WHEREAS the owner is prepared to provide the City with a letter of credit, to guarantee the off-site environmental remediation, which is to be completed to the satisfaction of the Commissioner of Works and Emergency Services, prior to the registration of a plan of condominium on the owner’s lands;

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. 5, Clause No. 22(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 No. TA CMB 2002 0020’, be re-opened for further consideration;

AND THEREFORE BE IT FURTHER RESOLVED that the City Solicitor be authorized to amend the Section 37 Agreement dated July 17, 2003, with Zanini Developments Inc., to provide that a building permit may be issued, notwithstanding Section No. 5.2, of the said agreement, on the condition that the owner provide to the City, a letter of credit, in a form acceptable to the City Solicitor, and in an amount satisfactory to the Commissioner of Works and Emergency Services, to secure the environmental remediation of abutting City-owned lands, and that the environmental remediation be completed, to the satisfaction of the Commissioner of Works and Emergency Services, prior to the registration of a plan of condominium. on the owner’s lands;

AND THEREFORE BE IT FURTHER RESOLVED THAT the City Clerk, and the Chief Financial Officer and Treasurer, be authorized to execute the amending agreement.”

Disposition: City Council re-opened Etobicoke Community Council Report No. 5, Clause No. 22(b) headed “Final Report – Application to Amend the Official Plan and Zoning Code, 35 Fieldway Road, Owner: CIC Millwork Ltd., Architect: OP Design Inc, File No. TA CMB 2002 0020”, for further consideration, and adopted the balance of this Motion, without amendment.

J(60) Prohibited Parking on Whittaker Crescent, from the Westerly Limit of Burbank Drive to a Point 112 metres West of the Westerly Limit of Burbank Drive

Moved by: Councillor Shiner

Seconded by: Councillor Feldman

“**WHEREAS** residents of Whittaker Crescent, south leg west of Burbank Drive, have expressed concerns with excessive daytime on-street parking generated by patrons on the Sheppard Subway; and

WHEREAS parking is currently prohibited at anytime, on the south side of the south leg of Whittaker Crescent, between a point 112 metres and 157 metres west of Burbank Drive, and restricted for periods of up to a maximum of three hours, between Burbank Drive and a point 112 metres west; and

WHEREAS vehicles, which are often parked for extended periods of time on Whittaker Crescent, obstruct the visibility of motorists exiting from adjacent driveways;

NOW THEREFORE BE IT RESOLVED THAT parking be prohibited from 8:00 a.m. to 6:00 p.m., Monday to Friday, on the south side of the south leg of Whittaker Crescent, from the westerly limit of Burbank Drive to a point 112 metres west of the westerly limit of Burbank Drive;

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

Disposition: City Council adopted this Motion, without amendment.

J(61) **20 Gothic Avenue – Instructions Regarding Upcoming OMB Hearing; Applications to Amend the (former) City of Toronto Official Plan and Zoning By-law No. 438-86, and Site Plan Approval; Quebex Development Corporation on behalf of the City of Toronto**

Moved by: Councillor Moscoe

Seconded by: Councillor Di Giorgio

“**WHEREAS** City Council, at its meeting held on April 14, 15 and 16, 2003, adopted Humber York Community Council Report No. 3, Clause No. 2, headed, ‘20 Gothic Avenue - Ontario Municipal Board Hearing; Application to amend the former City of Toronto Official Plan and Zoning By-law No. 438-86, and Site Plan Approval; s/w corner of Gothic Avenue and Quebec Avenue (Ward 13 - Parkdale-High Park)’, thereby adopting the following Recommendation Nos. (1), (2), and (3) of the March 18, 2003 report of the Director of Community Planning, South District, with respect to the proposed amendments to the former City of Toronto Official Plan and Zoning By-law No. 438-86, and for site plan approval in respect of the property known municipally as 20 Gothic Avenue:

- (1) authorize the City Solicitor and appropriate staff to attend at the Ontario Municipal Board hearing to support the application set out in the March 18, 2003 report of the Director of Community Planning, South District;
- (2) authorize the City Solicitor to seek amendments to By-law No. 337-75 to secure 25 surface visitor parking spaces at 50, 80 and 100 Quebec Avenue; and
- (3) require the owner to enter into an agreement pursuant to Section 37 of the Planning Act to provide funds to the City in the amount of \$250,000.00 to be used in the provision of local park and school playground equipment improvements as well as pedestrian weather protection to the High Park subway station entrance at Parkview Gardens; and

WHEREAS City Council further adopted the recommendation of Humber York Community Council to delete Recommendation No. (4) of the March 18, 2003 report of the Director of Community Planning, South District, authorizing the City Solicitor to secure the conditions of site plan approval, and to substitute it with the following:

- (1) direct the Commissioner of Urban Development Services, to arrange a community consultation meeting after the Ontario Municipal Board pre-hearing regarding the Site Plan appeal; and that staff submit a further report to the Humber York Community Council prior to the Ontario Municipal Board hearing, so that further instructions can be provided to staff for the purpose of the hearing; and

WHEREAS further Staff Reports of June 24, 2003 and July 7, 2003 were received by Humber York Community Council, but as staff comments on the June 24, 2003 site plan submission were not complete, no specific direction has been given to date, to the City Solicitor, in respect of the site plan appeal; and

WHEREAS the Ontario Municipal Board hearing in respect of the amendments to the former City of Toronto Official Plan and Zoning By-law No. 438-86, and the site plan approval, will commence on October 20, 2003; and

WHEREAS Recommendation No. (2), in respect of securing 25 surface visitor parking spaces at 50, 80 and 100 Quebec Avenue, through an amendment to By-law No. 337-75, may also be secured through an agreement or agreements;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Humber York Community Council Report No. 3, Clause No. 2, headed >20 Gothic Avenue - Ontario Municipal Board Hearing; Application to amend the former City of Toronto Official Plan and Zoning By-law No. 438-86, and Site Plan Approval; s/w corner of Gothic Avenue and Quebec Avenue (Ward 13 - Parkdale-High Park), be re-opened for further consideration;

AND BE IT RESOLVED THAT Council hereby amends Recommendation No. (4) to read as follows:

- (4) authorize the City Solicitor to secure the conditions of approval requested by the City departments and agencies in relation to the site plan control application, as determined by the Director of Community Planning, South District;

AND IT FURTHER BE RESOLVED THAT Council hereby amends Recommendation No. (2) to read as follows:

- ‘(2) authorize the City Solicitor to secure 25 surface visitor parking spaces at 50, 80 and 100 Quebec Avenue either through appropriate agreement(s) or by seeking amendments to By-law No. 337-75’.”

Disposition: *City Council re-opened Humber York Community Council Report No. 3, Clause No. 2, headed “20 Gothic Avenue - Ontario Municipal Board Hearing; Application to amend the former City of Toronto Official Plan and Zoning By-law No. 438-86, and Site Plan Approval; s/w corner of Gothic Avenue and Quebec Avenue (Ward 13 - Parkdale-High Park)”, for further consideration, and adopted the balance of this Motion, without amendment.*

J(62) Permanent Boulevard Café Enclosure – 350 Spadina Avenue

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Chow

“**WHEREAS** 350 Spadina Avenue, on the St. Andrew Street flankage, has been licenced to operate a boulevard café, and that the café has been there for a number of years; and

WHEREAS the location has always been used either for a café or a marketing use; and

WHEREAS the Owner of 350 Spadina Avenue has requested to erect a permanent enclosure on the boulevard in order to have a year round patio;

NOW THEREFORE BE IT RESOLVED THAT City Council grant approval to allow a permanent enclosure at 350 Spadina Avenue, subject to the applicant applying for a building permit, receiving public utility clearances, and approval from the Works and Emergency Services Department for the use of the boulevard, and the applicant pay all fees and costs involved.”

Disposition: *City Council adopted this Motion, without amendment.*

J(63) Declaration of 1900 Sheppard Avenue West as Surplus to Municipal Requirements

Moved by: Councillor Feldman

Seconded by: Councillor Rae

“**WHEREAS** in December 1999, the Property Management Committee allocated the City-owned site at 1900 Sheppard Avenue West for affordable housing, and in August 2001, recommended the issuance of a Request for Proposals to develop three City-owned properties, which included 1900 Sheppard Avenue West, for affordable housing; and

WHEREAS Youth Clinical Services Inc. has been recommended for funding, as a result of that Request for Proposals to the Community Services Committee; and

WHEREAS the Toronto Public Library Board, at its meeting of July 15, 2002, passed a motion to enter into a co-development through Shelter Housing and Support with a housing project to construct a library on the City-owned site at 1900 Sheppard Avenue West; and

WHEREAS City Council, at its meeting of October 29, 30 and 31, 2002, approved capital project pre-approval to construct a library at 1900 Sheppard Avenue West, in co-development with Shelter, Housing and Support, at net zero cost based on cost savings of approximately \$270,000.00 achieved through co-development with a housing project; and

WHEREAS City Council, at its meeting held on September 23, 2003, approved Supporting Communities Partnership Initiative (SCPI) funding for Youth Clinical Services Inc., to develop a transitional housing project on the City-owned site at 1900 Sheppard Avenue West; and

WHEREAS the City is required to declare the property surplus to municipal requirements under the Municipal Act for the purposes of a long-term lease; and

WHEREAS due to time sensitivity of meeting all steps necessary to declare the property surplus and to approve the long-term lease in order to ensure that Youth Clinical Services Inc. will have sufficient time to proceed to construction in co-development with the library and expend its SCPI funding by the federal March 31, 2006 deadline, it is necessary that the declare surplus matter be considered at the September 2003 Council meeting;

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

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(63), without amendment, Council adopted, without amendment, the joint report dated September 24, 2003, from the Commissioner of Corporate Services, and the Commissioner of Community and Neighbourhood Services, entitled "Declaration as Surplus, Portion of 1900 Sheppard Avenue West (Ward 9 - York Centre)", embodying the following recommendations:

"It is recommended that:

- (1) *a portion of 1900 Sheppard Avenue West, required to facilitate the development of transitional housing, save and except that portion required by the Toronto Public Library for library purposes, be declared surplus to the City's requirements with the intended method of disposal to be by way of a long-term lease to Youth Clinical Services Inc. ('YCS') or another entity associated with and controlled by it and acceptable to the Commissioner of Community and Neighbourhood Services (the 'Commissioner');*
- (2) *all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken;*
- (3) *authority be granted to the Commissioner to negotiate the long-term lease described in Recommendation No. (1) and any mortgages/charges or other agreements, deemed appropriate by the Commissioner and the City Solicitor to facilitate the co-development and provision of transitional housing and a library at 1900 Sheppard Avenue West, generally in accordance with the terms and conditions outlined in the body of this report and to protect the City's interests, all such terms and conditions as are satisfactory to the Commissioner, in his discretion and in a form acceptable to the City Solicitor, and to report back on the results of such negotiations; and*
- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

J(64) 66, 68, 74 and 76 Quebec Avenue – Application for Demolition Permit

Moved by: Councillor Moscoe

Seconded by: Councillor Di Giorgio

“WHEREAS Council has authorized a land exchange permitting the City-owned lands at 20 Gothic Avenue to be developed for residential purposes, in exchange for parcel(s) at 66-76 Quebec Avenue to be utilized for recreational purposes; and

WHEREAS the development applications for 20 Gothic Avenue have been appealed to the Ontario Municipal Board, which hearing will commence on October 20, 2003; and

WHEREAS the applicant has submitted applications for demolition permits of the detached dwellings located at 66-76 Quebec Avenue (permit file numbers: 03 173 643 DEM, 03 173 657 DEM, and 03 173 673 DEM); and

WHEREAS the notice of applications for demolition permits were posted on the properties on September 12, 2003, and are to be posted for a minimum of 14 days; and

WHEREAS, following September 26, 2003, when the notice requirements for the applications for demolition permits will have been satisfied; and

WHEREAS the approval of the demolition permit applications would facilitate the applicant in moving forward with the proposal for recreational uses at 66-76 Quebec Avenue, once the Ontario Municipal Board approves the application for the residential development for 20 Gothic Avenue;

NOW THEREFORE BE IT RESOLVED THAT City Council hereby approves demolition applications for 66-76 Quebec Avenue, in accordance with the plans filed, and being permit applications numbers 03 173 643 DEM, 03 173 657 DEM, and 03 173 673 DEM, subject to the project being approved by the Ontario Municipal Board.”

Disposition: City Council adopted this Motion, without amendment.

J(65) **Request for Report on Amendment to the Noise By-law – Handling of Garbage Containers**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

“**WHEREAS** Toronto Municipal Code Chapter 591, Noise, prohibits noise which is clearly audible at a point of reception located in a Residential Area, resulting from the loading, unloading, delivering, or otherwise handling of any containers, products or materials during the hours of 11:00 p.m. one day, to 7 a.m. the next day, 9:00 a.m. Sundays and statutory holidays; and

WHEREAS garbage bins are being unloaded by trucks, in the dark, at 1 Connie Street, in the parking lot; and

WHEREAS trucks backing up, or moving in an unenclosed parking area, create a continuous beeping sound to encourage caution and avoid potential danger; and

WHEREAS the current prohibition in the Toronto Municipal Code Chapter 591, Noise, would not, in this specific case, be sufficient to avoid an undue hardship on the residents of the community;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to submit a report to the first meeting of the Planning and Transportation Committee in 2004, on amending the Noise By-law to prohibit activity such as delivering, unloading, loading, or otherwise handling of any garbage containers in an unenclosed area, during the hours of 9:00 p.m. one day, to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.”

Disposition: City Council adopted this Motion, without amendment.

J(66) **Appointment to the Board of Management – Yonge-Dundas Square**

Moved by: Councillor Rae

Seconded by: Councillor Bussin

“**WHEREAS** City Council, at its meeting held on December 4, 5 and 6, 2001, by its adoption, as amended, of Clause No. 27 of Report No. 16 of the Policy and Finance Committee, headed ‘Yonge/Dundas Square - Operations Resulting from Urban Development Services Capital Project and Governance Model (Ward 27 - Toronto Centre)’, established and appointed members to the Yonge-Dundas Square Board of Management; and

WHEREAS Mr. Bob Sniderman was appointed as one of four representatives from the Downtown Yonge Business Improvement Area (BIA); and

WHEREAS Mr. Sniderman has resigned as a BIA representative on the Yonge-Dundas Square Board of Management; and

WHEREAS the Downtown Yonge BIA has nominated Mr. Keith Travis, who is a member of the BIA, to the Yonge-Dundas Square Board of Management to replace Mr. Bob Sniderman as a representative of the Downtown Yonge BIA;

NOW THEREFORE BE IT RESOLVED THAT City Council appoint Mr. Keith Travis to the Yonge-Dundas Square Board of Management, as a representative of the Downtown Yonge BIA, for a term of office expiring November 30, 2003 and until his successor is appointed.”

Disposition: City Council adopted this Motion, without amendment.

J(67) Request for Sign Variance – 550 Adelaide Street East

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“**WHEREAS** City Council is in receipt of a request by Robert Van Sickle, of Provincial Sign Systems, for approval of a variance from Chapter 297, Signs, of the former City of Toronto Municipal Code, to permit 3 illuminated and 1 non-illuminated Fascia signs (encroaching) and 2 illuminated non-encroaching fascia signs and 1 illuminated ground sign at 5550 Adelaide Street East;

NOW THEREFORE BE IT RESOLVED THAT City Council consider a report dated September 25, 2003, from the Director, Community Planning, South District, headed ‘Request for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code, for Illuminated and Non-illuminated Signage, Application No. 2003 175180 ZSV 00 (Ward 28 - Toronto Centre-Rosedale)’, and such report be adopted.”

Disposition: *City Council adopted this Motion, without amendment.*

In adopting Motion J(67), without amendment, Council adopted, without amendment, the report dated September 25, 2003, from the Director, Community Planning, South District, entitled “Request for Approval of Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code, for Illuminated and Non-illuminated Signage, Application No. 2003 175180 ZSV 00 (Ward 28 - Toronto Centre-Rosedale)”, embodying the following recommendations:

“It is recommended that:

- (1) the request for the variance be approved to permit 3 illuminated and 1 non-illuminated fascia signs (encroaching) and 2 illuminated non-encroaching fascia signs and one illuminated ground sign at 550 Adelaide Street East; and*
- (2) the applicant be advised, upon approval of variance, of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services.”*

CONDOLENCE MOTIONS

(1) **Moved by:** Councillor Miller

Seconded by: Councillor Bussin

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Margery M. Trick, beloved mother of Councillor Anne Johnston, on July 25, 2003, in London, England, in her 94th year;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to Councillor Johnston and her family.”

Disposition: City Council adopted this Motion unanimously.

(2) **Moved by:** Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** the Members of City Council are deeply saddened to learn of the sudden passing of Jessica Fraser, Executive Director of the Toronto Theatre Alliance and a driving force in theatre in Toronto over the years as an award winning actor, producer, teacher and administrator; and

WHEREAS Jessica Fraser personified civic involvement in her commitment to making Toronto a better place to live, by her relentless boosterism of theatrical entertainment in our City through her involvement in T.O. Tix, the Dora Mavor Moore Awards and countless other projects large and small; and

WHEREAS Jessica Fraser’s contagious passion for theatre drove her to share her energy with others, especially young people, which she showed through her involvement with Theatre Direct Canada, as a lecturer at York University and as a mentor to young theatre professionals; and

WHEREAS Jessica Fraser was a tireless advocate for the importance of culture and the performing arts in our City, enjoying and promoting all theatrical forms from the small and avant-garde to large and lavish musical productions; and

WHEREAS Jessica Fraser’s ongoing dedication to breathing life into Toronto also led her to be involved in projects far beyond the theatre - as an executive member of the Yonge-Dundas Square Board of Management and as a director of Tourism Toronto; and

WHEREAS Jessica will be missed by family in her native Scotland, in Australia and here in Canada, as a mother, grandmother, sister and daughter and by an extensive group of devoted friends around the world who have reacted with grief to her sudden passing;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to her father James, her former husband and good friend Sandy Fraser, her daughter Laurie and her son Andrew and their families, her brother Martin and her sister Muriel and their families.”

Disposition: City Council adopted this Motion unanimously.

(3) **Moved by: Councillor McConnell**

Seconded by: Councillor Rae

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. George Breithaupt on August 26, 2003, a resident of the Hugh Garner Co-Op; 550 Ontario Street in Ward 28; and

WHEREAS, as a result of an accident in 1972, George Breithaupt became paraplegic and depended on a wheelchair for mobility and was quoted in a November 28, 2002, article in the Toronto Sun, saying that, ‘...If it wasn’t for that [1972] accident, I wouldn’t be the man I am today... [A wheelchair] is a necessary companion... To fight it is, in essence, to fight myself, to deny that I am paraplegic, to deny that I am human, alive.’; and

WHEREAS on November 14, 2002, George Breithaupt was involved in a second accident while loading onto a TTC bus with his wheelchair and as a result of this accident, he was in a coma, and, while he did regain consciousness, George remained in the hospital until his death on August 26, 2003; and

WHEREAS George Breithaupt was very active in the community as an advocate for people with mobility problems and was a founding member of the Hugh Garner Barrier Free Access Group, which advocates for barrier free access to public transportation, local buildings and services and housing; and

WHEREAS George Breithaupt helped ensure that people with mobility problems are able to access the swimming pool at the local YMCA without assistance, by successfully lobbying for a lift that was installed at poolside; and

WHEREAS George was also a key participant in a press conference shortly before his 2002 accident to highlight the lack of accessibility in some local businesses; and

WHEREAS George Breithaupt also volunteered his time at the former Wellesley Hospital, which was one of the main treatment centres for people living in the community that were HIV positive and was involved organizing many food drives for the Daily Bread Food Bank and fund raised for countless charities;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of Toronto City Council, our sincere sympathy to the family of George Breithaupt and the residents of the Hugh Garner Co-op.”

Disposition: City Council adopted this Motion unanimously.

(4) **Moved by: Councillor Pantalone**

Seconded by: Councillor Augimeri

“**WHEREAS** the Members of City Council are deeply saddened to learn that Mr. Paolo Pietropaolo passed away on June 17, 2003 at age 89; and

WHEREAS Paolo Pietropaolo served as the Town Councillor in his native village, Maierato, in Calabria, Italy and many years later brought this sense of public service to Toronto as a founding member of the seniors’ social and community service club *Le Caravelle* in College Street’s Little Italy; and

WHEREAS Paolo Pietropaolo, when he died in Toronto’s Little Italy, left an extended family of university-educated children and grandchildren whose accomplishments in the New World were a source of pride for this self-schooled man, and the final celebration for his decision to uproot the whole family and move to Toronto; and

WHEREAS Paolo Pietropaolo lived the quiet heroism of an immigrant's life;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Mrs. Maria-Carmela Pietropaolo, and the families of Damiano Pietropaolo, Domenico Pietropaolo, Vincenzo Pietropaolo and Maria Pietropaolo.”

Disposition: City Council adopted this Motion unanimously.

(5) **Moved by: Councillor McConnell**

Seconded by: Councillor Rae

“**WHEREAS** as the result of a fatal hit and run accident in the St. Lawrence community, the Members of City Council are deeply saddened to learn of the passing of Mr. Kalid Soleman Said and his wife Mrs. Negat Mohamed Norhagg; and

WHEREAS Kalid Soleman Said and Negat Mohamed Norhagg had just been reunited after the birth of their child in January and were looking forward to celebrating their second wedding anniversary with friends and family; and

WHEREAS on the evening of Monday, June 30, 2003, while taking their baby for a walk in their home community, Kalid Soleman Said and Negat Mohammed Norhagg were struck down and killed when a vehicle drove up on a curb at the corner of Jarvis Street and The Esplanade; and

WHEREAS Kalid Soleman Said's last act was to push his beloved daughter to safety; and

WHEREAS Azalea Said, born on January 1, 2003, and the only child of Kalid Soleman Said and Negat Mohamed Norhagg, in this tragic event lost both of her parents and is now in the care of her second cousin; and

WHEREAS Kalid Soleman Said and Negat Mohamed Norhagg's tragic passing has mobilized the community to enhance pedestrian safety in the St. Lawrence community, with specific enhancements to be presented to City Council at this meeting and future meetings; and

WHEREAS, as is customary in the Eritrean community, Kalid Soleman Said and Negat Mohamed Norhagg's family had asked that any memorial in their honour be done after the time of mourning in order for the family to recover from the terrible shock and deal with the pressing issue of the health and future care of baby Azalea;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to their daughter Azalea and her family."

Disposition: City Council adopted this Motion unanimously.

(6) **Moved by: Councillor Ootes**

Seconded by: Councillor Lindsay Luby

“WHEREAS the Members of City Council are deeply saddened to learn of the death of Mr. C. Dennis Flynn on August 19, 2003; and

WHEREAS C. Dennis Flynn committed over 25 years of dedicated public service, serving both as Mayor and Councillor of the former City of Etobicoke, Chairman and Member of Metropolitan Council and sat on the Toronto Police Services Board for several terms; and

WHEREAS C. Dennis Flynn was a decorated World War Two veteran and war hero who was wounded while participating in the invasion of Normandy on D-Day and later served as Honorary Lt.-Colonel of the Toronto Scottish Regiment; and

WHEREAS C. Dennis Flynn received the Order of Ontario in 2001 for his long service to the community; and

WHEREAS his passing has saddened residents across the City of Toronto who will always remember him as a remarkable man and a remarkable politician who was kind and decent and was always there for the people of his community, his Province and his Country;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the family of C. Dennis Flynn, his wife Margaret, his seven children and his many grandchildren.”

Disposition: **City Council adopted this Motion unanimously.**

(7) **Moved by:** **Councillors Feldman and Shiner**

Seconded by: **Councillor Ootes**

“**WHEREAS** the Members of City Council are deeply saddened to learn that Mr. Vernon Singer passed away on September 20, 2003; and

WHEREAS Vernon Singer served as a Councillor and a Reeve in the Township of North York, a member of the Committee of Adjustment in the City of North York, a Councillor on the Metropolitan Toronto Council, a member of the Ontario Legislature and a member of the Ontario Municipal Board; and

WHEREAS his contributions also included military service with the Royal Canadian Dragoons in England and North Europe; and

WHEREAS he also served his community through volunteer work with the Canadian Cancer Association, the Mount Sinai Hospital, and the North York Red Cross; and

WHEREAS his passing has saddened residents of the City of Toronto, who will always remember him as hard-working man who served the people of his community, his province and his country with dedication

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the family of Mr. Vernon Singer.”

Disposition: **City Council adopted this Motion unanimously.**

(8) **Moved by:** **Councillor Altobello**

Seconded by: **Councillor Pantalone**

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Nick Christou, an inspector with the Buildings Division of the City of Toronto’s Urban Development Services Department, who suffered a tragic accident while at a construction site and died early this morning as a result of injuries sustained in the accident;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the family of Mr. Christou.”

Disposition: City Council adopted this Motion unanimously.

Toronto, Ontario
October 1, 2003

City Clerk