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These Minutes were confirmed by City Council on July 22, 2003

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

**TUESDAY, JUNE 24, 2003,
WEDNESDAY, JUNE 25, 2003, AND
THURSDAY, JUNE 26, 2003**

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

9.1 CALL TO ORDER - 9:38 A.M.

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

The meeting opened with O Canada.

9.2 CONFIRMATION OF MINUTES

Councillor Duguid, seconded by Councillor Lindsay Luby, moved that the Minutes of the Special Council meetings held on the 13th day of May, 2003, and the 22nd day of May, 2003, and the regular Council meeting held on the 21st, 22nd and 23rd days of May, 2003, be confirmed in the form supplied to the Members, which carried.

9.3 PETITIONS

- (a) Councillor Bussin filed a petition containing the signatures of approximately 46 residents of the City of Toronto's Beach area, respecting the construction of a fixed link to the Toronto City Centre Airport and the expansion of the airport.

Council considered this petition with Clauses Nos. 1 and 2 of Report No. 6 of The Policy

and Finance Committee, headed “Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation (TEDCO) and the Toronto Port Authority (TPA)” and “The Toronto City Centre Airport”, respectively.

- (b) Councillor Mammoliti filed a petition containing the signatures of approximately 836 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (c) Councillor Flint filed a petition containing the signatures of approximately 87 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (d) Councillor Lindsay Luby filed a petition containing the signatures of approximately 84 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (e) Councillor Hall filed a petition containing the signatures of approximately 98 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (f) Councillor Nunziata filed a petition containing the signatures of approximately 100 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (g) Councillor Tziretas filed a petition containing the signatures of approximately 64 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (h) Councillor Korwin-Kuczynski filed a petition containing the signatures of approximately

506 individuals requesting City Council to continue to financially support the Toronto Zoo, having regard for the economic impact of the current SARS crisis on the Toronto Zoo.

The petition was filed with the City Clerk.

- (i) Councillor Pitfield filed a petition containing the signatures of approximately 44 individuals requesting that the Service Manager of the City of Toronto undertake the necessary steps to dissolve the Board of Directors and terminate the Management Company of the 15 Thorncliffe Park Co-op.

The petition was filed with the City Clerk.

- (j) Councillor Korwin-Kuczynski filed a petition containing the signatures of approximately 1,100 individuals requesting the City of Toronto to consider installing speed bumps on the streets of the City in the areas surrounding schools.

Council considered this petition with Clause No. 4 of Report No. 5 of The Works Committee, headed "Traffic Calming Program - Follow-up Report".

9.4 ENQUIRIES AND ANSWERS

- (a) Council had before it the following regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto:
 - (1) Enquiry dated May 21, 2003, from Councillor Walker, addressed to the City Clerk (See Attachment No. 1, Page 235);
 - (2) Answer to the foregoing Enquiry dated June 19, 2003, from the City Clerk (See Attachment No. 2, Page 236);
 - (3) Enquiry dated May 21, 2003, from Councillor Walker, addressed to the Mayor (See Attachment No. 3, Page 238); and
 - (4) Answer to the foregoing Enquiry dated June 24, 2003, from the Mayor (See Attachment No. 4, Page 239).

Disposition:

Consideration of the foregoing Enquiries, together with the Answers thereto, was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

- (b) Council had before it the following regarding the Union Station Project:
- (1) Enquiry dated June 12, 2003, from Councillor Walker, addressed to the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor (See Attachment No. 5, Page 240); and
 - (2) Answer to the foregoing Enquiry dated June 23, 2003, from the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor (See Attachment No. 6, Page 244).

Disposition:

Consideration of the foregoing Enquiry, together with the Answer thereto, was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

PRESENTATION OF REPORTS

- 9.5 Councillor Holyday presented the following Reports for consideration by Council:

Deferred Clauses:

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

New Reports:

Report No. 5 of The Policy and Finance Committee,
Report No. 6 of The Policy and Finance Committee,
Report No. 5 of The Economic Development and Parks Committee,
Report No. 7 of The Planning and Transportation Committee,
Report No. 5 of The Works Committee,
Report No. 5 of The Administration Committee,
Report No. 6 of The Administration Committee,

Report No. 5 of The Community Services Committee,
Report No. 5 of The North York Community Council,
Report No. 5 of The Scarborough Community Council,
Report No. 6 of The Toronto East York Community Council,
Report No. 5 of The Etobicoke Community Council,
Report No. 5 of The Humber York Community Council,
Report No. 5 of The Midtown Community Council,
Report No. 2 of The Audit Committee,
Report No. 4 of The Board of Health, and
Report No. 5 of The Nominating Committee,

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

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

Report No. 3 of The Striking Committee,

and moved, seconded by Councillor Moscoe, that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in connection with this Report, and that Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

9.7 **DECLARATIONS OF INTEREST**

Councillor Augimeri declared her interest in Motion J(43), moved by Councillor Di Giorgio, seconded by Councillor Pantalone, respecting a request for a report from the City Solicitor on 1465 Lawrence Avenue West, in that her mother owns a condominium in the immediate vicinity.

Councillor Dominelli declared his interest in the following matters:

- (a) Clause No. 2 of Report No. 5 of The Policy and Finance Committee, headed "Central Waterfront Transit", in that he owns land in the immediate vicinity;
- (b) Clause No. 3 of Report No. 5 of The Policy and Finance Committee, headed "Update on the Toronto Waterfront Revitalization Project", in that he owns land in the immediate vicinity;
- (c) Clause No. 5 of Report No. 5 of The Policy and Finance Committee, headed "City of Toronto 2002 Investment Report", in that he owns land in the immediate vicinity;

- (d) Clause No. 6 of Report No. 5 of The Policy and Finance Committee, headed “Exhibition Place Reserve Funds Realignment”, in that he owns land in the immediate vicinity;
- (e) Clause No. 17 of Report No. 5 of The Policy and Finance Committee, headed “Bandshell Park Redevelopment Opportunity, Horticulture Building”, in that his son has an interest in the subject restaurant;
- (f) Clause No. 18 of Report No. 5 of The Policy and Finance Committee, headed “Bandshell Park Redevelopment Opportunity, Bandshell Restaurant”, in that his son has an interest in the subject restaurant;
- (g) Clause No. 14 of Report No. 6 of The Toronto East York Community Council, headed “Liquor Licence/Stadium Endorsement - Toronto Roadrunners Hockey Club - Ricoh Coliseum - Exhibition Place (Trinity-Spadina, Ward 19)”, in that his son has an interest in a restaurant;
- (h) Clause No. 61 of Report No. 6 of The Toronto East York Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”, in that his son has an interest in a restaurant;
- (i) Clause No. 71 of Report No. 6 of The Toronto East York Community Council, headed “Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code - 2 Strachan Avenue (Coliseum Building, Exhibition Place) (Trinity-Spadina, Ward 19)”, in that he owns property in the immediate vicinity; and
- (j) Item (b), entitled “Request for Approval of Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code – 7R Hanna Avenue (Trinity-Spadina, Ward 19)”, as embodied in Clause No. 76 of Report No. 6 of The Toronto East York Community Council, headed “Other Items Considered by the Community Council”, in that he owns property in the immediate vicinity.

Councillor Feldman declared his interest in Clause No. 8 of Report No. 5 of The Administration Committee, headed “Accrual of Pension Benefits for Elected Officials Over the Age of 69”, in he is over the age of 69.

Councillor Korwin-Kuczynski declared his interest in Clause No. 15 of Report No. 5 of The Community Services Committee, headed “Housing and the Moss Park Armoury”, in that he is a member of the Canadian Forces.

Mayor Lastman declared his interest in the following matters, in that his son is a member of the Board of Directors of the Borealis Capital Corporation:

- (a) Clause No. 1 of Report No. 6 of The Administration Committee, headed “Potential Litigation – The Honourable Coulter A. Osborne”;
- (b) Item (a), entitled “Union Station Request for Proposals - Status Report - Negotiations with Union Pearson Group (Ward 28 - Toronto Centre-Rosedale)”, as embodied in Clause No. 2 of Report No. 6 of The Administration Committee, headed “Other Item Considered by the Committee”; and
- (c) Enquiry dated June 12, 2003, from Councillor Walker, together with the Answer thereto dated June 23, 2003, from the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor, regarding the Union Station Project.

Councillor Ootes declared his interest in Clause No. 5 of Report No. 5 of The Administration Committee, headed “Contract to Provide Banking Services for the City of Toronto - RFP 9155-03-7055”, in that he owns shares in the Royal Bank.

Councillor Shiner declared his interest in Clause No. 17 of Report No. 6 of The Toronto East York Community Council, headed “Design Review Panels in the Kings (Trinity-Spadina, Ward 20; Toronto Centre-Rosedale, Ward 28)”, in that his family owns property within the subject area.

Councillor Walker declared his interest in the following matters, in that he is one of the parties named in a litigation matter related to the Toronto Port Authority:

- (a) Clause No. 1 of Report No. 5 of The Policy and Finance Committee, headed “First Provincial Regulation Under the Toronto Waterfront Revitalization Corporation Act (Bill 151)”;
- (b) Clause No. 3 of Report No. 5 of The Policy and Finance Committee, headed “Update on the Toronto Waterfront Revitalization Project”;
- (c) Item (a), entitled “Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation and the Toronto Port Authority”, as embodied in Clause No. 28 of Report No. 5 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”;
- (d) Item (b), entitled “Toronto City Centre Airport”, as embodied in Clause No. 28 of Report No. 5 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”;
- (e) Clause No. 1 of Report No. 6 of The Policy and Finance Committee, headed “Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation (TEDCO) and the Toronto Port Authority (TPA)”;

- (f) Clause No. 2 of Report No. 6 of The Policy and Finance Committee, headed “The Toronto City Centre Airport”;
- (g) Clause No. 1 of Report No. 5 of The Nominating Committee, headed “Reappointment of a City of Toronto Appointee on the Toronto Port Authority Board”;
- (h) Motion J(7), moved by Councillor Bussin, seconded by Councillor McConnell, respecting the deferral of the sale of waterfront properties at 309 Cherry Street and 54 Commissioners Street for back taxes; and
- (i) Motion J(48), moved by Councillor Pantalone, seconded by Councillor L. Jones, respecting the redevelopment of St. Mary’s Cement lands - 535 to 595 Commissioners Street.

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

The following Clauses were held by Council for further consideration:

Report No. 4 of The Policy and Finance Committee, Clauses Nos. 1a, 7a, 19a and 27a.

Report No. 3 of The Administration Committee, Clause No. 1b.

Report No. 4 of The Administration Committee, Clauses Nos. 1a, 12a and 22a.

Report No. 2 of The Community Services Committee, Clause No. 7c.

Report No. 3 of The Community Services Committee, Clause No. 8b.

Report No. 4 of The Community Services Committee, Clauses Nos. 4a and 9a.

Report No. 6 of The Planning and Transportation Committee, Clauses Nos. 6a and 9a.

Report No. 3 of The Works Committee, Clauses Nos. 3b and 17b.

Report No. 4 of The Works Committee, Clauses Nos. 1a and 16a.

Report No. 2 of The Striking Committee, Clause No. 2b.

Report No. 5 of The Policy and Finance Committee, Clauses Nos. 1, 6, 8, 12, 14, 17, 20, 22 and 23.

Report No. 6 of The Policy and Finance Committee, Clauses Nos. 1, 2, 4, 5 and 6.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 2, 3, 4, 5, 6, 7, 8, 10, 13 and 14.

Report No. 7 of The Planning and Transportation Committee, Clauses Nos. 4, 5, 6, 7 and 10.

Report No. 5 of The Works Committee, Clauses Nos. 2, 3, 4, 6, 7, 12, 13, 15, 17 and 25.

Report No. 5 of The Administration Committee, Clauses Nos. 2, 3, 6, 8, 21, 22, 27, 29 and 30.

Report No. 6 of The Administration Committee, Clauses Nos. 1 and 2.

Report No. 5 of The Community Services Committee, Clauses Nos. 2, 7, 8, 14, 15 and 16.

Report No. 5 of The North York Community Council, Clauses Nos. 1, 2, 14, 16, 18, 20, 25 and 26.

Report No. 5 of The Scarborough Community Council, Clause No. 24.

Report No. 6 of The Toronto East York Community Council, Clauses Nos. 5, 12, 20, 51, 61 and 66.

Report No. 5 of The Etobicoke Community Council, Clauses Nos. 6, 17, 20, 21 and 22.

Report No. 5 of The Humber York Community Council, Clauses Nos. 4, 41, 42, 44, 54 and 55.

Report No. 5 of The Midtown Community Council, Clauses Nos. 4, 5, 7, 8, 9, 10, 12, 13, 32 and 35.

Report No. 2 of The Audit Committee, Clause No. 5.

Report No. 4 of The Board of Health, Clauses Nos. 1, 3, 4 and 5.

Report No. 5 of The Nominating Committee, Clause No. 1.

Report No. 3 of The Striking Committee, Clauses Nos. 1, 2 and 3.

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

Report No. 4 of The Policy and Finance Committee, Clause No. 19a.

Report No. 2 of The Community Services Committee, Clause No. 7c.

Report No. 5 of The Policy and Finance Committee, Clauses Nos. 1, 12 and 22.

Report No. 6 of The Policy and Finance Committee, Clause No. 4.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 3, 13 and 14.

Report No. 7 of The Planning and Transportation Committee, Clause No. 5.

Report No. 5 of The Works Committee, Clauses Nos. 6 and 17.

Report No. 5 of The Administration Committee, Clause No. 6.

Report No. 5 of The Etobicoke Community Council, Clause No. 20.

Report No. 5 of The Humber York Community Council, Clause No. 41.

Report No. 5 of The Midtown Community Council, Clauses Nos. 5, 7, 9, 10, 12 and 35.

Report No. 4 of The Board of Health, Clause No. 1.

Report No. 3 of The Striking Committee, Clauses Nos. 2 and 3.

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

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

9.9 Deferred Clause No. 4a of Report No. 4 of The Community Services Committee, headed "The Evolution of Ontario Works: Critical Issues for Service Delivery".

Motion:

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Vote:

The motion by Councillor Moscoe carried.

- 9.10 **Deferred Clause No. 9a of Report No. 4 of The Community Services Committee, headed “Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.**

Motion:

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Vote:

The motion by Councillor Moscoe carried.

- 9.11 **Deferred Clause No. 1a of Report No. 4 of The Works Committee, headed “Security Measures at Water and Wastewater Facilities for Filming”.**

Motion:

Councillor Shiner moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Vote:

The motion by Councillor Shiner carried.

- 9.12 **Clause No. 6 of Report No. 5 of The Economic Development and Parks Committee, headed “2003 Commercial Research Grants Program - Appeals Report (All Wards)”.**

Vote:

The Clause was adopted, without amendment.

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

- 9.13 **Clause No. 8 of Report No. 5 of The Economic Development and Parks Committee, headed “2003 Arts and Culture Grants Recommendations - Local Arts Service Organizations – Appeals (All Wards)”.**

Vote:

The Clause was adopted, without amendment.

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

9.14 **Clause No. 5 of Report No. 6 of The Policy and Finance Committee, headed “Toronto Community Housing Corporation (TCHC), Shareholder Annual General Meeting”.**

Motion:

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

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

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

9.15 **Clause No. 7 of Report No. 5 of The Economic Development and Parks Committee, headed “2003 Community Festivals and Special Events Grants Program - Appeals Report (All Wards)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Li Preti moved that Council adopt the following recommendation:

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

Votes:

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

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

9.16 **Clause No. 2 of Report No. 5 of The Works Committee, headed “Waterfront Scan and Environmental Improvement Strategy Study, and Environmental Approvals Program of the Toronto Waterfront Revitalization Corporation”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Shiner moved that Council adopt the following recommendation:

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

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

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

9.17 **Clause No. 21 of Report No. 5 of The Administration Committee, headed “Surplus Land Declaration and Proposed Closing of the Public Lane Extending Southerly from Lombard Street, then Westerly, in the Block West of Church Street Between Lombard Street and Adelaide Street East (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

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

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

‘The Toronto East York Community Council recommends that:

- (1) conditional upon Council’s approval of the recommendations to the Administration Committee set out in joint report (May 27, 2003) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services, that the public lane extending southerly from Lombard Street, then westerly, in the block west of Church Street between

Lombard Street and Adelaide Street East be declared surplus, that:

- (a) subject to compliance with the requirements of the Municipal Act, 2001, and following Council's approval of a sale of the Lane, the Lane be permanently closed as a public lane;
 - (b) following Council's approval of a sale of the Lane, notice be given to the public of a proposed by-law to permanently close the Lane, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code and the Toronto East York Community Council hear any member of the public who wishes to speak to this matter;
 - (c) following the closure of the Lane, an easement be granted to Bell Canada to protect their existing fibre-optic service located within PART 1 of the Lane; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto.' ”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

9.18 Clause No. 22 of Report No. 5 of The Administration Committee, headed “Disposition of Surplus Property, 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Rae moved that Council adopt the following recommendation:

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

‘It is recommended that:

- (1) the authority to enter into an agreement with Philmor (Bloor Walk) Development Corp. to purchase the City-owned vacant land forming part of 590 Jarvis Street provided by Council's adoption on December 4,

5 and 6, 2001, of Clause No. 22 of Report No. 18 of The Administration Committee be rescinded;

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

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

9.19 **Clause No. 29 of Report No. 5 of The Administration Committee, headed “2003 Access and Equity Grant Program - Allocations”.**

Vote:

The Clause was adopted, without amendment.

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

- 9.20 **Clause No. 16 of Report No. 5 of The North York Community Council, headed “Final Report - Application to Amend the Zoning By-law - TB ZBL 2002 0006 - 2015174 Ontario Inc. - c/o Patrick Berne - 5566 Yonge Street (Ward 23 - Willowdale)”.**

Motion:

Councillor Filion moved that the Clause be amended by amending Recommendation (2)(d) of the North York Community Council to now read as follows:

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

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

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

- 9.21 **Clause No. 20 of Report No. 5 of The North York Community Council, headed “Road Alteration – Closure of Flindon Road West of Acacia Avenue (Ward 7 - York West)”.**

Motion:

Councillor Mammoliti moved that the Clause be amended in accordance with the following Motion:

Moved by: Councillor Mammoliti

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

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

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

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

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

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

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

- 9.22 **Clause No. 12 of Report No. 6 of The Toronto East York Community Council, headed “Official Plan Amendment and Rezoning - 717-731 Yonge Street, 1 Bloor Street East, 23 Bloor Street East and 14 Hayden Street (Toronto Centre-Rosedale, Ward 27)”**.

Motion:

Councillor Rae moved that the Clause be amended in accordance with the following Motion:

Moved by: Councillor Rae

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

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

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

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

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

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

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

- 9.23 **Clause No. 5 of Report No. 6 of The Toronto East York Community Council, headed “Authority to Enter into Heritage Easement Agreement and Alterations to a Designated Heritage Property - 106 King Street East - St. James’ Parish House and Diocesan Centre (Toronto Centre-Rosedale, Ward 28)”.**

Motion:

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

“It is further recommended that City Council designate the Burying Ground of the St. James

Cathedral as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 9.24 **Clause No. 20 of Report No. 6 of The Toronto East York Community Council, headed “Installation of New Pay and Display Parking Spaces and Associated Parking Regulations (Toronto Centre-Rosedale, Ward 28; Toronto-Danforth, Ward 30)”.**

Motion:

Councillor Rae moved that the Clause be amended by amending Appendix 1, headed “Parking Machine (Pay and Display) Regulations to be Enacted”, as embodied in the report dated June 5, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by deleting the reference to the installation of pay and display parking machines on the north side of Shuter Street between Jarvis and Sherbourne Streets, having regard that the local residents and the local neighbourhood association have agreed that the north side of Shuter Street (between Jarvis and Sherbourne Streets) will be 24-hour permit parking.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Motion:

Councillor Rae moved that the Clause be further amended by amending the report dated June 5, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

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

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

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

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

Carlaw Avenue	East	Queen Street East and a point 93 metres south of Dundas Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours
---------------	------	---	---	---------

Carlaw Avenue	East	A point 63 metres south of Dundas Street East and Gerrard Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours.
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Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

In summary, Council amended this Clause by amending the report dated June 5, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

- (1) amending Appendix 1, headed "Parking Machine (Pay and Display) Regulations to be Enacted)", by deleting the reference to the installation of pay and display parking machines on the north side of Shuter Street between Jarvis and Sherbourne Streets, having regard that the local residents and the local neighbourhood association have agreed that the north side of Shuter Street (between Jarvis and Sherbourne Streets) will be 24-hour permit parking;
- (2) amending the "delete" portion of Appendix 2, headed "Time Limit Parking Regulations", by:
 - (a) deleting the words "Monday to Friday" from Column 4 of the first entry, so that such entry shall now read as follows:

Carlaw Avenue	West	Queen Street East and Gerrard Street East	9:00 a.m. to 6:00 p.m.	1 hour
---------------	------	--	---------------------------	--------

- (b) deleting the second entry and replacing it with the following two new entries:

Carlaw Avenue	East	Queen Street East and a point 93 metres south of Dundas Street East	8:00 a.m. to 4:00 p.m.	1 hour
---------------	------	---	---------------------------	--------

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

Carlaw Avenue	East	Queen Street East and a point 93 metres south of Dundas Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours
---------------	------	---	---	---------

Carlaw Avenue	East	A point 63 metres south of Dundas Street East and Gerrard Street East	8:00 a.m. to 4:00 p.m., Monday to Friday	2 hours.
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9.25 Clause No. 61 of Report No. 6 of The Toronto East York Community Council, headed "Requests for Endorsement of Events for Liquor Licensing Purposes".

June 24, 2003:*Motions:*

- (a) Councillor Rae moved that the Clause be amended by amending the recommendations of the Toronto East York Community Council as follows:
- (1) adding the following new Parts (g) and (h) to Recommendation No. (1):
 - “(g) Music Africa’s Afrofest Festival to be held at Queens Park on July 5 and 6, 2003; and
 - (h) 14th annual Toronto Volvo Cup Easter Seal Regatta to be held on July 6, 2003 from at the Royal Canadian Yacht Club;”;
 - (2) adding the following new Recommendations Nos. (8) and (9):
 - “(8) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Celebration Event to be held on Wednesday, June 25, 2003, at the Steam Whistle Brewery , 225 Bremner Avenue, and has no objection to such event taking place; and
 - (9) advise the Alcohol and Gaming Commission of Ontario that it is aware of the Society of Portuguese Disabled Persons Barbeque, to be held on Sunday, July 27, 2003, at the BCP Bank Plaza, 605 Rogers Road, and has objection to such event taking place;”.
- (b) Councillor McConnell moved that the Clause be amended by adding the following new Part (i) to Recommendation No. (1) of the Toronto East York Community Council:
- “(i) Eighth Annual Moss Park Community Festival taking place on August 1, 2003, in the park area immediately south of the Moss Park buildings, between Seaton Street and Berkeley Street, on the north side of Queen Street East;”.

Votes:

Motion (a) by Councillor Rae carried.

Motion (b) by Councillor McConnell carried.

The Clause, as amended, carried.

June 25, 2003:

Motion to Re-Open:

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

Motion:

Councillor Chow moved that the Clause be further amended by amending Recommendation No. (1) of the Toronto East York Community Council by adding the following new Parts (j), (k) and (l):

- “(j) Sports on Duncan Street to be held on Duncan Street between King Street West and Adelaide Street West on July 11, 12 and 13, 2003;
- (k) Taste of the Toronto Entertainment District to be held on Duncan Street between King Street West and Adelaide Street West on July 25, 26 and 27, 2003; and
- (l) Movies and Martinis Nights to be held on Duncan Street between King Street West and Adelaide Street West on July 25, 26 and 27, 2003;”.

Votes:

The motion by Councillor Chow carried.

The Clause, as further amended, carried.

June 26, 2003:

Motion to Re-Open:

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

Motion:

Councillor Rae moved that the Clause be further amended by adding the following new Recommendation No. (10) to the Recommendations of the Toronto East York Community Council:

- “(10) advise the Alcohol and Gaming Commission of Ontario that it is aware of the

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

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

Votes:

The motion by Councillor Rae carried.

The Clause, as further amended, carried.

In summary, Council amended this Clause by:

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

July 27, 2003, at the BCP Bank Plaza, 605 Rogers Road, and has objection to such event taking place; and

- (10) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request for the alteration of the Special Occasion Permit No. 217-030381 issued to Astro Zodiac Enterprises Ltd., to permit the sale and service of alcohol in the area within the Horticultural Building and two enclosed areas of the Bandshell Park on the following dates and times, in conjunction with the Annual CHIN International Picnic, and has no objection to the granting of the request:
- June 28, 2003, from 11:00 a.m. to 12:00 midnight;
 - June 29, 2003, from 12:00 noon to 12:00 midnight;
 - June 30, 2003, from 5:00 p.m. to 12:00 midnight; and
 - July 1, 2003, from 11:00 a.m. to 12:00 midnight.”

9.26 **Clause No. 32 of Report No. 5 of The Midtown Community Council, headed “Cypriot Community Festival Permit Application, Cypriot Community of Toronto Inc. Cultural and Wine Festival - July 12 and 13, 2003”.**

Motion:

Councillor Pitfield moved that the Clause be amended by amending Recommendation No. (3) of the Midtown Community Council to now read as follows:

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

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.27 **Clause No. 3 of Report No. 4 of The Board of Health, headed “2003 AIDS Prevention Grants”.**

Vote:

The Clause was adopted, without amendment.

Councillors Ford and Sutherland requested that their opposition to this Clause be noted in the minutes of this meeting.

9.28 **Clause No. 4 of Report No. 4 of The Board of Health, headed “2003 Drug Prevention Grants”.**

Vote:

The Clause was adopted, without amendment.

Councillors Ford and Sutherland requested that their opposition to this Clause be noted in the minutes of this meeting.

9.29 **Clause No. 1 of Report No. 5 of The North York Community Council, headed “Special Occasion Beer Garden Permit Request for Community Event (Ward 23 - Willowdale)”.**

Motion to Re-Open:

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

Motion:

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

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

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

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

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

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

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

Votes:

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

9.30 **Clause No. 26 of Report No. 5 of The North York Community Council, headed "Request for Proposed Amendment to the Sign By-law for the Former City of North York".**

Motion:

Councillor Filion moved that the Clause be amended:

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

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

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

9.31 **Clause No. 25 of Report No. 5 of The North York Community Council, headed "Appeal by St. Gabriel Church to Deferral of Consent Application - Committee of Adjustment Consent Application No. B-065/02NY - 650 - 672 Sheppard Avenue East - OMB Hearing - June 2 and 3, 2003 (Ward 24 - Willowdale)".**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Shiner moved that Council adopt the following recommendations:

“It is recommended that Council adopt:

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

‘It is recommended that:

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

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

- 9.32 **Clause No. 24 of Report No. 5 of The Scarborough Community Council, headed “Final Report - Combined Application TF CMB 2001 0009, The Muslim Welfare Centre of Toronto - 24, 26 and 28 Rural Avenue, Agincourt Community (Ward 41 - Scarborough Rouge River)”.**

Motion:

Councillor Cho moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Vote:

Adoption of motion by Councillor Cho:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Dominelli, Duguid, Fillion, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Korwin-Kuczynski

Carried by a majority of 37.

9.33 Clause No. 6 of Report No. 5 of The Policy and Finance Committee, headed “Exhibition Place Reserve Funds Realignment”.

Motion:

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

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

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

Votes:

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

9.34 **Deferred Clause No. 1a of Report No. 4 of The Policy and Finance Committee, headed “City of Toronto Council Governance Review”.**

June 24, 2003:

Motions:

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

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

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

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

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

“It is further recommended that:

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

- (d) Councillor Minnan-Wong moved that the Clause be amended to provide that:

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

(2) the following Recommendation be adopted:

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

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

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

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

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

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

(g) Councillor I. Jones moved that the Clause be amended by:

(1) deleting from Recommendation (I) of the Policy and Finance Committee, the following Recommendations Nos. (1)(a)(i) and (1)(a)(ii):

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

(a) the following responsibilities be added to the current mandate of the Policy and Finance Committee:

(i) recommending and overseeing collective bargaining matters; and

(ii) recommending and overseeing matters related to the Council-committee governance structure and system;”;

- (2) adding thereto the following:

“It is further recommended that the Mayor be requested to table his/her platform at the first meeting of the new Council to be referred to the appropriate Committees for review and recommendation to Council.”

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Part (2) of motion (g) by Councillor I. Jones, ruled such Part out of order.

Motions:

- (h) Councillor Walker moved that:

- (1) Part (2) of motion (d) by Councillor Minnan-Wong be amended by adding thereto the words “and the Chairs of the Community Councils”; and
- (2) the Clause be amended by adding thereto the following:

“It is further recommended that:

- (a) City Council recommend to the Province that the powers of the Community Councils be changed to provide that the Community Council decisions on all planning matters require a two-thirds vote of City Council to be overturned by City Council; and
- (b) the Striking Committee be abolished and the appointment of Members of Council to the Standing Committees be considered by City Council/Committee of the Whole and the selection of the respective Chairs of the Standing Committees be considered by the members of the respective Standing Committees.”

June 26, 2003:

Additional Motion:

Councillor Moscoe, with the permission of Council, having regard that Council would have insufficient time to conclude the debate on this Clause prior to the end of the meeting, moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, and the City Clerk be requested to consolidate and bring forward the motions moved by Members of Council during the debate on this Clause.

Vote on Additional Motion:

The motion by Councillor Moscoe carried.

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

Moved by Councillor Ashton:

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

Moved by Councillor Chow:

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

Moved by Councillor Holyday:

“It is further recommended that:

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

Moved by Councillor Irene Jones:

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

- ‘(1) upon commencement of the new Council term:
 - (a) the following responsibilities be added to the current

mandate of the Policy and Finance Committee:

- (i) recommending and overseeing collective bargaining matters; and
- (ii) recommending and overseeing matters related to the Council-committee governance structure and system;’ ”

Moved by Councillor Mihevc:

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

Moved by Councillor Minnan-Wong:

“That the Clause be amended to provide that:

- (1) the Mayor be given the power to appoint:
 - (a) the Chairs of the Standing Committees; and
 - (b) the Chair of the Toronto Transit Commission; and
- (2) the following Recommendation be adopted:
 - ‘(1) upon commencement of the new Council term:
 - (b) the Policy and Finance Committee be composed of the Mayor (Chair), the five Standing Committee Chairs, four Councillors selected from Council as a whole, one of which is the Deputy Mayor and a TTC Commissioner;’ ”

Moved by Councillor Moscoe:

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

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

Moved by Councillor Walker:

“That:

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

‘It is further recommended that:

- (a) City Council recommend to the Province that the powers of the Community Councils be changed to provide that the Community Council decisions on all planning matters require a two-thirds vote of City Council to be overturned by City Council; and
- (b) the Striking Committee be abolished and the appointment of Members of Council to the Standing Committees be considered by City Council/Committee of the Whole and the selection of the respective Chairs of the Standing Committees be considered by the members of the respective Standing Committees.”

9.35 Clause No. 10 of Report No. 7 of The Planning and Transportation Committee, headed “Other Items Considered by the Committee”.

Motion:

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

Votes:

The motion by Councillor Minnan-Wong carried.

The Clause, as amended, was received as information.

9.36 Clause No. 16 of Report No. 5 of The Community Services Committee, headed “Response to a Report of the Homeless/Corrections Working Group of the Board of Health’s Tuberculosis Sub-Committee”.

Motion:

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

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

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

- (1) Council urge the Provincial government to restore rent controls on vacant apartments and housing stock;
- (2) the Commissioner of Community and Neighbourhood Services be requested to report to the Board of Health on the Board’s request that TB patients be given priority on waiting lists for access to housing equivalent to the priority given to patients with terminal illness;
- (3) Community and Neighbourhood Services shelter staff be directed to work with TB staff of Toronto Public Health in reviewing mandatory training requirements and protection for shelter staff; and
- (4) the Commissioner of Community and Neighbourhood Services be requested to work jointly with Toronto Public Health TB staff in a co-ordinated approach to address TB in the homeless population in the City’s shelter system.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

9.37 **Clause No. 4 of Report No. 7 of The Planning and Transportation Committee, headed “Selected Avenue Studies for 2003 and 2004 – File No. 002050”.**

Motions:

- (a) Councillor I. Jones moved that the Clause be amended to provide that the boundary be extended from Etobicoke Creek to Fleeceline Road which includes the Village of Mimico.
- (b) Councillor Feldman moved that the Clause be amended by amending Recommendation No. (1)(d) of the Planning and Transportation Committee to now read as follows:
“(1)(d) Wilson Avenue between Bathurst Street and Keele Street (North District);”.

Votes:

Motion (a) by Councillor I. Jones carried.

Motion (b) by Councillor Feldman carried.

The Clause, as amended, carried.

9.38 **Clause No. 17 of Report No. 5 of The Policy and Finance Committee, headed “Bandshell Park Redevelopment Opportunity, Horticulture Building”.**

Motion:

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

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

Votes:

The motion by Councillor Pantalone carried.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Chow, Di Giorgio, Duguid, Feldman, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 26.

- 9.39 **Clause No. 8 of Report No. 5 of The Midtown Community Council, headed “Request for an Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening for a Second Parking Space at 137 Old Orchard Grove (Eglinton-Lawrence - Ward 16)”.**

Motion:

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

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

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

Votes:

The motion by Councillor Johnston carried.

The Clause, as amended, carried.

- 9.40 **Clause No. 13 of Report No. 5 of The Midtown Community Council, headed “McNairn Avenue at Yonge Street – Implementation of Turn Prohibitions (Eglinton-Lawrence - Ward 16)”.**

Motion:

Councillor Johnston moved that the Clause be struck out and referred back to the Midtown Community Council for further consideration, in order to conduct a poll of the area.

Vote:

The motion by Councillor Johnston carried.

- 9.41 **Clauses Nos. 1 and 2 of Report No. 6 of The Policy and Finance Committee, headed “Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation (TEDCO) and the Toronto Port Authority (TPA)” and “The Toronto City Centre Airport”, respectively.**

Councillor Shiner in the Chair.

Deputy Mayor Ootes in the Chair.

Extension to Question:

Councillor Pitfield, having questioned for a period of five minutes, Councillor Bussin, seconded by Councillor McConnell, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived and that Councillor Pitfield be granted a further period of five minutes in order to permit the conclusion of her questions, the vote upon which was taken as follows:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Ford, Holyday, I. Jones, L. Jones, Kelly, Li Preti, Lindsay Luby, McConnell, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Tziretas
No - 1	
Councillor:	Sutherland

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

Motions:

- (a) Councillor Pitfield moved that the Clauses be amended by adding thereto the following:

“It is further recommended that:

- (1) if the REGCO fails, that the fixed link be removed at no expense to the City of Toronto;
- (2) the dock wall be rebuilt to allow the waterfront promenade before the bridge construction; and

- (3) the decision for further future development, other than that for airport purposes, of the lands of the Island Airport, be submitted to City Council for debate, in order that Council can control the plan for the lands.”
- (b) Councillor Bussin moved that the Clauses be amended to provide that the Minutes of Settlement and Tripartite Amending Agreement be revised, in satisfaction of the condition for approval stipulated by Council last November, 2002, as follows:
- (1) by adding the following under the heading “Agreements and Documentation for Settlement” contained in the Minutes of Settlement:
- “14.(a) The TPA shall enter into a binding agreement with the City that ensures that all aircraft acquired to operate to or from the Island Airport, shall be newly manufactured by unionized workers in Toronto, except for those occasions when TPA can demonstrate that the price of acquiring such aircraft is not competitive to the price of such newly manufactured aircraft elsewhere.”;
- (2) that the Tripartite Amending Agreement be amended as follows:
- (a) by deleting sub-sub-paragraph (1)(i)(3) contained in the Tripartite Amending Agreement and insert the following in lieu thereof:
- “The Lessee acknowledges that the Lessor’s (The City of Toronto) approval for construction of the Bridge is conditional upon the Lessee ensuring the manufacture and acquisition of new aircraft by unionized workers located in Toronto except in the limited instance in which the price of such new aircraft is not competitive with such new aircraft manufactured elsewhere. Section 14 of the Tripartite Agreement is hereby amended by adding to the prohibition of jet-powered aircraft in subparagraph (d) the following:
- In addition the Lessee (TPA) shall not permit turbo prop or similarly powered aircraft to operate to or from the Island Airport in relation to the enlargement of TCCA, except turbo prop aircraft that are newly manufactured in Toronto by unionized workers, unless TPA satisfies City Council that the price of acquiring such aircraft is not competitive to the price of such aircraft manufactured elsewhere and except turbo prop aircraft if any, currently in use with the existing airline now in serving at the Island Airport.”;

(b) by adding the following paragraph:

“3.(a) Within ten days of the date of this Agreement, the TPA, its partners and sub tenants shall provide City Council with documented proof in the form of unconditional and duly accepted purchase orders for the immediate manufacture an acquisition of manufactured in Toronto turbo prop aircraft suitable for use at the Island Airport, at least Twelve (12) months prior to projected commencement of Bridge construction, failing which this agreement shall immediately become null and void.”;

(3) by amending the draft Minutes of Settlement as follows:

(a) that Clause 10, embodied in Appendix A (2002) be deleted and the following inserted in lieu thereof:

“TPA, unconditionally, shall use its best efforts to support the City’s Secondary Plan as amended from time to time, and any TEDCO-related or sponsored development of the Portlands.”;

(b) by deleting Paragraph 12 and the exception for harbour user fees in subsection (vi) of the Release from TPA (Appendix to Supplementary staff report);

(c) Paragraph 13 be deleted and the following inserted in lieu thereof:

“13. The City shall deduct and set off against all payments otherwise due by City pursuant to paragraphs 1 to 4 herein, all monies claimed by the City in respect of payments in lieu of realty taxes (PILS). Upon resolution of the exact amounts owing by TPA, any overpayment shall be returned to TPA.”;

and that Paragraph 5.1(b) of the Ground Lease be amended likewise;

(4) unless Council decides to reopen its approval of the principle terms of settlement of the lawsuit, by a 2/3 majority of Councillors, that the Minutes of Settlement and Ground Lease be amended by deleting paragraphs 3.3 and 3.4 of the Ground Lease and by amending the definition of “Payment Term” in paragraph 1.1 (y) as follows:

“Payment Term” means the period commencing January 1, 2003 and ending December 31, 2022”; and

- (5) unless Council decides to reopen this issue with a 2/3 majority, the Minutes of Settlement be revised as follows:

“Delete the last sentence which reads, ‘The City hereby commits to making its one-third (1/3) contribution to these capital expenditures, estimated at \$18.5 million, through the TWRC, at the time that the TWRC funds the remaining two-thirds (2/3), either from its own funds or from other sources’, and insert nothing in lieu thereof.”

- (c) Councillor McConnell moved that:

- (1) consideration of the Clauses be deferred to the first regular meeting of the incoming Council after the next municipal election;

- (2) the Clauses be amended:

- (a) to provide that the changes to the Tripartite Agreement be deferred until after all the conditions have been met;

- (b) by deleting the following words from Recommendation No. 3.5(b)(i) in Appendix (c):

“the parties shall forthwith carry out, and share on a 50/50, the costs and expense of the remediation of such Pre-Existing contamination”;

- (c) to provide that Council not debt finance this year or in any other year; and

- (d) by deleting from Recommendation No. (6) embodied in the joint report dated May 28, 2003, from the Chief Administrative Officer, the Commissioner of Urban Development Services and the Chief Financial Officer and Treasurer, the words “to be debt financed”, so that such recommendation shall now read as follows:

“(6) increase the 2003 Approved Capital Budget by \$3.0 Million, to fund the 2003 capital subsidy to the Toronto Port Authority;”.

Vote on Deferral:

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

Yes – 10 Councillors:	Bussin, Chow, Johnston, I. Jones, L. Jones, McConnell, Miller, Pantalone, Pitfield, Rae
No – 28 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland

Lost by a majority of 18.

Vote Be Now Taken:

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

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

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

Votes:

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

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

Lost by a majority of 16.

Ruling by Deputy Mayor:

Councillor Bussin requested the Deputy Mayor to rule on whether a re-opening of the previous decision of Council would be required, prior to Council voting on Part (1) of her motion (b).

The Deputy Mayor ruled that a re-opening of the previous decision of Council was not required.

Councillor McConnell challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

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

Carried by a majority of 10.

Vote:

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

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

Lost by a majority of 8.

Ruling by Deputy Mayor:

Councillor Bussin requested the Deputy Mayor to rule on whether a re-opening of the previous decision of Council would be required, prior to Council voting on Part (2) of her motion (b).

The Deputy Mayor ruled that a re-opening of the previous decision of Council was not required.

Councillor Bussin challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

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

Carried by a majority of 16.

Vote:

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

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

Lost by a majority of 8.

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

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

Lost by a majority of 12.

Adoption of Part (4) of motion (b) by Councillor Bussin:

Yes - 12	
Councillors:	Bussin, Chow, Johnston, I. Jones, L. Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae
No - 28	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Silva, Soknacki, Sutherland
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Lost by a majority of 16.

Adoption of Part (5) of motion (b) by Councillor Bussin:

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

Lost by a majority of 16.

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

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

Lost by a majority of 11.

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

Adoption of Part (2)(d) of motion (c) by Councillor McConnell:

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

Lost by a majority of 16.

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

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

Lost by a majority of 10.

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

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

Lost by a majority of 10.

Adoption of Part (3) of motion (a) by Councillor Pitfield:

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

Carried by a majority of 2.

Adoption of Clauses Nos. 1 and 2 of Report No. 6 of The Policy and Finance Committee, as amended:

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

Carried by a majority of 16.

In summary, Council amended Clauses Nos. 1 and 2 of Report No. 6 of The Policy and Finance Committee by adding thereto the following:

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

9.42 **Clause No. 27 of Report No. 5 of The Administration Committee, headed “2002 Parking Tag Activity Report”.**

Motion:

Councillor Chow moved that the Clause be received.

Vote:

The motion by Councillor Chow carried.

9.43 **Clause No. 42 of Report No. 5 of The Humber York Community Council, headed “Request for Speed Humps in the Area of Glen Park Public School (Ward 15 - Eglinton-Lawrence)”.**

Motion to Re-Open:

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

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the first Operative Paragraph contained in the Motion by Councillor Moscoe, as embodied in the Clause, shall now read as follows:

“THEREFORE BE IT RESOLVED THAT the Director, Transportation Services, District 3, be authorized to conduct polls of eligible residents, in consultation with the Ward Councillor, in the area of Glen Park Public School, to determine resident support for a speed hump plan, in accordance with the City of Toronto Traffic Calming Policy and that public notice be given pursuant to the Municipal Class Environmental Assessment Act, including Notice of Study Commencement to the Ministry of the Environment, Fire Services, Emergency Medical Services and Toronto Police Services; and”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.44 **Clause No. 44 of Report No. 5 of The Humber York Community Council, headed “Cash Payment in Lieu of Parkland Dedication, Yorkdale Shopping Centre - 3401 Dufferin Street (Ward 15 - Eglinton-Lawrence)”.**

Motion:

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

“It is further recommended that:

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.45 **Clause No. 30 of Report No. 5 of The Administration Committee, headed “Reallocation of Funds for a Tenant Outreach Program”.**

Motion:

Councillor Holyday moved that the Clause be received.

Vote:

The motion by Councillor Holyday carried.

- 9.46 **Clause No. 55 of Report No. 5 of The Humber York Community Council, headed “Other Items Considered by the Community Council”.**

Motion to Waive Procedure:

Councillor Nunziata, with the permission of Council, moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to consider Item (d),

entitled “2335 and 2337 St. Clair Avenue West - Site Plan Control Application; 889965 Ontario Limited (Sedun+Kanerva Architects Inc.) (Ward 11-York South-Weston)”, as embodied in the Clause, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Ashton, Berardinetti, Cho, Chow, Di Giorgio, Dominelli, Feldman, Ford, Hall, Holyday, Johnston, I. Jones, L. Jones, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Soknacki
No - 2	
Councillors:	Bussin, Rae

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

Motion:

Councillor Nunziata moved that Council adopt the following motion:

Moved by: Councillor Nunziata

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

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

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

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

Votes:

The motion by Councillor Nunziata carried.

The balance of the Clause was received as information.

- 9.47 **Clause No. 51 of Report No. 6 of The Toronto East York Community Council, headed “Implementation of Short Term Parking Regulations in Delineated Student Pick-Up and Drop-Off Areas - Bowmore Road and Wrenson Road, Vicinity of Bowmore Public School (Beaches-East York, Ward 32)”.**

Motion to Re-Open:

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

Motion:

Councillor Bussin moved that the Clause be amended by amending the report dated April 30, 2003, from the Director, Transportation Services, District 1, as embodied in the Clause, by:

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

Votes:

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

- 9.48 **Clause No. 5 of Report No. 5 of The Economic Development and Parks Committee, headed “Economic Development Sector Initiatives Program (EDSIP) - Appeals Report (All Wards)”.**

Motion:

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

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

‘It is recommended that:

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

Votes:

The motion by Councillor Feldman carried.

The Clause, as amended, carried.

9.49 **Clause No. 1 of Report No. 6 of The Administration Committee, headed ‘Potential Litigation – The Honourable Coulter A. Osborne’.**

Having regard that the Clause was submitted without recommendation:

Motions:

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

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

‘It is recommended that:

- (1) City Council agree to indemnify the Honourable Coulter A. Osborne for any

reasonable expenses incurred in connection with his review and report on the Union Station RFP prepared for City Council, on terms and conditions satisfactory to the City Solicitor;

- (2) funds be made available out of the revenues from Union Station or allocated in the Legal Division budget allocation for 2004; and
- (3) the appropriate City officials be authorized and directed to take the necessary steps to give effect thereto.’ ”

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

“It is recommended that the City Solicitor be requested to report periodically to Council for approval of legal fees, as required.”

Votes:

Motion (a) by Councillor Ashton carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

9.50 **Clause No. 54 of Report No. 5 of The Humber York Community Council, headed “Changing Permit Parking Signs on: (1) Dupont Street Between Symington Avenue and Osler Street; and (2) College Street Between Dufferin Street and Lansdowne Avenue to Permit Parking until 2:00 a.m. (Ward 18 - Davenport)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Silva moved that Council adopt the following recommendation:

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

‘It is recommended that:

- (1) public notice of the proposal to reduce the hours of operation of on-street permit parking on College Street, both sides, between Sheridan Avenue and Lansdowne Avenue, be placed in a major daily newspaper, as required under City Council policy;

- (2) subject to no objections being received in response to the public notice, permit parking hours of operation on College Street, both sides, between Sheridan Avenue and Lansdowne Avenue, be adjusted from the current 12:01 a.m. to 7:00 a.m., 7 days a week, to 2:00 a.m. to 7:00 a.m., 7 days a week;
- (3) Part H of Schedule XXVI (Permit Parking), of Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, be amended to incorporate College Street, both sides, between Sheridan Avenue to Lansdowne Avenue, to operate between 2:00 a.m. to 7:00 a.m., 7 days a week; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills.’ ”

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

9.51 Clause No. 7 of Report No. 5 of The Community Services Committee, headed “Community Services Grants Program - 2003 Allocations and Appeals”.

Vote:

The Clause was adopted, without amendment.

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

9.52 Clause No. 8 of Report No. 5 of The Community Services Committee, headed “Breaking the Cycle of Violence Grants Program - 2003 Allocations and Appeals”.

Vote:

The Clause was adopted, without amendment.

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

9.53 **Clause No. 6 of Report No. 6 of The Policy and Finance Committee, headed “Report on the Annual General Meeting of the Federation of Canadian Municipalities (FCM)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Chow moved that Council adopt the following recommendation:

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

‘It is recommended that:

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

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.54 **Clause No. 7 of Report No. 5 of The Works Committee, headed “Modifications to Fees at City of Toronto Waste Transfer Stations and Hours of Operations for Small Vehicles”.**

Motion:

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on alternative methods of handling small loads.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.55 **Clause No. 17 of Report No. 5 of The Etobicoke Community Council, headed ‘Naming of Park ‘Flora Voisey Park’ and Naming of Street ‘Yachters Lane’ at 2264 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)’.**

Council adopted the following Motion J(3) without amendment (See Minute No. 9.101, Page 117), and subsequently adopted this Clause without amendment:

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

Moved by: Councillor Irene Jones

Seconded by: Councillor Lindsay Luby

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

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

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

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

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

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

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

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

9.56 **Clause No. 4 of Report No. 5 of The Works Committee, headed “Traffic Calming Program - Follow-up Report”.**

Motions:

- (a) Councillor Duguid moved that the Clause be amended by amending the Recommendations of the Works Committee to now read as follows:

“It is recommended that:

- (1) Council express its sincerest condolences to the Kniat family on the passing of their son, Philip, and that they be thanked for their efforts and courage to ensure that school zones are made safer for all children and pedestrians;
- (2) traffic calming measures, including the installation of speed humps adjacent to schools, playgrounds and recreation centres in the City of Toronto, continue to be a priority for installation when recommended by staff for safety reasons and supported by the community, and that the Don Mills Middle School be given top priority for consideration of the installation of traffic calming measures in 2003;
- (3) the Province of Ontario again be requested to allow the City to reduce speed limits to 30 kilometres per hour on residential streets;
- (4) whereas children are one of the most sensitive pedestrian group, the traffic calming priority scoring system continue to reflect this;
- (5) City staff ensure that School Board officials are aware of the City’s traffic calming program; and
- (6) a separate budget line be developed for the 2004 budget process for school area traffic calming projects.”

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

- (1) deleting Recommendation No. (6) of the Works Committee; and

- (2) adding to Recommendation No. (3) of the Works Committee, the words “and to delete the requirement for an Environmental Assessment of speed humps”.
- (c) Councillor Minnan-Wong moved that the Clause be amended by deleting from Recommendation No. (2) of the Works Committee, all of the words after the word “community”, and inserting, in lieu thereof, the words “and that consideration for traffic calming measures on the southeast leg of the Donway East, be given, following a full evaluation by City staff and community consultation; and that this be identified as a top priority in 2003”.

Votes:

Motion (c) by Councillor Minnan-Wong carried.

Adoption of Part (1) of motion (b) by Councillor Moscoe:

Yes - 27
Councillors: Augimeri, Balkissoon, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, Hall, Holyday, Johnston, I. Jones, L. Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Soknacki, Tziretas
No - 4
Councillors: Ford, Korwin-Kuczynski, Mammoliti, Milczyn

Carried by a majority of 23.

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

Yes - 24
Councillors: Balkissoon, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Soknacki, Tziretas
No - 7
Councillors: Augimeri, Dominelli, Ford, Holyday, Lindsay Luby, Pitfield, Rae

Carried by a majority of 17.

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

Part (2) of motion (a) by Councillor Duguid carried, as amended.

Part (3) of motion (a) by Councillor Duguid carried, as amended.

Part (4) of motion (a) by Councillor Duguid carried.

Part (5) of motion (a) by Councillor Duguid carried.

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared Part (6) of motion (a) by Councillor Duguid, redundant.

The Clause, as amended, carried.

Council rose and observed a moment of silence in memory of the late Philip Kniat.

In summary, Council amended the Clause by amending the recommendations of the Works Committee to now read as follows:

“The Works Committee recommends that:

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

- (5) City staff ensure that School Board officials are aware of the City's traffic calming program."

- 9.57 **Deferred Clause No. 16a of Report No. 4 of The Works Committee, headed “Amendment to Engineering Consulting Agreement for Additional Contract Administration Fees Related to the Prince Edward Viaduct Safety Barriers, Contract No. T-71-99 (Wards 28, 29, 30 and 31)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Ootes, Pantalone, Pitfield, Soknacki, Tziretas, Walker
No - 5	
Councillors:	Ford, Holyday, Korwin-Kuczynski, Nunziata, Sutherland

Carried by a majority of 20.

- 9.58 **Clause No. 25 of Report No. 5 of The Works Committee, headed “Winter Maintenance on Minor Arterial, Collector and Local Roads, Snow Ploughing and Snow Removal - District 2, Area 4 (Northwest) - Contract No. 03D2-123TW, Tender Call No. 59-2003 (Wards 1 and 2 and Part of Ward 4)”.**

Motion:

Councillor Ford moved that the Clause be struck out and referred back to the Commissioner of Works and Emergency Services, with a request that he re-tender Contract No. 03D2-123TW.

Vote on Referral:

Adoption of motion by Councillor Ford:

Yes - 3	
Councillors:	Flint, Ford, Holyday
No - 24	
Councillors:	Altobello, Ashton, Augimeri, Cho, Chow, Di Giorgio, Duguid, Feldman, Hall, L. Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker

Lost by a majority of 21.

Vote Be Now Taken:

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

Yes - 23
Councillors: Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, I. Jones, L. Jones, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas
No - 6
Councillors: Altobello, Ashton, Ford, Holyday, Moscoe, Walker

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

Vote:

Adoption of Clause, without amendment:

Yes - 29
Councillors: Altobello, Ashton, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Feldman, Flint, Hall, I. Jones, L. Jones, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2
Councillors: Ford, Holyday

Carried by a majority of 27.

9.59 **Clauses Nos. 6 and 7 of Report No. 7 of The Planning and Transportation Committee, headed “Pilot Graffiti Incentive Program with BIAs” and “Enforcement Powers Regarding Littering and Graffiti”, respectively.**

Having regard that Clause No. 7 was submitted without recommendation:

Motions:

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

“It is further recommended that the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services and the Chief of Police, be requested to prepare a comprehensive, City-wide graffiti removal plan for the consideration of the Planning and Transportation Committee in September 2003; and that

such plan give priority to graffiti removal in high traffic commercial districts frequented by tourists.”

- (b) Councillor Moscoe moved that motion (a) by Councillor Chow be amended by deleting all the words after the words “September 2003”, and inserting in lieu thereof the words “and that the priorities for graffiti removal City-wide be established by the Planning and Transportation Committee and recommended to City Council”.
- (c) Councillor Pitfield moved that:
- (1) motion (a) by Councillor Chow be amended by inserting, after the words “Commissioner of Works and Emergency Services”, the words “the Clean Streets Working Group”; and
 - (2) the Clauses be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services be requested to report back through the appropriate Standing Committees, by February 2004, on a budget for this City-wide graffiti eradication project, such budget to give consideration to:

 - (a) the creation of a graffiti hot line; and
 - (b) an enforcement fine of \$105.00 (same as the fine for littering).”
- (d) Councillor Korwin-Kuczynski moved that the Clauses be amended by adding thereto the following:
- “It is further recommended that:
- (1) the Commissioner of Works and Emergency Services be requested to work on a zero tolerance graffiti removal program and report to the Budget Advisory Committee on appropriate funding; and
 - (2) the City Solicitor, together with the Toronto Police Service, be requested to submit a report to the Planning and Transportation Committee on enforcement measures that can be taken by the City of Toronto regarding graffiti removal.”
- (e) Councillor Altobello moved that motion (a) by Councillor Chow be amended by deleting the date “September 2003”, and inserting in lieu thereof the date “February 2004”.

(f) Councillor Nunziata moved that the Clauses be amended by adding thereto the following:

“It is further recommended that:

- (1) the Commissioner of Urban Development Services, in her forthcoming report on a strategy respecting graffiti removal, be requested to give consideration to graffiti removal on mailboxes and newspaper boxes; and
- (2) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on increasing fines for littering, such report to include recommendations respecting enforcement.”

Votes:

Adoption of motion (b) by Councillor Moscoe:

Yes - 31 Councillors: Altobello, Ashton, Augimeri, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 3 Councillors: Chow, Pantalone, Rae

Carried by a majority of 28.

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

Motion (e) by Councillor Altobello carried.

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

Part (2) of motion (c) by Councillor Pitfield carried.

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

Yes - 31
Councillors: Altobello, Ashton, Augimeri, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Ford, Holyday, I. Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 3
Councillors: Hall, L. Jones, Pitfield

Carried by a majority of 28.

Part (1) of motion (f) by Councillor Nunziata carried.

Part (2) of motion (f) by Councillor Nunziata carried.

Adoption of Clause No. 6 of Report No. 7 of The Planning and Transportation Committee, as amended:

Yes - 33
Councillors: Altobello, Ashton, Augimeri, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

Adoption of Clause No. 7 of Report No. 7 of The Planning and Transportation Committee, as amended:

Yes - 33
Councillors: Altobello, Ashton, Augimeri, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 0

Carried, without dissent.

In summary, Council amended Clauses Nos. 6 and 7 of Report No. 7 of The Planning and Transportation Committee by adding thereto the following:

“It is further recommended that:

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

9.60 **Clause No. 3 of Report No. 5 of The Administration Committee, headed “Results of the Request for Quotation (RFQ) No. 0114-03-0001 for Safety Footwear for Various City of Toronto Departments”.**

Councillor Lindsay Luby in the Chair.

Deputy Mayor Ootes in the Chair.

Motions:

- (a) Councillor Pantalone moved that the Clause be amended by striking out the recommendation of the Administration Committee and reinstating and approving the original recommendations embodied in the joint report dated March 20, 2003, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, as embodied in the Clause.
- (b) Councillor Sutherland moved that the Clause be amended by deleting Recommendation No. (1)(b) of the Administration Committee and inserting in lieu thereof the following:

“(1)(b) that the contract for the supply of safety footwear by store service in the City of Toronto be awarded to Mister Safety Shoes, as the lowest bidder;”.

Votes:

Adoption of motion (a) by Councillor Pantalone:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Filion, Hall, Holyday, Johnston, I. Jones, L. Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Soknacki, Walker
No - 9	
Councillors:	Feldman, Ford, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Sutherland

Carried by a majority of 16.

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

Adoption of Clause, as amended:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Fillion, Hall, Holyday, Johnston, I. Jones, L. Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Soknacki, Walker
No - 8	
Councillors:	Feldman, Ford, Kelly, Korwin-Kuczynski, Mammoliti, Minnan-Wong, Nunziata, Sutherland

Carried by a majority of 18.

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

“It is recommended that:

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

- 9.61 **Clause No. 2 of Report No. 5 of The North York Community Council, headed “Request for Exemption to City of Toronto Municipal Code, Chapter 591 - Noise - Earth Tech Canada Inc. – Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Leslie Street (Wards 9 & 10 - York Centre, Wards 23 & 24 - Willowdale and Ward 33 - Don Valley East)”.**

Motion:

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

- 9.62 **Clause No. 14 of Report No. 5 of The North York Community Council, headed “Sale of Part of Terlean Road (Ward 23 – Willowdale)”.**

Motion:

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

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

- 9.63 **Deferred Clause No. 9a of Report No. 6 of The Planning and Transportation Committee, headed “Other Item Considered by the Committee”.**

Motion:

Councillor Nunziata moved that the Clause be struck out and referred back to the Planning and Transportation Committee for further consideration.

Votes:

Adoption of motion by Councillor Nunziata:

Yes - 7 Councillors: Dominelli, Ford, Holyday, Mammoliti, Minnan-Wong, Nunziata, Sutherland
No - 27 Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Silva, Soknacki, Walker

Lost by a majority of 20.

Receipt of Clause, as information, without amendment:

Yes - 29 Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Silva, Soknacki, Walker
No - 4 Councillors: Dominelli, Holyday, Nunziata, Sutherland

Carried by a majority of 25.

- 9.64 **Clause No. 4 of Report No. 5 of The Humber York Community Council, headed “Request for an Exemption from Chapter 313 of the Former City of Toronto Municipal Code to Permit Residential Boulevard Parking on the Rusholme Park Crescent Flank of 45 Rusholme Park Crescent (Ward 18, Davenport)”.**

Motion:

Councillor Di Giorgio moved that the Clause be amended by adding the following additional condition to Recommendation No. (1) of Humber York Community Council:

“(d) a formal poll being conducted and such poll having a favourable result;”.

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

9.65 **Clause No. 22 of Report No. 5 of The Etobicoke Community Council, headed “Other Items Considered by the Community Council”.**

Motion to Waive Procedure:

Councillor Milczyn, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived in order to consider Item (b), entitled “Final Report - Application to Amend the Official Plan and Zoning Code, 35 Fieldway Road, Owner: CIC Millwork Ltd., Architect: OP Design Inc., File Number: TA CMB 2002 0020, Etobicoke-Lakeshore (Ward 5)”, embodied in this Clause; the vote upon which was taken as follows:

Yes - 30	
Councillors:	Ashton, Augimeri, Bussin, Di Giorgio, Dominelli, Duguid, Filion, Flint, Ford, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Chow, Holyday

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

Motion:

Councillor Milczyn moved that Council adopt the following recommendation:

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

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

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

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

(b) adding the following to the Section 37 Agreement:

“that staff secure public pedestrian and vehicular easements across the property to ensure access to the new public park”; and

(c) adding the following to the end of the Recommendation:

“and that staff be directed to complete the required Section 37 agreement prior to the next City Council meeting”; and

(2) deleting Recommendation No. (7) and inserting in lieu thereof the following new Recommendation No. (7):

“(7) given that the fiscal impact study has been submitted by the applicant for review by the Economic Development Division, in the event that the Economic Development Division has not completed its review prior to the introduction of the Bills at the next City Council meeting, receipt of the review by the Economic Development Division will simply be a condition to the approval of the building permit.”

Votes:

The motion by Councillor Milczyn carried.

The balance of the Clause was received as information.

9.66 **Clause No. 15 of Report No. 5 of The Works Committee, headed “Hearne Avenue and Jane Street - Drainage Problem on Private Laneway (Ward 12 – York South-Weston)”.**

Motion:

Councillor Di Giorgio moved that the Clause be struck out and referred back to the Works Committee for further consideration.

Vote:

The motion by Councillor Di Giorgio carried.

9.67 **Clause No. 13 of Report No. 5 of The Works Committee, headed “Contract with Republic Services of Canada Inc. for Landfill of Biosolids at Carleton Farms Landfill in Michigan”.**

Vote:

Adoption of Clause, without amendment:

Yes - 17	
Councillors:	Augimeri, Chow, Duguid, Flint, Hall, Holyday, Johnston, I. Jones, L. Jones, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Soknacki
No - 10	
Councillors:	Di Giorgio, Dominelli, Ford, Kelly, Korwin-Kuczynski, Li Preti, Pitfield, Shiner, Sutherland, Tziretas

Carried by a majority of 7.

9.68 **Clause No. 2 of Report No. 5 of The Administration Committee, headed “Follow-Up Review of the Fair Wage Office, Fair Wage Policy and Fair Wage Schedules - All Wards”.**

Motion to Re-Open:

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

Yes - 12	
Councillors:	Augimeri, Bussin, Chow, Dominelli, Flint, Johnston, I. Jones, L. Jones, Mihevc, Moscoe, Pantalone, Shaw
No - 18	
Mayor:	Lastman
Councillors:	Di Giorgio, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Milczyn, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas

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

9.69 **Clause No. 14 of Report No. 5 of The Policy and Finance Committee, headed “Implementation of the Policy for City-Owned Space Provided at Below-Market Rent”.**

Motion:

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

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

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.70 **Clause No. 18 of Report No. 5 of The North York Community Council, headed “Final Report - Application to Amend the Zoning and Draft Plan of Subdivision - TB ZBL 2002 0012 and TB SUB 2002 0002 - Tribute Communities (York) Inc. & York University - North of Murray Ross Parkway, East and West of Sentinel Road (Ward 8 - York West)”.**

Motion:

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

(1) deleting Recommendations Nos. (1)(a)(iii) and (1)(a)(iv) of the North York Community Council;

(2) deleting Recommendation No. (2)(a)(i) of the North York Community Council and inserting in lieu thereof the following:

“(2)(a)(i) meet any outstanding obligations to convey 0.5 acres for parkland purposes;” and

(3) adding thereto the following:

“It is further recommended that the City Solicitor be requested to review all relevant materials, including the draft agreements, regarding OMB File Nos. 0 890169 and R 890570, specifically as such documentation relates to York University’s

obligations for the provision of parkland, and report thereon to the September 10, 2003 meeting of North York Community Council.”

- (b) Councillor Moscoe moved that the Clause be amended by referring Recommendation No. (7) of the North York Community Council to the Chief Financial Officer and Treasurer, the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, for report thereon to the North York Community Council.

Permission to Withdraw Motion:

Councillor Augimeri, with the permission of Council, withdrew her motion (a).

Votes:

Motion (b) by Councillor Moscoe carried.

Adoption of Clause, as amended:

Yes - 34	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Dominelli, Feldman, Filion, Flint, Hall, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

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

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

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

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

9.71 **Clause No. 15 of Report No. 5 of The Community Services Committee, headed “Housing and the Moss Park Armoury”.**

Motion to Re-Open:

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

Motion:

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

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

‘It is recommended that:

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

necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

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

Motions:

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

“It is further recommended that if possible, the Director, Community Planning, West District, be requested to bring forward the implementing By-law to the July 22, 2003 City Council meeting.”

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

“It is further recommended that the Commissioner of Urban Development Services, in consultation with the appropriate City staff, be requested to submit a report to the Etobicoke Community Council on the completion of the community services review and the ability to access the cash-in-lieu contribution funds for further community amenities and services.”

Votes:

Motion (a) by Councillor Milczyn carried.

Motion (b) by Councillor I. Jones carried.

The Clause, as amended, carried.

- 9.73 **Clause No. 10 of Report No. 5 of The Economic Development and Parks Committee, headed “Persian New Year - Sunnybrook Park (Ward 25 Don Valley West)”.**

Motion:

Councillor Sutherland moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

Vote:

The motion by Councillor Sutherland carried.

9.74 **Clause No. 3 of Report No. 5 of The Works Committee, headed “Proposed Standing Water By-law”.**

Motion:

Councillor Lindsay Luby moved that the Clause be received.

Vote:

The motion by Councillor Lindsay Luby carried.

9.75 **Clause No. 14 of Report No. 5 of The Community Services Committee, headed “Update on the Shelter, Housing and Support Response to SARS”.**

Motion:

Councillor Nunziata moved that the Clause be amended by deleting the following Recommendation (b) of the Community Services Committee:

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

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Yes - 13 Councillors: Altobello, Balkissoon, Cho, Chow, Duguid, Filion, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Moscoe, Walker
No - 21

Councillors: Ashton, Bussin, Di Giorgio, Dominelli, Feldman, Flint, Ford, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Sutherland, Tziretas

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

9.76 Clause No. 8 of Report No. 5 of The Administration Committee, headed “Accrual of Pension Benefits for Elected Officials Over the Age of 69”.

Having regard that the Clause was submitted without recommendation:

Motions:

- (a) Councillor Moscoe moved that consideration of the Clause be deferred and the Chief Financial Officer and Treasurer be directed to meet with those Members of Council who are immediately affected by this and explore a variety of alternatives and submit a report thereon to Council.
- (b) Councillor Ashton moved that Council adopt the following recommendations:
 - “It is recommended that:
 - (1) the City approach OMERS to request that they allow for the accrual of benefits available to municipal employees and elected officials for service over the age of 69; and
 - (2) the Chief Financial Officer and Treasurer, in consultation with the immediately affected parties, be requested to prepare a more detailed costing and legal review of Option 3 (salary adjustment) and/or payment of a one-time lump sum payment at the time of retirement.”
- (c) Councillor Holyday moved that the Clause be received.

Permission to Withdraw Motion:

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

Vote:

Adoption of motion (c) by Councillor Holyday:

Yes - 17

Councillors:	Altobello, Balkissoon, Cho, Dominelli, Filion, Ford, Holyday, Korwin-Kuczynski, Li Preti, Mihevc, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas, Walker
No - 14	
Councillors:	Ashton, Bussin, Di Giorgio, Duguid, Flint, I. Jones, L. Jones, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae

Carried by a majority of 3.

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

Motion to Re-Open:

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

Yes - 21	
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Soknacki
No - 5	
Councillors:	Altobello, Ford, Holyday, Ootes, Walker

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

Disposition:

Having regard that Council did not conclude its consideration of this Clause prior to the end of this meeting, consideration of this Clause was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.77 Deferred Clause No. 7a of Report No. 4 of The Policy and Finance Committee, headed “Debt Issuance-Restructuring of \$183.75 Million Provincial Loans”.

Motions:

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

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

- (b) Councillor Shiner moved that the Clause be to provide that the payment be made conditional upon the Provincial Government:
- (1) confirming it will pay Toronto its full one-third share of the Toronto Transit Commission 2003 Capital Budget of \$104 million; and
 - (2) paying the balance outstanding on the City of Toronto’s request for \$11.5 million for SARS expenditures.

Vote Be Now Taken:

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

Yes - 17	
Councillors:	Bussin, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Ford, L. Jones, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Ootes, Rae, Shiner, Tziretas
No - 9	
Councillors:	Altobello, Ashton, Cho, Filion, Holyday, Kelly, Moscoe, Shaw, Walker

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

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 19	
Councillors:	Altobello, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, L. Jones, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 12	
Councillors:	Ashton, Dominelli, Feldman, Flint, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Nunziata, Ootes

Carried by a majority of 7.

Adoption of motion (a) by Councillor Moscoe:

Yes - 26 Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, L. Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 6 Councillors:	Flint, Ford, Holyday, Kelly, Milczyn, Sutherland

Carried by a majority of 20.

Adoption of Clause, as amended:

Yes - 24 Councillors:	Altobello, Augimeri, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Filion, L. Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 9 Councillors:	Ashton, Feldman, Flint, Ford, Holyday, Kelly, Milczyn, Ootes, Sutherland

Carried by a majority of 15.

In summary, Council amended the Clause:

- (1) to provide that the payment be made conditional upon the Provincial Government:
 - (a) confirming it will pay Toronto its full one-third share of the Toronto Transit Commission 2003 Capital Budget of \$104 million; and
 - (b) paying the balance outstanding on the City of Toronto's request for \$11.5 million for SARS expenditures; and
- (2) adding thereto the following:

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

9.78 **Clause No. 4 of Report No. 5 of The Economic Development and Parks Committee, headed “2003 Recreation Grants Program - Appeals Report (All Wards)”.**

Motion:

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

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

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.79 **Clause No. 23 of Report No. 5 of The Policy and Finance Committee, headed “2003 First Quarter Capital Variance Report”.**

Motion:

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

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

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.80 **Clause No. 1 of Report No. 3 of The Striking Committee, headed “Appointments of Members of Council to Various Boards and Special Purpose Bodies”.**

Motion to Waive Procedure:

Councillor Pantalone moved that the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived in order to permit Part (vii) of the Recommendation of the Striking Committee, headed “Waterfront Reference Group”, to be extracted from the Clause; and

the City Clerk be directed to make this Part into a separate Clause for consideration by City Council.

Vote on Procedural Motion:

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

Motion:

Councillor Pantalone moved that the revised Clause be adopted, as amended.

The motion by Councillor Pantalone carried.

(See Minute No. 9.151, Page 198, for reference to the new Clause pertaining to an appointment to the Waterfront Reference Group.)

9.81 **Clause No. 2 of Report No. 5 of The Economic Development and Parks Committee, headed “Culture Plan for the Creative City (All Wards)”.**

Motions:

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to incorporate the Chart submitted by Councillor Minnan-Wong, entitled ‘Per Capita Spending on Culture, Summary of Categories’, into the Culture Plan.”

- (b) Councillor Johnston moved that the Clause be amended by amending the last sentence of the second paragraph on page 9 of the Culture Plan to now read as follows:

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

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

“It is further recommended that:

- (1) the Chart submitted by Councillor Minnan-Wong be referred to the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Economic Development, Culture and Tourism, to ensure that such Chart contains the latest and most accurate figures, including an indication of per capita spending, when it is incorporated into the Plan; and
 - (2) copies of the Culture Plan be made available in all public libraries and an abridged version be made available in all of the City’s cultural facilities.”
- (d) Councillor Flint moved that the Clause be amended by adding to Recommendation No. (42) the words “and the George Gardiner Museum of Ceramic Art, as a Council-acknowledged Major Cultural Organization, receive equally proportionate funding”, so that such recommendation shall now read as follows:

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

- (e) Councillor Pitfield moved that the Clause be amended by:
- (1) inserting the following new Recommendation No. (20) and renumbering the remaining recommendations accordingly:

“(20) as part of the development of the Avenue of the Arts, the Culture Division commission at least one major public artwork remembering Toronto’s Aboriginal roots;”; and
 - (2) adding to Recommendation No. (23), now re-numbered as Recommendation No. (24), the words “and the Culture Division work with the First Nations community to explore the creation of an Aboriginal Cultural Centre”, so that such recommendation shall now read as follows:

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

Vote Be Now Taken:

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

Yes - 19
Councillors: Augimeri, Chow, Di Giorgio, Dominelli, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Pantalone, Pitfield, Shaw, Sutherland, Tziretas
No - 11
Councillors: Altobello, Feldman, Flint, Ford, Holyday, Miller, Minnan-Wong, Moscoe, Ootes, Shiner, Walker

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

Motions:

- (f) Councillor Holyday moved that the Clause be amended by deleting Recommendation No. (59) of the Culture Plan.

- (g) Councillor Shiner moved that the Clause be amended to provide that:
- (1) the Culture Plan be adopted in principle;
 - (2) Recommendations Nos. (42), (43), (44), (45) and (59), and any other recommendations identified by the Chief Financial Officer and Treasurer as having financial implications, be referred to the Ad Hoc Committee on the Five-Year Capital Plan and the Budget Advisory Committee; and
 - (3) the Budget Advisory Committee report to City Council, through the Policy and Finance Committee, within six months, outlining the financial implications of the Plan.
- (h) Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion (h) by Councillor Ford:

Yes - 2	
Councillors:	Ford, Holyday
No - 28	
Councillors:	Altobello, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Sutherland, Tziretas, Walker

Lost by a majority of 26.

Adoption of motion (g) by Councillor Shiner:

Yes - 9	
Councillors:	Di Giorgio, Feldman, Flint, Minnan-Wong, Ootes, Pitfield, Shiner, Sutherland, Tziretas
No - 21	
Councillors:	Altobello, Augimeri, Chow, Dominelli, Duguid, Ford, Hall, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Shaw, Walker

Lost by a majority of 12.

Motion (b) by Councillor Johnston carried.

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

Motion (a) by Councillor Minnan-Wong carried.

Motion (e) by Councillor Pitfield carried.

Adoption of motion (f) by Councillor Holyday:

Yes - 8 Councillors:	Ford, Holyday, Minnan-Wong, Ootes, Pitfield, Shiner, Sutherland, Tziretas
No - 23 Councillors:	Altobello, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Shaw, Walker

Lost by a majority of 15.

Motion (d) by Councillor Flint carried.

Part (2) of motion (c) by Councillor Moscoe carried.

Adoption of Clause, as amended:

Yes - 29 Councillors:	Altobello, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 2 Councillors:	Ford, Holyday

Carried by a majority of 27.

In summary, Council amended the Clause by:

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

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

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

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

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

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

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

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

- (5) adding thereto the following:

“It is further recommended that:

- (a) the Commissioner of Economic Development, Culture and Tourism be requested to incorporate the Chart submitted by Councillor Minnan-Wong, entitled ‘Per Capita Spending on Culture, Summary of Categories’, into the Culture Plan;
- (b) the Chart submitted by Councillor Minnan-Wong be referred to the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Economic Development, Culture and Tourism, to ensure that such Chart contains the latest and

most accurate figures, including an indication of per capita spending, when it is incorporated into the Plan; and

- (c) copies of the Culture Plan be made available in all public libraries and an abridged version be made available in all of the City's cultural facilities."

9.82 Deferred Clause No. 2b of Report No. 2 of The Striking Committee, headed "Appointment of a Member of Council to the Toronto Transit Commission".

Motion:

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, and Council direct that this Clause be considered as the first item of business at such meeting.

Vote:

Adoption of motion by Councillor Minnan-Wong:

Yes - 16	
Councillors:	Altobello, Dominelli, Duguid, Feldman, Ford, Holyday, Kelly, Korwin-Kuczynski, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Sutherland, Tziretas, Walker
No - 14	
Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Flint, Johnston, I. Jones, L. Jones, McConnell, Mihevc, Miller, Moscoe, Pantalone, Shiner

Carried by a majority of 2.

9.83 Clause No. 20 of Report No. 5 of The Policy and Finance Committee, headed "Intersection Safety Program to Reduce Red-Light Running".

Motions:

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

"It is further recommended that prior to further extensions of the Red Light Camera Program beyond November 2004, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee that outlines the cost effectiveness of the program on a per ticket basis and explores optional operational models, including alternative financing options for capital expenditures."

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

“It is further recommended that:

- (1) in the event the Province of Ontario and the City of Toronto extend the pilot program after November 2004, the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the list of additional intersections under consideration for Red Light Cameras and on the process for setting priorities;
- (2) the intersection of King Street East and Jarvis Street, adjacent to the City’s St. Lawrence Market, be added to the list of intersections under consideration; and
- (3) the intersection of King Street East and Jarvis Street be added to the ‘Do Not Block’ Intersection Pilot Program.”

Votes:

Motion (a) by Councillor Di Giorgio carried.

Motion (b) by Councillor McConnell carried.

The Clause, as amended, carried.

Councillor Walker requested that his opposition to this Clause be noted in the minutes of this meeting.

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

“It is further recommended that:

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

- 9.84 **Clause No. 66 of Report No. 6 of The Toronto East York Community Council, headed “Revisions to Draft Plan of Subdivision – Precincts 1 and 2; Removal of Holding Designation from Blocks 24, 25, 26 and 29 in Railway Lands West (Trinity-Spadina, Ward 20)”.**

Having regard that the Clause was submitted without recommendation:

Motion:

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

Vote:

The motion by Councillor Chow carried.

- 9.85 **Clause No. 6 of Report No. 5 of The Etobicoke Community Council, headed “Introduction of Designated Bicycle Lanes and No Stopping Prohibitions on Royal York Road Between Lake Shore Boulevard and Cavell Avenue (Ward 6 - Etobicoke-Lakeshore)”.**

Vote:

The Clause was adopted, without amendment.

Councillor Holyday requested that his opposition to this Clause be noted in the minutes of this meeting.

June 23, 2003:

Procedural Motions:

Deputy Mayor Ootes, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notices of Motions, which carried, more than two-thirds of Members present having voted in the affirmative:

- (a) Notice of Motion J(37), moved by Councillor Altobello, seconded by Councillor Berardinetti, and, in the absence of Councillor Berardinetti, seconded by Councillor Korwin-Kuczynski, respecting a legal matter regarding By-laws affecting parking enforcement on private property; and

- (b) Notice of Motion J(43), moved by Councillor Di Giorgio, seconded by Councillor Pantalone, respecting a request for a report from the City Solicitor on 1465 Lawrence Avenue West.

Deputy Mayor Ootes further moved that the first Operative Paragraph embodied in Motion J(43) (to re-open Motion J(34) considered by Council at its meeting held on May 21, 22 and 23, 2003) be adopted, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes further moved that the balance of Motion J(43) be adopted, which carried.

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

June 25, 2003:

Motion:

Deputy Mayor Ootes, at 5:59 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 1 of Report No. 5 of The Nominating Committee, headed "Reappointment of a City of Toronto Appointee on the Toronto Port Authority Board", having regard that such Clause contains personal information about identifiable individuals;
- (b) Notice of Motion J(37), moved by Councillor Altobello, seconded by Councillor Berardinetti, and, in the absence of Councillor Berardinetti, seconded by Councillor Korwin-Kuczynski, respecting a legal matter regarding By-laws affecting parking enforcement on private property, having regard that the report appended to such Motion contains information pertaining to litigation; and
- (c) Notice of Motion J(43), moved by Councillor Di Giorgio, seconded by Councillor Pantalone, respecting a request for a report from the City Solicitor on 1465 Lawrence Avenue West, having regard that the report submitted by the City Solicitor in this regard contains information pertaining to potential litigation.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:00 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:35 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

Deputy Mayor Ootes, with the permission of Council, took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume on Thursday, June 26, 2003.

June 26, 2003:

Procedural Motion:

Deputy Mayor Ootes, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of Notice of Motion J(53), moved by Councillor McConnell, seconded by Deputy Mayor Ootes, regarding the First Parliament Site: 265 and 271 Front Street East, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Deputy Mayor Ootes, at 2:40 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to resume consideration of the following confidential matters, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 1 of Report No. 5 of The Nominating Committee, headed "Reappointment of a City of Toronto Appointee on the Toronto Port Authority Board", having regard that such Clause contains personal information about identifiable individuals;
- (b) Notice of Motion J(37), moved by Councillor Altobello, seconded by Councillor Berardinetti, and, in the absence of Councillor Berardinetti, seconded by Councillor Korwin-Kuczynski, respecting a legal matter regarding By-laws affecting parking enforcement on private property, having regard that the report appended to such Motion contains information pertaining to litigation;
- (c) Notice of Motion J(43), moved by Councillor Di Giorgio, seconded by Councillor Pantalone, respecting a request for a report from the City Solicitor on 1465 Lawrence Avenue West, having regard that the report submitted by the City Solicitor in this regard contains information pertaining to potential litigation; and
- (d) Notice of Motion J(53), moved by Councillor McConnell, seconded by Deputy Mayor Ootes, regarding the First Parliament Site: 265 and 271 Front Street East, having regard that the report appended to such Motion contains information pertaining to the security of the property of the municipality and the acquisition of property.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:46 p.m., to meet privately in the Council Chamber to resume consideration of the above matters in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 4:17 p.m., and met in public session in the Council Chamber.

9.87 **Clause No. 1 of Report No. 5 of The Nominating Committee, headed “Reappointment of a City of Toronto Appointee on the Toronto Port Authority Board”.**

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Motion:

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

“It is further recommended that:

- (1) the Chief Administrative Officer be requested to report back to the Policy and Finance Committee on a monitoring system to ensure that the City of Toronto’s appointee on the Toronto Port Authority considers the City of Toronto’s position at the Toronto Port Authority;
- (2) the City of Toronto’s appointee on the Toronto Port Authority be encouraged to attend meetings of the City of Toronto’s Advisory Committee on the Island Airport; and
- (3) the City Clerk, as part of any future appointment process of the City of Toronto’s representative to the Toronto Port Authority, circulate the advertisement regarding the nominating process to all waterfront associations.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.88 First Parliament Site: 265 and 271 Front Street East

Deputy Mayor Ootes called upon Motion J(53), as follows:

Moved by: Councillor McConnell

Seconded by: Councillor Ootes

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

WHEREAS time is of the essence; and

WHEREAS the Commissioner of Economic Development, Culture and Tourism has prepared a confidential report dated June 26, 2003, seeking Council direction on this matter;

NOW THEREFORE BE IT RESOLVED THAT City Council (In Camera) consider the confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism, and that such confidential report be adopted.”

Council also had before it, during consideration of Motion J(53), a confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(53):

Motion:

Councillor Holyday moved that Motion J(53), together with the confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism, be received.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2 Councillors: Holyday, Minnan-Wong
No - 28 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Rae, Sutherland, Tziretas, Walker

Lost by a majority of 26.

Adoption of Motion J(53), without amendment:

Yes - 28 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Sutherland, Tziretas, Walker
No - 1 Councillor: Holyday

Carried by a majority of 27.

Council, by its adoption of Motion J(53), without amendment, adopted, without amendment, the confidential report dated June 26, 2003, from the Commissioner of Economic Development, Culture and Tourism, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to the security of the property of the municipality and the acquisition of property, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) Facilities and Real Estate Division staff be directed to negotiate leasing the property at 70 Parliament Street to the owners of 265 Front Street East for the purposes of relocating the proposed Porsche car dealership from 265 Front Street East to 70

Parliament Street and the City acquiring ownership of the property at 265 Front Street East;

- (2) Facilities and Real Estate Division staff be directed to negotiate the acquisition of the property at 197 Front Street East, with the intent that the property be transferred to the owner of 265 Front Street East for the purposes of the City acquiring ownership of the property at 265 Front Street East and the relocation of the proposed Infiniti car dealership from 64 Parliament Street to 197 Front Street East;
- (3) the Toronto Parking Authority be requested to participate in the resolution of the First Parliament Site through the funding of site acquisition, interim operation of a parking lot and possible resolution of the TTC operating issue with the loss of the use of 70 Parliament Street;
- (4) should the above negotiations be successful, the Toronto Transit Commission be requested to declare the lands surplus and to lease the land at 70 Parliament Street to the City for a nominal value and TTC staff be requested to report to the next meeting of the TTC;
- (5) should any other site become available in order to bring the First Parliament site into public ownership, staff be directed to consider and negotiate such site;
- (6) staff be directed to report directly to the July meeting of Policy and Finance Committee or City Council on the results of the negotiations and funding sources; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

9.89 Consideration of Legal Matter Regarding By-laws affecting Parking Enforcement on Private Property

Deputy Mayor Ootes called upon Motion J(37), as follows:

Moved by: Councillor Altobello

Seconded by: Councillor Korwin-Kuczynski

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

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

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

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

Council also had before it, during consideration of Motion J(37), a confidential joint report dated June 23, 2003, from the City Solicitor and the Commissioner, Urban Development Services.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(37):

Motion:

Councillor Moscoe moved that Motion J(37) be adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

"NOW THEREFORE BE IT RESOLVED THAT:

- (1) Council adopt the joint confidential report dated June 23, 2003, from the City Solicitor and the Commissioner of Urban Development Services, subject to:
 - (a) deleting Recommendation No. (1);
 - (b) deleting Recommendation No. (2) and inserting in lieu thereof the following:
 - '(2) the Commissioner of Urban Development Services be requested to continue monitoring visitor and accessory parking facilities in multi-unit residential buildings which use pay and display parking machines and to take whatever enforcement action as may be necessary and appropriate to ensure that such facilities are not operated in contravention of Chapter 545 of the Municipal Code entitled, "Licensing", nor in contravention of the zoning by-law or conditions of site plan control with respect to the provision and use of parking facilities; and further, that the Chief of Police be requested to enforce the illegal parking which may occur on adjacent streets;'; and

- (c) amending Recommendation No. (3) by adding the words, ‘at this time’; and renumbering the recommendations accordingly;
- (2) the City Solicitor be requested to vigorously oppose the attack on this by-law;
- (3) the Commissioner of Urban Development Services be requested to review and submit a report to the Planning and Transportation Committee on the establishment of a licensing classification to regulate the use by and control of (including the charging of fees) the provision of visitor parking in multi-residential buildings to ensure that such parking is maintained, available for and used by visitors to occupants of the buildings; and
- (4) the Commissioner of Urban Development Services be requested to submit a report on how the City could require commercial zoning where charges are levied for visitor parking.”

Votes:

Adoption of the motion by Councillor Moscoe, save and except Parts (1)(c) and (2):

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 27.

Part (1)(c) of the motion by Councillor Moscoe carried.

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

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Dominelli, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Sutherland, Tziretas, Walker

No - 6 Councillors: Bussin, Duguid, Holyday, Lindsay Luby, Ootes, Rae
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Carried by a majority of 17.

Adoption of Motion J(37), as amended:

Yes - 25 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Sutherland, Tziretas, Walker
No - 4 Councillors: Bussin, Holyday, Ootes, Rae

Carried by a majority of 21.

Council, by its adoption of Motion J(37), as amended, adopted, as amended, the confidential joint report dated June 23, 2003, from the City Solicitor and the Commissioner of Urban Development Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to litigation, save and except the following recommendations, as amended by Council:

“It is recommended that:

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

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

9.90 Request for Report from City Solicitor on 1465 Lawrence Avenue West

Deputy Mayor Ootes called upon Motion J(43), which was previously adopted by Council, as follows:

Moved by: Councillor Di Giorgio

Seconded by: Councillor Pantalone

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

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

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

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

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

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

Council also had before it, for consideration with Motion J(43), a confidential report dated June 25, 2003, from the City Solicitor.

Report of the Committee of the Whole:

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

Motion:

Councillor Di Giorgio moved that Council adopt the following recommendation:

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

Vote:

The motion by Councillor Di Giorgio carried.

9.91 **ADDITIONAL MATTER CONSIDERED BY COUNCIL**

Motion:

Mayor Lastman, seconded by Councillor Ootes, moved that Council adopt the following Motion:

Moved by: Mayor Mel Lastman

Seconded by: Councillor Ootes

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

Vote:

The Motion by Mayor Lastman, seconded by Councillor Ootes, carried.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION9.92 **Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue**

Councillor Di Giorgio, with the permission of Council, withdrew the following Notice of Motion F(1):

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

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

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

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

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

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

Moved by: **Councillor Chow**

Seconded by: **Councillor Miller**

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT the City support the action of the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees as they defend against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One

at the Ontario Court of Appeal and that this support be 25 percent (or up to a maximum of \$40,000.00) of the legal fees;

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion F(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

City Council also had before it, during consideration of Motion F(2), the following report and communication:

- (i) report dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Attachment No. 7, Page 250); and
- (ii) communication dated October 7, 2002, from Steven Shrybman, Sack Goldblatt Mitchell, Barristers and Solicitors, submitted by Councillor Layton, which is on file in the Office of the City Clerk.

Vote:

Adoption of Motion F(2), without amendment:

Yes - 22	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Filion, Flint, I. Jones, L. Jones, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 13	
Councillors:	Ashton, Duguid, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland

Carried by a majority of 9.

9.94 **City Employees Strike - Summer of 2002**

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

Moved by: Councillor Bussin

Seconded by: Councillor I. Jones

“**WHEREAS** it has become abundantly clear, in light of the recent decision of the Provincial Arbitrator, Tim Armstrong, that the City employees strike of last summer was eminently avoidable and completely unnecessary, evident in his awarding of the City employees’ wage and job security provisions rejected by City management; and

WHEREAS the 16-day strike caused the withdrawal of important City services from the citizens of Toronto resulting in the closure of pools, cancelled summer camps, streets filled with garbage and the loss of public confidence in the City to properly administer its affairs; and

WHEREAS Mr. Armstrong, in his decision, recognized the need for greater co-operation between the City and its Unions, stating in his report: ‘The good news is that there is considerable intelligence and talent on both sides... The challenge is to mobilize this talent to work co-operatively and move in constructive directions. But this is unlikely to happen without openly expressed support and encouragement from the most senior levels – bureaucratic/administrative and political.’ – clearly placing the onus on the City to ‘get its labour relations in order’;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council acknowledge and devise strategies on the need to improve its labour relations with City unionized staff to avoid the possibility of future withdrawal of services; and
- (2) City Council also acknowledge that last summer’s strike was unnecessary and affirm that it is the dedication and professionalism of City workers that, in large measure, make Toronto ‘*the greatest City in the World*’.”

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion F(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Disposition:

Having regard that Council did not conclude its consideration of Motion F(3) prior to the end of this meeting, consideration of Motion F(3) was deferred to the next regular meeting of City Council

scheduled to be held on July 22, 2003.

9.95 **Request to Provincial Government to Abandon Electricity Deregulation and Privatization**

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

Moved by: Councillor Walker

Seconded by: Councillor Moscoe

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 1, Clause No. 9, headed ‘For-Profit Status of Toronto Hydro-Electric System Limited – Bill 210, Electricity Pricing, Conservation and Supply Act, 2002’, be re-opened for further consideration;

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

- (1) stop the sell-off of public generating stations and local hydro utilities;
- (2) stop paying higher deregulated prices to electricity producers; and
- (3) implement genuine energy conservation policies and expand clean, renewable energy sources;

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion F(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Disposition:

Having regard that Council did not conclude its consideration of Motion F(4) prior to the end of this meeting, consideration of Motion F(4) was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.96 **Increasing Fines for Illegal Dumping and Littering**

Deputy Mayor Ootes called upon Notice of Motion F(5) appearing on the Order Paper, as follows:

Moved by: **Councillor Cho**

Seconded by: **Councillor Miller**

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

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion F(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Vote:

Motion F(5) was adopted, without amendment.

9.97 Proposed Ban on the Use of Diesel Powered Generators on City Property

Deputy Mayor Ootes called upon Notice of Motion I(1) appearing on the Order Paper, moved by Councillor Berardinetti, seconded by Councillor Chow, and, in the absence of Councillor Berardinetti, moved by Councillor Duguid, seconded by Councillor Chow, as follows:

Moved by: Councillor Duguid

Seconded by: Councillor Chow

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

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

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

annually; and

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(1) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion I(1) to the Policy and Finance Committee was taken as follows.

Yes – 22	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No – 12	
Councillors:	Ashton, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland

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

Disposition:

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

9.98 Automobile Damage Claim Against the City of Toronto

Deputy Mayor Ootes called upon Notice of Motion I(2) appearing on the Order Paper, moved by Councillor Mammoliti, seconded by Councillor Milczyn, and, in the absence of Councillor Mammoliti, moved by Councillor Nunziata, seconded by Councillor Milczyn, as follows:

Moved by: Councillor Nunziata

Seconded by: Councillor Milczyn

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

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

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

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

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

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

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

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

the City of Toronto; and

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion I(2) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion I(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion I(2) to the Administration Committee was taken as follows.

Yes - 14	
Councillors:	Augimeri, Dominelli, Duguid, Johnston, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Nunziata, Pantalone, Shaw, Silva, Walker
No - 21	
Councillors:	Altobello, Ashton, Bussin, Chow, Di Giorgio, Filion, Flint, Ford, Hall, Holyday, I. Jones, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Ootes, Rae, Soknacki, Sutherland, Tziretas

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

Disposition:

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

9.99 **Implementation of Municipal Act, 2001 - Revision to Notice Provisions to Decrease Notice Period**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(1):

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

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

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

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

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

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

the vote upon which was taken as follows:

Yes – 29	
Councillors:	Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, Ford, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Shaw, Silva, Soknacki, Tziretas, Walker
No – 7	
Councillors:	Altobello, Ashton, Bussin, Hall, Holyday, Ootes, Sutherland

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

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

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

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

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

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

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

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

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

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

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

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

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

Moved by: Councillor I. Jones

Seconded by: Councillor Lindsay Luby

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

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

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

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

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

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

The balance of Motion J(3) was adopted, without amendment. (See also Minute No. 9.55, Page 58)

9.102 **Use of Wedding Chamber at City Hall on Sunday, June 29, 2003**

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

Moved by: **Councillor Rae**

Seconded by: **Councillor Chow**

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from

the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

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

Vote:

Motion J(4) was adopted, without amendment.

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

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

Moved by: Councillor McConnell

Seconded by: Councillor Rae

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

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

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

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

WHEREAS the Bills in Council to permit the proposed development are being submitted

by the City Solicitor for approval at the current meeting of City Council;

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

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

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

9.104 **Proposed “Toronto: You Belong Here” Event Weekend**

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

Moved by: Councillor Nunziata

Seconded by: Councillor Ootes

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

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

Vote:

Motion J(6) was adopted, without amendment.

9.105 Deferral of the Sale of Waterfront Properties at 309 Cherry Street and 54 Commissioners Street for Back Taxes

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

Moved by: Councillor Bussin

Seconded by: Councillor McConnell

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(7) to the Policy and Finance Committee, was taken as follows:

Yes – 23	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Filion, Flint, Hall, Johnston, I. Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva
No – 10	
Councillors:	Duguid, Ford, Holyday, L. Jones, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland, Tziretas

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

Motion:

Councillor Sutherland moved that Motion J(7) be adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following:

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

Votes:

The motion by Councillor Sutherland carried.

Motion J(7), as amended, carried.

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

Councillor Bussin moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor McConnell

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(8) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(8) to the Policy and Finance Committee carried, more than

two-thirds of Members present having voted in the affirmative.

Disposition:

Having regard that Council did not conclude its consideration of Motion J(8) prior to the end of this meeting, consideration of Motion J(8) was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.107 Funding to Assist With Ontario Municipal Board Appeal - 151-165 St. Clair Avenue West

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9):

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“WHEREAS City Council, at its meeting held on October 1, 2 and 3, 2002, adopted, without amendment, Midtown Community Council Report No. 7, Clause No. 54, headed ‘Refusal Report - Applications for Amendments to the Official Plan and Zoning By-law and for Site Plan Approval - 151-165 St. Clair Avenue West, 468 Avenue Road Holdings Inc. - Application No. 202002 - CMB 2002 0002 (St. Paul’s - Ward 22)’, and, in so doing, refused the application for an Official Plan Amendment, Re-zoning and Site Plan Approval at 151-165 St. Clair Avenue West and directed the City Solicitor and appropriate City staff to appear at the Ontario Municipal Board to defend City Council’s decision; and

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

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

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

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

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

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

representation at the Ontario Municipal Board;

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

AND BE IT FURTHER RESOLVED THAT Toronto City Council thank the executive of the Committee for their vigilance on behalf of their community and the new Official Plan.”, the vote upon which was taken as follows:

Yes – 23	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Silva, Sutherland, Walker
No – 11	
Councillors:	Ashton, Duguid, Ford, Holyday, Li Preti, Lindsay Luby, Ootes, Pantalone, Rae, Soknacki, Tziretas

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Disposition:

Having regard that Council did not conclude its consideration of Motion J(9) prior to the end of this meeting, consideration of Motion J(9) was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.108 Annual Sorauren Park Festival – Designation as Community Festival

Councillor Korwin-Kuczynski moved that the necessary provisions of Chapter 27 of the City of

Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(10), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Rae

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

9.109 Funding for Stay Alert, Stay Safe Campaign

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

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Silva

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 2, Page 280)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Policy and Finance Committee, was taken as follows:

Yes - 18	
Councillors:	Altobello, Augimeri, Chow, Dominelli, Filion, Flint, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Nunziata, Silva, Sutherland, Tziretas, Walker
No - 17	
Councillors:	Ashton, Bussin, Di Giorgio, Duguid, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Soknacki

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

Disposition:

Having regard to the foregoing decision of Council, Motion J(11) was referred to the Policy and Finance Committee.

9.110 Nomination for the Senior of the Year Award, 2003

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

Moved by: **Councillor Johnston**

Seconded by: **Councillor I. Jones**

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(12) was adopted, without amendment.

9.111 Hospital Services – York South – Weston Catchment Area

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

Moved by: **Councillor Di Giorgio**

Seconded by: **Councillor Li Preti**

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(13), a Fiscal Impact Statement

from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Community Services Committee was taken as follows:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas, Walker
No - 7	
Councillors:	Dominelli, Ford, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Sutherland

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

Vote:

Adoption of Motion J(13), without amendment:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas, Walker
No - 4	
Councillors:	Ford, Holyday, Minnan-Wong, Sutherland

Carried by a majority of 28.

9.112 Ownership of Private Laneway on Hearne Avenue

Councillor Di Giorgio moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Di Giorgio

Seconded by: Councillor Dominelli

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

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

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

Councillor L. Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor L. Jones

Seconded by: Councillor Rae

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 5, Clause No. 10, headed ‘Inclusion on the City of Toronto Inventory of

Heritage Properties - Central Waterfront (East Bayfront and Port Lands Industrial Area) (Toronto Centre-Rosedale, Ward 28 and Toronto-Danforth, Ward 30)', be re-opened for further consideration, only insofar as it pertains to 16 Munition Street;

AND BE IT FURTHER RESOLVED THAT:

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

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

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

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

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

Moved by: Councillor Tziretas

Seconded by: Councillor Rae

“**WHEREAS** City Council, at its meeting held on May 21, 22 and 23, 2003, adopted, without amendment, Toronto East York Community Council Report No. 5, Clause No. 46, headed ‘Sale of Surplus Vacant Land – East Side of Everett Crescent (Beaches – East York, Ward 31)’ and, in

so doing, authorized the sale of a parcel of surplus vacant land on the east side of Everett Crescent (the 'Lands'), for a purchase price of \$90,000.00, on the terms set out in the Clause; and

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

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

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

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 3, Page 281)

Votes:

The first Operative Paragraph embodied in Motion J(16) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(16) was adopted, without amendment.

9.115 Appeal of Committee of Adjustment Decision - 9 Portage Avenue

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Di Giorgio

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

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

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

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

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

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

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

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

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

and

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(17), the following report and communication which are on file in the Office of the City Clerk:

- (i) report dated June 13, 2003, from the Acting Director, Community Planning, North District addressed to the Chair and Members of the Committee of Adjustment, Humber York; and
- (ii) communication dated June 16, 2003, from area residents to 9 Portage Avenue, addressed to Councillor Frances Nunziata.

Vote:

Motion J(17) was adopted, without amendment.

9.116 **Requested Amendments to the Municipal Elections Act, 1996**

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

Moved by: **Councillor Holyday**

Seconded by: **Councillor Soknacki**

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 4, Page 282)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

9.117 Long Term Lease of a Portion of the Murray Ross Parkway Road Allowance (Ward 8 - York West)

Councillor Li Preti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Li Preti

Seconded by: Councillor Mammoliti

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 5, Page 283)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(19), a report dated June 20, 2003, from the Commissioner of Corporate Services, entitled "Long-Term Lease of a Portion of the Murray Ross Parkway Road Allowance (Ward 8 – York West)". (See Attachment No. 8, Page 252)

Vote:

Motion J(19) was adopted, without amendment.

Summary:

By its adoption of Motion J(19), without amendment, Council adopted, without amendment, the report dated June 20, 2003, from the Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) authority be granted for the City to enter into a Long-term Lease Agreement with the Canadian Tennis Association c.o.b. as Tennis Canada ('Tennis Canada') for a portion of the Murray Ross Parkway road allowance (the 'City Lands') shown as Part 1 on Sketch No. PS-2003-056 on the terms and conditions as outlined in the body of this report;
- (2) authority be granted for the City to enter into a Permission to Enter Agreement with Tennis Canada in respect of the City Lands, on the terms and conditions outlined in the body of this report;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses; and
- (4) the appropriate City officials be authorized and directed to take necessary action to give effect thereto."

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

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(20):

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

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

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

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

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

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

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

WHEREAS in this instance, City Council is the client;

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

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

the vote upon which was taken as follows:

Yes - 27
Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Hall, Johnston, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 8
Councillors: Dominelli, Flint, Ford, Holyday, I. Jones, Ootes, Soknacki, Sutherland

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Administration Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Administration Committee was taken as follows:

Yes - 27
Councillors: Altobello, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 8
Councillors: Ashton, Duguid, Ford, Holyday, Lindsay Luby, Ootes, Soknacki, Sutherland

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

City Council also had before it, during consideration of Motion J(20), a confidential report dated April 7, 2003, from the City Solicitor, entitled "27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue (the 'Development Site') (Ward 23 – Willowdale)", such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it is subject to solicitor/client privilege.

Disposition:

Having regard that Council did not conclude its consideration of Motion J(20) prior to the end of this meeting, consideration of Motion J(20) was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.119 2003 Operating Budget Shortfall – Toronto Zoo

Councillor Mammoliti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mammoliti

Seconded by: Councillor Tziretas

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

WHEREAS the Toronto Zoo has a strong international reputation; and

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(21), a communication dated June 20, 2003, from Councillor Giorgio Mammoliti, Chair, Toronto Zoo Board of Management, which is on file in the Office of the City Clerk.

Motions:

- (a) Councillor Ashton moved that Motion J(21) be amended by adding the following new Operative Paragraph:

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

- (b) Councillor Korwin-Kuczynski moved that Motion J(21) be amended by adding the following new Operative Paragraph:

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

- (c) Councillor Ford moved that Motion J(21) be amended by adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT the Board of Directors of the Toronto

Zoo be requested to discontinue the practice of issuing free passes to Members of Council or any person or business;

AND BE IT FURTHER RESOLVED THAT the Board of Directors of the Toronto Zoo be requested to discontinue the practice of providing funding for trips for elected officials.”

- (d) Councillor Nunziata moved that Motion J(21) be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** City Council recognize that the Toronto Zoo will have an Operating Budget shortfall and that City Council cover that shortfall, and the Board of Directors of the Toronto Zoo be requested to make every effort to minimize the shortfall.”

- (e) Councillor Shaw moved that Motion J(21) be amended by adding the following new Operative Paragraph:

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

Permission to Withdraw Motion:

Councillor Nunziata, with the permission of Council, withdrew her motion (d).

Votes:

Motion (a) by Councillor Ashton carried.

Motion (b) by Councillor Korwin-Kuczynski carried.

Adoption of the first new Operative Paragraph embodied in motion (c) by Councillor Ford:

Yes - 8	
Councillors:	Flint, Ford, I. Jones, Milczyn, Miller, Pitfield, Sutherland, Walker
No - 29	

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Hall, Holyday, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Tziretas
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Lost by a majority of 21.

Adoption of the second new Operative Paragraph embodied in motion (c) by Councillor Ford:

Yes - 12	
Councillors:	Altobello, Bussin, Dominelli, Flint, Ford, Holyday, I. Jones, Lindsay Luby, Milczyn, Nunziata, Ootes, Pitfield
No - 25	
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Di Giorgio, Duguid, Feldman, Filion, Hall, L. Jones, Kelly, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Rae, Shaw, Shiner, Sutherland, Tziretas, Walker

Lost by a majority of 13.

Motion (e) by Councillor Shaw carried.

Adoption of Motion J(21), as amended:

Yes - 33	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Hall, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 4	
Councillors:	Ford, Holyday, Milczyn, Pitfield

Carried by a majority of 29.

In summary, Council adopted Motion J(21), subject to adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer and the Chief Financial Officer and Treasurer, during their discussions with the Federal and Provincial Governments respecting revenue to the City of Toronto, be requested to put the

Toronto Zoo high on the priority list;

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

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

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

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“**WHEREAS** at its meeting held on May 21, 22 and 23, 2003, City Council adopted Motion J(21), without amendment, and, in so doing, adopted the report dated May 21, 2003, from the Commissioner of Works and Emergency Services, recommending that the South Rosedale Subdivision Agreement be amended on certain terms and conditions so as to permit residents of Mathersfield Drive to have new street lights installed on Mathersfield Drive at their own expense; and

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Votes:

The first Operative Paragraph embodied in Motion J(22) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(22) was adopted, without amendment.

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

Councillor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Feldman

Seconded by: Councillor Augimeri

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

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

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

Roadway	Direction	Limits	Date/Time
W. R. Allen Road	Northbound	Highway 401 to Kennard Avenue	12:01 a.m. July 30 to 5:00 a.m. July 31
W. R. Allen Road	Southbound	Steepprock Drive to Highway 401	12:01 a.m. July 30 to 5:00 a.m. July 31
Wilson Avenue	Eastbound	Dufferin Street to Wilson Heights Boulevard	9:30 p.m. July 30 to 5:00 a.m. July 31
Wilson Avenue	Westbound	Wilson Heights Boulevard to Dufferin Street	12:01 a.m. July 30 to 5:00 a.m. July 31
Sheppard Avenue West	Eastbound	Chesswood Drive to Wilson Heights Boulevard	12:01 a.m. July 30 to 5:00 a.m. July 31

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 6, Page 284)

Procedural Vote:

The vote to waive referral of Motion J(23) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Ashton moved that Motion J(23) be amended by adding thereto the following new Operative Paragraph:

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

Votes:

The Motion by Councillor Ashton carried.

Motion J(23), as amended, carried.

9.122 **Added Parking Facilities at the Assembly Hall, 1 Colonel Samuel Smith Park Drive**

Councillor I. Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor I. Jones**

Seconded by: **Councillor Miller**

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Economic Development and Parks Committee was taken as follows:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Silva, Soknacki, Tziretas, Walker
No - 3	
Councillors:	Ford, Holyday, Sutherland

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

Vote:

Motion J(24) was adopted, without amendment.

9.123 Declaration of Surplus – 20 Sewells Road, Toronto

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(25) moved by Councillor Cho, seconded by Councillor Mihevc, and, in the absence of Councillor Cho, moved by Councillor Walker, seconded by Councillor Mihevc, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Mihevc

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

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

WHEREAS the City is required to declare the Property surplus to municipal requirements

under the Municipal Act; and

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(25), a joint report (June 24, 2003) from the Commissioner of Community and Neighbourhood Services and the Commissioner of Corporate Services, entitled ‘Declaration of Surplus, 20 Sewells Road (Ward 42 – Scarborough – Rouge River). (See Attachment No. 9, Page No. 257)

Vote:

Motion J(25) was adopted, without amendment.

Summary:

Council, by its adoption of Motion J(25), without amendment, adopted, without amendment, the joint report dated June 24, 2003, from the Commissioner of Corporate Services and Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

“It is recommended that:

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

9.124 Appeal to the Ontario Municipal Board –1570 Kipling Avenue

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Hall

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(26) was adopted, without amendment.

9.125 Proposed Amendment to the Taxpayer Protection Act

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

Moved by: Councillor Moscoe

Seconded by: Councillor Johnston

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

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(27), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(27) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(27) the following communications which are on file in the Office of the City Clerk:

- (i) (June 3, 2003) from the Association of Municipalities of Ontario, entitled “AMO Will Not Help Write Tax Referendum Legislation”; and
- (ii) (June 23, 2003) from the Association of Municipalities of Ontario, entitled “AMO Will Not Input Into Tax Referenda Proposal”.

Motion:

Councillor Moscoe moved that consideration of Motion J(27) be deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, and further, that this Motion be dealt with at such meeting.

Vote on Deferral:

Adoption of Motion by Councillor Moscoe:

Yes - 24	
Councillors:	Altobello, Ashton, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Sutherland, Tziretas, Walker
No - 7	
Councillors:	Flint, Ford, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong

Carried by a majority of 17.

9.126 Remuneration of the Incoming Council

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(28):

Moved by: Councillor Moscoe

Seconded by: Councillor Silva

“**WHEREAS** it has been traditional for the outgoing Council to undertake a review of the

remuneration of the incoming Council;

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

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

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

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

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

the vote upon which was taken as follows:

Yes – 21	
Councillors:	Ashton, Augimeri, Bussin, Di Giorgio, Duguid, Filion, Hint, Hall, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva
No – 16	
Councillors:	Altobello, Chow, Dominelli, Feldman, Ford, Holyday, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Soknacki, Sutherland, Tziretas, Walker

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

Fiscal Impact Statement:

City Council also had before it, for consideration with Motion J(28), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 8, Page 286)

Disposition:

Having regard that the motion to wave Notice did not carry, Councillor Moscoe gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.127 **Expressing Congratulations to Team Canada and Anson Carter**

Councillor Kelly moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Kelly

Seconded by: Councillors Shaw, Duguid and Lindsay Luby

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

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

WHEREAS Anson was born and raised in Toronto; and

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

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(29), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Vote:

Motion J(29) was adopted, without amendment.

9.128 **Revision to the City's Coat of Arms**

Councillor Kelly moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(30):

Moved by: Councillor Kelly

Seconded by: Councillor Sutherland

“WHEREAS in 1998, the Council of the City of Toronto adopted a Coat of Arms; and
WHEREAS the figures and emblems on the Coat of Arms are purported to be representative of the local flora and fauna; and

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

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

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

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

WHEREAS it is important to keep the City symbols relevant;

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

the vote upon which was taken as follows:

Yes – 12	
Councillors:	Altobello, Ashton, Ford, I. Jones, Kelly, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moscoe, Silva, Soknacki, Sutherland
No – 25	

Councillors: Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Hall, Holyday, Johnston, L. Jones, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Rae, Tziretas, Walker

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

Fiscal Impact Statement:

City Council also had before it, for consideration with Motion J(30), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 9, Page 287)

Disposition:

Having regard that the motion to wave Notice did not carry, Councillor Kelly gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.129 Review of Residential Water Billing Frequency

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(31), moved by Councillor Balkissoon, seconded by Councillor Altobello, and, in the absence of Councillor Balkissoon, moved by Councillor Walker, seconded by Councillor Altobello, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Altobello

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

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

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

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

WHEREAS an unattended water leak the size of a pinhead can waste 0.77 cubic metres

of water a day, almost doubling a home's average water usage; and

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Policy and Finance Committee, was taken as follows:

Yes - 19	
Councillors:	Altobello, Ashton, Augimeri, Duguid, Filion, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Milczyn, Miller, Moscoe, Rae, Silva, Sutherland, Tziretas, Walker
No - 18	
Councillors:	Bussin, Chow, Di Giorgio, Dominelli, Feldman, Flint, Ford, Hall, Johnston, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Soknacki

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

Disposition:

Having regard to the foregoing decision of Council, Motion J(31) was referred to the Policy and Finance Committee.

9.130 Reaffirmation of Support for International Aids Conference 2006

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Shiner

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

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

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

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

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

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

AND BE IT FURTHER RESOLVED THAT City Council request the Chief Administrative Officer to identify and report on opportunities in which the City of Toronto, through its various divisions (i.e., Health, Tourism, Corporate Communications and Facilities

and Real Estate) can provide additional support to the conference organizers;
AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized to take the necessary action to give effect thereto.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

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

Councillor L. Jones moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor L. Jones

Seconded by: Councillor Rae

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

WHEREAS the grand opening day is fast approaching; and

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(33) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it during consideration of Motion J(33), a report (June 23, 2003) from the Commissioner of Urban Development Services, entitled "Request for Approval of Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code for a Pedestal Sign, Ground Sign and Flag Poles at 1 Sunlight Park Road, Application No. 903022 (Ward 30 – Toronto – Danforth)". (See Attachment No. 10, Page No.262)

Motion:

Councillor L. Jones moved that Motion J(33) be amended by adding thereto the following new Operative Paragraph:

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

‘It is recommended that:

- (1) the request for variance be approved to permit a 4.16 square metre

pedestal sign on the south side of Sunlight Park Road just north of the building at 1 Sunlight Park Road;

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

Votes:

The motion by Councillor L. Jones, carried.

Motion J(33), as amended, carried.

9.132 **Safety and Security of Children**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(34), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Korwin-Kuczynski

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

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

NOW THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be

requested to submit a report to the Children and Youth Action Committee and the Youth Safety Sub-Committee, in September 2003, on a comprehensive package dealing with the safety of children and youth including:

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(34) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(34) was adopted, without amendment.

9.133 MFP Financial Services Ltd – Instructions on Summary Judgement Motion

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(35), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Johnston

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(35), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(35) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before, during consideration of Motion J(35), a report (June 23, 2003) from the City Solicitor, entitled “MFP Financial Services Ltd. - Summary Judgment Motion”. (See Attachment No. 11, Page 264)

Vote:

Motion J(35) was adopted, without amendment.

Summary:

Council, by its adoption of Motion J(35) without amendment, adopted, without amendment, the report dated June 23, 2003, from the City Solicitor, embodying the following recommendation:

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

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

Councillor Johnston moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(36), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Johnston**

Seconded by: **Councillor Miller**

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the Policy and Finance Committee Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(36), a Fiscal Impact Statement

from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 10, Page 288)

Procedural Vote:

The vote to waive referral of Motion J(36) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it during consideration of Motion J(36), a confidential report (June 20, 2003) from the City Solicitor.

Vote:

Motion J(36) was adopted, without amendment.

Summary:

Council, by its adoption of Motion J(36), without amendment, adopted, without amendment, the confidential report dated June 20, 2003, from the City Solicitor, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to litigation.

9.135 Request of the Minister of Labour to Ensure that Unionized Local Labour is used for Toronto Community Events

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(38):

Moved by: Councillor Miller

Seconded by: Councillor I. Jones

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

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

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

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

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

the vote upon which was taken as follows:

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Flint, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Silva, Tziretas, Walker
No - 14	
Councillors:	Duguid, Feldman, Filion, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Ootes, Soknacki, Sutherland

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

Fiscal Impact Statement:

City Council also had before it, for consideration with Motion J(38), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Disposition:

Having regard that the motion to waive Notice did not carry, Councillor Miller gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

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

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(39), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Mihevc

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

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

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 3, Clause No. 39, headed ‘Rolph Road – School Bus Loading Zone (Don Valley West – Ward 26)’, be re-opened for further consideration;

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

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

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

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(39), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 11, Page 289)

Votes:

The first Operative Paragraph embodied in Motion J(39) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(39) was adopted, without amendment.

9.137 Enhancement of Portuguese Monument in High Park

Councillor Silva moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(40), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Silva

Seconded by: Councillor Miller

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

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

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

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

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

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

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

NOW BE IT THEREFORE RESOLVED THAT City Council approve the completion of the Portuguese monument in High Park, subject to the technical design being satisfactory

to the Commissioner of Economic Development, Culture and Tourism;

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(40) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(40), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 275)

Procedural Vote:

The vote to waive referral of Motion J(40) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Silva moved that Motion J(40) be adopted, subject to amending the first and second Operative Paragraphs to now read as follows:

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

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

Votes:

The motion by Councillor Silva carried.

Motion J(40), as amended, carried.

9.138 **Sponsorship of Special Events and Festivals – SARS Recovery**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(41):

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

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

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

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

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

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

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

the vote upon which was taken as follows:

Yes – 24	
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Feldman, Flint, Hall, Johnston, I. Jones, L. Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No – 13	
Councillors:	Altobello, Dominelli, Duguid, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland

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

Motion to Re-Open:

Councillor Sutherland, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(41) be re-opened for further consideration, the vote upon which was taken as follows:

Yes – 22	
Councillors:	Ashton, Augimeri, Di Giorgio, Dominelli, Duguid, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Sutherland, Tziretas, Walker
No – 5	
Councillors:	Altobello, Feldman, Ford, Holyday, Shiner

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

Councillor Chow again moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of Notice of Motion J(41), the vote upon which was taken as follows:

Yes - 22	
Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Johnston, I. Jones, L. Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Sutherland, Tziretas, Walker
No - 8	
Councillors:	Altobello, Feldman, Ford, Hall, Holyday, Korwin-Kuczynski, Pitfield, Shiner

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council also had before it, during consideration of Motion J(41), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement No. 12, Page 290)

Procedural Vote:

The vote to waive referral of Motion J(41) to the Policy and Finance Committee was taken as follows:

Yes - 18	
Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Johnston, I. Jones, L. Jones, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Pitfield, Sutherland, Tziretas, Walker
No - 12	
Councillors:	Altobello, Dominelli, Duguid, Feldman, Ford, Hall, Holyday, Korwin-Kuczynski, Lindsay Luby, Nunziata, Ootes, Shiner

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

Disposition:

Having regard to the foregoing decision of Council, Motion J(41) was referred to the Policy and Finance Committee.

9.139 **City of Toronto Support of the GO Transit Capital Growth/Enhancement Program**

Councillor Holyday moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(42):

Moved by: **Councillor Holyday**

Seconded by: **Councillor I. Jones**

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

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 4, Clause No. 6, headed 'City of Toronto Support of the GO Transit Capital Growth/Enhancement Program', be re-opened for further consideration;

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

the vote upon which was taken as follows:

Yes – 20	
Councillors:	Bussin, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, I. Jones, Korwin-Kuczynski, Lindsay Luby, Milczyn, Miller, Nunziata, Pitfield, Rae, Shaw, Sutherland, Tziretas, Walker
No – 17	
Councillors:	Altobello, Ashton, Augimeri, Chow, Dominelli, Filion, L. Jones, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Silva, Soknacki

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

Disposition:

Having regard that the motion to waive notice did not carry, Councillor Holyday gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council scheduled to be held on July 22, 2003.

9.140 Request for Report to the SARS Recovery Team for a Property Tax Deferral Program

Councillor Ashton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(44), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ashton

Seconded by: Councillor Miller

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

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(44) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(44) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Mihevc moved that Motion J(44) be adopted, subject to amending the first Operative Paragraph to read as follows:

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

Votes:

The motion by Councillor Mihevc carried.

Motion J(44), as amended, carried.

9.141 **Funding to Implement a Multi-Barrier Youth Program**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(45):

Moved by: **Councillor Chow**

Seconded by: **Councillor Shaw**

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

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

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

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

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

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

the vote upon which was taken as follows:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Hall, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
No - 2	
Councillors:	Ford, Holyday

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(45) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(45) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(45) was adopted, without amendment.

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

Councillor Li Preti moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(46), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Li Preti

Seconded by: Councillor Miller

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

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(46) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(46) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(46), without amendment:

Yes – 36

Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Sutherland, Tziretas, Walker
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No – 0

Carried, without dissent.

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

Councillor Flint moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(47), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Flint

Seconded by: Councillor Mihevc

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

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

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

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

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

WHEREAS on April 1, 2003, Midtown Community Council, in debating a Directions

Report on the application, recommended further community consultation; and

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(47) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(47) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it during consideration of Motion J(47) the following report and communications:

- (i) report (June 20, 2003) from the Commissioner of Urban Development Services, entitled “Final Report to Amend Official Plan and Zoning By-law 7625, 45 York Mills Road, TD ZBL 2002 0004/ TD OPA 2002 0001/ TD SPC 2002 0039, Kirkor Architects & Planners (Ward 25 – Don Valley West)”;

- (ii) (June 19, 2003) addressed to the Acting Director, Community Planning, North District from Manager, Development Engineering;
- (iii) Invitation to Community Meeting from Councillor J. Flint;
- (iv) Notice of a resident's meeting with Councillor J. Flint;
- (v) (June 23, 2004) addressed to Project Manager, Urbancorp, from the President, M.T.C.C. 1077; President, York Ridge Homeowners Association; President, St. Andrews Ratepayers Association; and Director (Traffic), York Mills Ratepayers Association;
- (vi) (June 20, 2003) addressed to Commissioner of Urban Development Services, and the Chief Planner from the President, York Mills Mansions;
- (vii) (June 20, 2003) addressed to Senior Planner, North District, Community Planning, from Barbara Andersen;
- (viii) (June 11, 2003) addressed to Councillor J. Flint from the President, and the Vice-President, York Mills Mansions;
- (ix) (June 20, 2003) addressed to Senior Planner, North District, Community Planning from the President, St. Andrews Ratepayers Association.

Motion:

Councillor Flint moved that Motion J(47) be adopted, subject to adding the following new Operative Paragraph:

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

‘It is recommended that City Council:

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

the Campbell Crescent right of way for landscaping purposes and that City staff be authorized to take appropriate actions.’,

subject to the following amendments:

- (1) that Recommendation No. (2) be amended by adding the words ‘save and except for conditions Nos. 1.7, 1.8, 1.9, 1.10, 1.11 and 1.12’ after the words ‘dated June 19, 2003’, so that it reads ‘request the OMB to hold its order until such time as the site plan and conditions are approved as discussed in Section 15 of this report and the conditions of Works and Emergency Services, as set out in their memorandum dated June 19, 2003, save and except for Nos. 1.7, 1.8, 1.9, 1.10, 1.11 and 1.12, have been secured or satisfied.’;
- (2) that all structures be set back at least 10 metres from the top of bank, (as per the requirements of the Ravine By-law), and the setback area be free of all hard surface material;
- (3) that the townhouses (identified as Block 2 on page 18 of the June 20, 2003 staff report) that abut the entire north property line of No. 11 Campbell Crescent, be set back at least 7.5 metres from said property line and be limited to 3 storeys in height;
- (4) that no balconies be permitted on the south side of the townhouses identified as Block 2;
- (5) that no decks on the south side of the townhouses identified as Block 2 be permitted to be higher than 39 inches or 1 metre above grade;
- (6) that the townhouses facing Campbell Crescent respect the current zoning by-law and be no higher than 31 feet measured from the grade of the midpoint of Campbell Crescent at the midpoint of the property line;
- (7) that the maximum number of units be 64;
- (8) that a minimum of 50 percent of the total site be soft surface;
- (9) that, in recognition that traffic is of wide, urgent concern and opinion, the Ontario Municipal Board be encouraged to identify access and egress as a priority issue; and that any final decisions reflect the community concerns about safety on York Mills Road and infiltration into Campbell Crescent and the York Mills Valley neighbourhood;
- (10) that a new professional geotechnical study, taking into consideration the depth of all underground parking in the approved design be provided by the applicant;
- (11) that the open space at the corner of Campbell Crescent and York Mills

Road be zoned open space, be subject to site plan control and be maintained by the Condominium Corporation for the benefit of townhouse owners and the public;

- (12) that garbage be stored indoors and be placed out for pick-up only on collection days; and
- (13) that prior to construction commencing, a meeting be convened with area residents, the developer, City staff and the contractor to resolve servicing issues (such as heavy trucks not traversing Campbell Crescent south of No. 11) during the construction period, to the satisfaction of all parties.”

Votes:

The motion by Councillor Flint carried.

Motion J(47), as amended, carried.

9.144 **Redevelopment of St. Mary’s Cement Lands - 535 to 595 Commissioners Street**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(48), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pantalone

Seconded by: Councillor L. Jones

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

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

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

WHEREAS no application to rezone the lands has been filed;

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(48) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(48) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(48), a communication (June 24, 2003) from the Acting Manager, Waterfront Section, City Planning Division, Department of Urban Development Services, entitled ‘Notice of Motion – Concrete Works and St. Mary’s Cement’, which is on file in the Office of the City Clerk.

Vote:

Motion J(48) was adopted, without amendment.

9.145 **2446-2448 Bloor Street West – “The Fan”, “Billy Bob’s” and “Wedgewood Restaurant”;
Application for a Roof Top Patio Liquor License, Parkdale-High Park, Ward 13**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(49), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Johnston

“**WHEREAS** City Council at its meeting held on October 1, 2 and 3, 2002, adopted,

without amendment, Clause No. 54 of Report No. 11 of The Humber York Community Council, entitled '2446-2448 Bloor Street West – 'The Fan', 'Billy Bob's' and 'Wedgewood Restaurant'; Application for a Roof Top Patio Liquor Licence'; and

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(49) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(49) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Nunziata moved that Motion J(49) be adopted, subject to adding the following new Operative Paragraph:

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

Votes:

The motion by Councillor Nunziata carried.

Motion J(49), as amended, carried.

9.146 Endorse First Night Toronto and Permit the Use of the City Logo

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(50), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Chow

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(50) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(50) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(50) was adopted, without amendment.

9.147 **Noise By-law Exemption For King and Queen Festival as Part of Caribana Festival**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(51), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mihevc**

Seconded by: Councillor Korwin-Kuczynski

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(51) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(51) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(51) was adopted, without amendment.

9.148 **Noise By-law Exemption for Pan Alive**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(52), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Mihevc**

Seconded by: **Councillor Pantalone**

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

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

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

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

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto

Municipal Code requiring the referral of Motion J(52) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(52) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(52) was adopted, without amendment.

9.149 **Offer of Settlement to 300 Borough Drive (The Scarborough Town Centre Shopping Mall); Appeal to the Ontario Municipal Board of By-law 781-2002 (Drive-through By-law)**

Councillor Duguid moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(54), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Duguid

Seconded by: Councillor Soknacki

“WHEREAS Council, at its October 2, 2002 meeting, passed city-wide zoning amendments specifying where drive-through facilities may be permitted; and

WHEREAS OMERS Realty Holdings have appealed to the Ontario Municipal Board the provisions of By-law No. 781-2002, as it applies to 300 Borough Drive (The Scarborough Town Centre Shopping Mall as identified on the map attached to the report dated April 4, 2003 from the City Solicitor) because of current plans to develop a drive-through on this site; and

WHEREAS Council at the meeting of Council, to be held on April 14, 15 and 16, 2003, considered and adopted a report dated April 4, 2003, from the City Solicitor, and that such report contained the recommended action for dealing with this appeal at the Ontario Municipal Board; and

WHEREAS a building permit cannot be issued until after the Ontario Municipal Board has completed a hearing on all the objections to the Drive-through By-law; and

WHEREAS the processing of an application to build a drive-through located within the Scarborough Town Centre Shopping Mall site would be consistent with the overall strategy recommended by staff; and

WHEREAS the proposal will be 30 metres from any residential building and would, as such, comply with the Drive-through By-law if it were to apply to these lands;

NOW THEREFORE BE IT RESOLVED THAT Council instruct the City Solicitor to consent to an exemption to By-law No. 781-2002 as it applies to the Scarborough Town Centre Shopping Mall site at the Ontario Municipal Board hearing into this matter;

AND BE IT FURTHER RESOLVED THAT Council instruct the City Solicitor to advise the Ontario Municipal Board that Council has no objection to an early Order that would permit a building permit to issue at the Scarborough Town Centre Shopping Mall.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(54) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(54) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(54) was adopted, without amendment.

9.150 **Recognition of the Marriage of Councillor Kyle Rae and Mark Reid**

Councillor Chow moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(55), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Chow**

Seconded by: **Councillor Pantalone**

“**WHEREAS** in 1981, Kyle Rae was one of the organizers of Toronto’s first Lesbian & Gay Pride Day; and

WHEREAS in 1991, Councillor Kyle Rae was the first openly-gay person elected to municipal office in Canada; and

WHEREAS in 1992, Councillor Rae spearheaded Toronto City Council's groundbreaking extension of employee benefits to same-sex partners and families; and

WHEREAS in 1996, Councillor Rae was the Vice-President of the International Network of Gay and Lesbian Officials, and hosted their international conference on behalf of Toronto City Council; and

WHEREAS in 1998, Councillor Rae successfully fought for inclusion of gay and lesbian partners and families into the municipal employee pension fund; and

WHEREAS in 2003, Councillor Rae moved the motion at City Council calling on the Province to register same-sex marriages and recognize the issuing of such licenses by the Toronto City Clerk; and

WHEREAS Councillor Rae has always been a harbinger of change on human rights issues at Toronto City Council, and a tireless advocate and leader for justice and equity for Toronto's lesbian and gay community; and

WHEREAS on June 20th of this year, Councillor Kyle Rae legally married his partner of nine years, Canadian artist Mark Reid, in a moving, short and much publicized service;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council congratulates Councillor Kyle Rae and Mark Reid on the celebration of their legal state of matrimony."

Vote:

Motion J(55) was adopted, without amendment.

- 9.151 Consideration of the following matters was deferred to the next regular meeting of City Council scheduled to be held on July 22, 2003, having regard that they remained on the Order Paper at the conclusion of this meeting of Council:

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE ADMINISTRATION COMMITTEE

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

DEFERRED CLAUSES FROM REPORT NO. 4 OF THE ADMINISTRATION COMMITTEE

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

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

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

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

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

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

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

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

Clause No. 27a - “Other Items Considered by the Committee”.
Item (a), entitled “Status of Alternative Service Delivery (ASD) Consultation Protocol”.

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE WORKS COMMITTEE

Clause No. 3b - “Pay-As-You Throw Program for the Residential Sector”.

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

REPORT NO. 6 OF THE ADMINISTRATION COMMITTEE

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

REPORT NO. 5 OF THE COMMUNITY SERVICES COMMITTEE

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

REPORT NO. 5 OF THE POLICY AND FINANCE COMMITTEE

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

REPORT NO. 5 OF THE WORKS COMMITTEE

- Clause No. 12 - "Downspout Disconnection Program Update".

REPORT NO. 5 OF THE MIDTOWN COMMUNITY COUNCIL

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

REPORT NO. 2 OF THE AUDIT COMMITTEE

- Clause No. 5 - "Other Items Considered by the Committee".
Item (c), entitled "Toronto Parking Authority - An Assessment of the Adequacy and Effectiveness of Financial and Administrative Controls".

REPORT NO. 4 OF THE BOARD OF HEALTH

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

REPORT NO. 3 OF THE STRIKING COMMITTEE

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

NOTICES OF MOTION

- F(3) Moved by Councillor Bussin, seconded by Councillor I. Jones, regarding the City Employees Strike - Summer of 2002.

- F(4) Moved by Councillor Walker, seconded by Councillor Moscoe, regarding a request to the Provincial Government to abandon electricity deregulation and privatization.
- J(8) Moved by Councillor Bussin, seconded by Councillor McConnell, regarding a request of the Toronto District School Board (TDSB) Supervisor to withdraw plans to charge parking user fees to Toronto residents for overnight parking in TDSB neighbourhood school parking lots.
- J(9) Moved by Councillor Walker, seconded by Councillor Pitfield, regarding funding to assist with an Ontario Municipal Board Appeal - 151-165 St. Clair Avenue West.

BILLS AND BY-LAWS

- 9.152 On June 24, 2003, at 6:33 p.m., Councillor Lindsay Luby, seconded by Councillor Duguid, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 602	By-law No. 466-2003	To confirm the proceedings of the Council at its meeting held on the 24th day of June, 2003,
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the vote upon which was taken as follows:

Yes - 32	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, I. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Shiner, Soknacki, Sutherland
No - 7	
Councillors:	Altobello, Bussin, Chow, L. Jones, Miller, Rae, Silva

Carried by a majority of 25.

- 9.153 On June 25, 2003, at 5:55 p.m., Councillor Silva, seconded by Councillor Sutherland, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 603

By-law No. 467-2003

To confirm the proceedings of the Council
at its meeting held on the 24th and 25th of
days of June, 2003,

the vote upon which was taken as follows:

Yes - 28 Councillors: Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Filion, Flint, Hall, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas, Walker
No – 0

Carried, without dissent.

- 9.154 On June 25, 2003, at 6:36 p.m., Councillor Hall, seconded by Councillor Dominelli, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 604	By-law No. 468-2003	To confirm the proceedings of the Council at its meeting held on the 24th and 25th of days of June, 2003,
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the vote upon which was taken as follows:

Yes - 24 Councillors: Altobello, Ashton, Cho, Chow, Di Giorgio, Dominelli, Feldman, Filion, Flint, Hall, Holyday, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Silva, Soknacki, Tziretas
No – 0

Carried, without dissent.

- 9.155 On June 26, 2003, at 2:14 p.m., Councillor Duguid, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 605	By-law No. 469-2003	To confirm the proceedings of the Council at its meeting held on the 24th, 25th and 26th days of June, 2003,
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the vote upon which was taken as follows:

Yes - 26
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Ford, Hall, Holyday, I. Jones, L. Jones, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Silva, Soknacki, Walker
No - 0

Carried, without dissent.

- 9.156 On June 26, 2003, at 4:21 p.m., Councillor Nunziata, seconded by Councillor Dominelli, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 461	By-law No. 470-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Joseph Duggan Road, Northern Dancer Boulevard, Queen Street East, Sarah Ashbridge Avenue and Winner's Circle.
Bill No. 462	By-law No. 471-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Glenholme Avenue.
Bill No. 463	By-law No. 472-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Garden Avenue, Mondovi Gate and Tarragona Boulevard.
Bill No. 464	By-law No. 473-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dupont Street.
Bill No. 465	By-law No. 474-2003	To permanently close a portion of the Bayview Avenue road allowance, at the rear of 4 Valleyanna Drive.

Bill No. 466	By-law No. 475-2003	To permanently close the public lane north of Adelaide Street East, extending easterly from Ontario Street, at the rear of Premises No. 474 Adelaide Street East.
Bill No. 467	By-law No. 476-2003	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 468	By-law No. 477-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 469	By-law No. 478-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 470	By-law No. 479-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 471	By-law No. 480-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 472	By-law No. 481-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 473	By-law No. 482-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 474	By-law No. 483-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 475	By-law No. 484-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 476	By-law No. 485-2003	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 477	By-law No. 486-2003	To amend Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the construction and maintenance of fire routes in the geographic area of Etobicoke, a by-law of the former City of

		Etobicoke.
Bill No. 478	By-law No. 487-2003	To enact a by-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the designation of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 479	By-law No. 488-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 480	By-law No. 489-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 481	By-law No. 490-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 482	By-law No. 491-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 483	By-law No. 492-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 484	By-law No. 493-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 485	By-law No. 494-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 486	By-law No. 495-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 491	By-law No. 496-2003	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate

		traffic on City of York Roads”.
Bill No. 492	By-law No. 497-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 493	By-law No. 498-2003	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 494	By-law No. 499-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 495	By-law No. 500-2003	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 496	By-law No. 501-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 497	By-law No. 502-2003	To amend City of York Municipal Code Ch. 997, “School Bus Loading Zone, respecting Earnscliffe Road”.
Bill No. 498	By-law No. 503-2003	To amend By-law No. 2958-94 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 499	By-law No. 504-2003	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”.
Bill No. 500	By-law No. 505-2003	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 503	By-law No. 506-2003	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the proposed fence in the rear yard of the property municipally known as

		291 Dunforest Avenue from the maximum height requirements.
Bill No. 504	By-law No. 507-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 505	By-law No. 508-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 506	By-law No. 509-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 507	By-law No. 510-2003	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a by-law of the former City of Toronto, respecting the designation of a private roadway at 415 Jarvis Street as a fire route.
Bill No. 508	By-law No. 511-2003	To authorize the entering into of an agreement for the provision of Municipal Capital Facilities respecting the Bayview Neighbourhood Branch Library.
Bill No. 510	By-law No. 512-2003	To establish the Exhibition Place Stabilization Reserve Fund, to change the purpose of the CNEA Vested Reserve Fund (CNEA Prize Guarantee Reserve Fund), and to amend Municipal Code Chapter 227, Reserves and Reserve Funds accordingly. <i>*amended*</i>
Bill No. 511	By-law No. 513-2003	To close various Reserve Funds, to approve the use of funds from the Land Acquisition Reserve Fund for a purpose other than that for which it was established, and to amend Municipal Code Chapter 227,

		Reserves and Reserve Funds accordingly.
Bill No. 512	By-law No. 514-2003	To amend Chapter 320 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south side of The Queensway, between the Mimico Creek Valley and Kipling Avenue, to introduce an Avenues zoning area and associated development standards.
Bill No. 513	By-law No. 515-2003	To exempt certain lands found on Flycatcher Avenue, Salamander Street, Jacques Road, Staines Road and Wharnsby Drive from Part Lot Control.
Bill No. 514	By-law No. 516-2003	To exempt certain lands known municipally as 203A and B, 205A and B, and 207A and B Raglan Avenue from Part Lot Control.
Bill No. 515	By-law No. 517-2003	To amend further By-law No. 34-93, a by-law "To provide for disabled person parking permit holders", being a by-law of the former Borough of East York.
Bill No. 516	By-law No. 518-2003	To amend former City of North York By-law No. 7625 in respect of lands municipally known as Emery Village Secondary Plan.
Bill No. 517	By-law No. 519-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 13 Sorauren Avenue.
Bill No. 518	By-law No. 520-2003	To amend Municipal Code Chapter 844, Waste Collection, Residential Properties, to provide for an exemption to the six item collection limit for garbage.
Bill No. 519	By-law No. 521-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mallory Gardens and

		Wychwood Avenue.
Bill No. 520	By-law No. 522-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Amroth Avenue, Bain Avenue, Churchill Avenue, Curzon Street, Langford Avenue, Lawlor Avenue, Markham Street and Norwood Road.
Bill No. 521	By-law No. 523-2003	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting taximeters.
Bill No. 522	By-law No. 524-2003	To adopt a new City of Toronto Municipal Code Chapter 832, Videotape Stores, Licensing, Article I, East District.
Bill No. 523	By-law No. 525-2003	To exempt parts of lands municipally known in the year 2002 as 150 Cherry Street, 535 and 595/ 651 Commissioners Street, 12 and 12A Leslie Street and 600 Unwin Avenue from Part Lot Control.

Bill No. 524	By-law No. 526-2003	To exempt parts of lands municipally known in the year 2002 as 150 Cherry Street, 206, 220 (also known as 200), 240, 400 and 440R Unwin Avenue, 95R Queens Quay East and 333R Lake Shore Boulevard East from Part Lot Control.
Bill No. 525	By-law No. 527-2003	To adopt Amendment No. 5 of the Official Plan in respect of lands municipally known as 27 - 49 Bales Avenue, and 30, 32, 34 and 42 Glendora Avenue.
Bill No. 526	By-law No. 528-2003	To adopt Amendment No. 542 of the Official Plan for the former City of North York in respect of lands municipally known as 27 - 49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue.
Bill No. 527	By-law No. 529-2003	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 27 - 49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue.
Bill No. 528	By-law No. 530-2003	To adopt Amendment No. 232 of the Official Plan of the former City of Toronto in respect of the lands known as 22 Springhurst Avenue.
Bill No. 529	By-law No. 531-2003	To amend the General Zoning By-law No. 438-86 of the former City of Toronto in respect of the lands known as 22 Springhurst Avenue.
Bill No. 530	By-law No. 532-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Abell Street, Armadale Avenue, Lane first north of St. Clair Avenue West, McRoberts Avenue and Margueretta Street.
Bill No. 531	By-law No. 533-2003	To amend further Metropolitan By-law

		No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 532	By-law No. 534-2003	To adopt Amendment No. 260 of the Official Plan for the former City of Toronto respecting lands municipally known as 1375 Dupont Street.
Bill No. 533	By-law No. 535-2003	To adopt Amendment No. 7 of the Official Plan for the City of Toronto with respect to lands known municipally in the year 2003 as 1375 Dupont Street.
Bill No. 534	By-law No. 536-2003	To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to lands known municipally in the year 2003 as 1375 Dupont Street.
Bill No. 535	By-law No. 537-2003	To authorize the alteration of Mowat Avenue, between King Street West and Liberty Street, by narrowing the pavement and constructing a sidewalk along the east side of the street.
Bill No. 536	By-law No. 538-2003	To authorize the alteration of the southeast and southwest corners of the intersection of Glendale Avenue and Parkdale Road.
Bill No. 537	By-law No. 539-2003	To authorize the alteration of Lynd Avenue to form a "T"-type intersection with Howard Park Avenue.
Bill No. 538	By-law No. 540-2003	To authorize the alteration of Northcliffe Boulevard, between Rosemount Avenue and St. Clair Avenue West, by the installation of speed humps.

Bill No. 539	By-law No. 541-2003	To amend Scarborough Zoning By-law No. 14402, as amended with respect to the Malvern Community.
Bill No. 540	By-law No. 542-2003	To adopt Amendment No. 1106 of the Official Plan for the former City of Scarborough.
Bill No. 541	By-law No. 543-2003	To amend Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 542	By-law No. 544-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 543	By-law No. 545-2003	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the fence on the property municipally known as 3526 Lake Shore Boulevard West from the prohibition against the use of certain materials and the maximum height requirements.
Bill No. 544	By-law No. 546-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ossington Avenue.
Bill No. 545	By-law No. 547-2003	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.
Bill No. 546	By-law No. 548-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Carlaw Avenue and Shuter Street.
Bill No. 547	By-law No. 549-2003	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.

Bill No. 548	By-law No. 550-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 549	By-law No. 551-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cumberland Street, Dalhousie Street, Front Street West, McGee Street, Markham Street, Mutual Street, South Drive and Tracy Street.
Bill No. 550	By-law No. 552-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 551	By-law No. 553-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 552	By-law No. 554-2003	To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York.
Bill No. 553	By-law No. 555-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bowmore Road and Wrenson Road.
Bill No. 554	By-law No. 556-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 555	By-law No. 557-2003	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.

Bill No. 556	By-law No. 558-2003	To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York.
Bill No. 557	By-law No. 559-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting King Street West.
Bill No. 558	By-law No. 560-2003	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 559	By-law No. 561-2003	To authorize the use of languages other than English in notices, forms (other than prescribed forms) and other information for the 2003 municipal election.
Bill No. 560	By-law No. 562-2003	To amend the Contribution Rebate By-law for the 2003 election.
Bill No. 563	By-law No. 563-2003	To amend City of Toronto By-law No. 189-2003 being a By-law to designate Interim Control Areas in the Coulter Avenue/King Street Area and the King Street Crescent/Little Avenue Area of the City in the former City of York.
Bill No. 564	By-law No. 564-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 565	By-law No. 565-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Old Weston Road.
Bill No. 566	By-law No. 566-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Laird Drive.

Bill No. 567	By-law No. 567-2003	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 568	By-law No. 568-2003	To amend former City of York By-law No. 1-83 in respect of lands located at 88 Industry Street.
Bill No. 569	By-law No. 569-2003	To adopt Amendment No. 2 of the Official Plan for the City of Toronto in respect of lands municipally known as 230 Milvan Drive.
Bill No. 570	By-law No. 570-2003	To adopt Amendment No. 544 of the Official Plan for the City of North York in respect of lands municipally known as 230 Milvan Drive.
Bill No. 571	By-law No. 571-2003	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 230 Milvan Drive.
Bill No. 572	By-law No. 572-2003	To adopt Amendment No. 34 of the Official Plan for the former Borough of East York respecting the lands known municipally as 237, 239 and 241 McRae Drive and 207 and 209 Randolph Road.
Bill No. 573	By-law No. 573-2003	To amend By-law No. 1916, as amended, for the former Borough of East York with respect to the lands municipally known as 237, 239 and 241 McRae Drive and 207 and 209 Randolph Road.
Bill No. 574	By-law No. 574-2003	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 51 Fairchild Avenue and 4 Inez Court.

Bill No. 575	By-law No. 575-2003	To authorize the alteration of Boulton Drive between Cottingham Road and Russell Hill Road by the installation of speed humps.
Bill No. 576	By-law No. 576-2003	To authorize the alteration of Logan Avenue between Danforth Avenue and Mortimer Avenue by the installation of speed humps.
Bill No. 577	By-law No. 577-2003	To authorize the alteration of Torrens Avenue between Broadview Avenue and Donlands Avenue by the installation of speed humps.
Bill No. 578	By-law No. 578-2003	To authorize the alteration of Carlaw Avenue between Danforth Avenue and Mortimer Avenue by the installation of speed humps.
Bill No. 579	By-law No. 579-2003	To authorize the alteration of Gowan Avenue between Pape Avenue and Cosburn Avenue by the installation of speed humps.
Bill No. 580	By-law No. 580-2003	To authorize the alteration of Wellesley Street East, Amelia Street, Winchester Street and Carlton Street, between Parliament Street and the easterly end of each street by the installation of speed humps.
Bill No. 581	By-law No. 581-2003	To authorize the alteration of Grace Street between Mansfield Avenue and College Street by the installation of speed humps.
Bill No. 582	By-law No. 582-2003	To authorize the alteration of the intersection at Robert Street and Russell Street by the redesign of curb extension and to amend By-law No. 750-2000.
Bill No. 583	By-law No. 583-2003	To authorize the alteration of Kingswood

Road between Bracken Avenue and Queen Street East by the installation of speed humps.

Bill No. 584	By-law No. 584-2003	To authorize the alteration of Sammon Avenue between Greenwood Avenue and Coxwell Avenue by the installation of speed humps.
Bill No. 585	By-law No. 585-2003	To layout and dedicate certain land for public lane purposes to form a new public lane south of Queen Street East extending easterly from Berkeley Street,

the vote upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Holyday, Johnston, I. Jones, L. Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

9.157 On June 26, 2003, at 4:22 p.m., Councillor Nunziata, seconded by Councillor Dominelli, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 586	By-law No. 586-2003	To adopt Amendment No. 250 of the Official Plan for the former City of Toronto respecting lands known as 311 Bay Street.
Bill No. 587	By-law No. 587-2003	To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 311 Bay Street.

Bill No. 588	By-law No. 588-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Tarragona Boulevard.
Bill No. 589	By-law No. 589-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Viella Street.
Bill No. 590	By-law No. 590-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Elmer Avenue.
Bill No. 591	By-law No. 591-2003	To adopt a new City of Toronto Municipal Code Chapter 67, Fair Wage.
Bill No. 592	By-law No. 592-2003	To layout and dedicate certain land for public highway purposes to extend and realign the public highway Doris Avenue from Norton Avenue and Byng Avenue.
Bill No. 593	By-law No. 593-2003	To layout and dedicate certain land at premises 675 Martin Grove Road for public highway purposes to form part of the public highway Martin Grove Road.
Bill No. 594	By-law No. 594-2003	To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 595	By-law No. 595-2003	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.
Bill No. 596	By-law No. 596-2003	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Manning Avenue.
Bill No. 597	By-law No. 597-2003	To amend the West Hill Community Zoning By-law No. 10327.
Bill No. 598	By-law No. 598-2003	To amend the former City of Toronto

Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue.

Bill No. 599	By-law No. 599-2003	To amend further Metropolitan By-law No. 32-92 respecting the regulation of traffic on former Metropolitan roads.
Bill No. 561	By-law No. 600-2003	To amend City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers,

the vote upon which was taken as follows:

Yes - 31	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Dominelli, Duguid, Feldman, Flint, Hall, Holyday, Johnston, I. Jones, L. Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 30.

9.158 On June 26, 2003, at 5:58 p.m., Councillor Duguid, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 490	By-law No. 601-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 489	By-law No. 602-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 488	By-law No. 603-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 487	By-law No. 604-2003	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 600	By-law No. 605-2003	To authorize the alteration of the intersection at Rimrock Road and William R. Allen Road by the installation of traffic control signals.
Bill No. 601	By-law No. 606-2003	To authorize the alteration of Beecroft Road between Sheppard Avenue West and Park Home Avenue by the widening of Beecroft Road,

the vote upon which was taken as follows:

Yes - 28 Councillors:	Altobello, Ashton, Augimeri, Chow, Di Giorgio, Dominelli, Duguid, Flint, Hall, Holyday, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Sutherland, Tziretas, Walker
No - 1 Councillor:	Ford

Carried by a majority of 27.

9.159 On June 26, 2003, at 5:59 p.m., Councillor Kelly, seconded by Councillor Sutherland, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 606	By-law No. 607-2003	To confirm the proceedings of the Council at its meeting held on the 24th, 25th and 26th days of June, 2003,
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the vote upon which was taken as follows:

Yes - 25
Councillors: Altobello, Ashton, Augimeri, Di Giorgio, Dominelli, Duguid, Flint, Hall, Holyday, Johnston, I. Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Sutherland, Tziretas, Walker
No – 0

Carried, without dissent.

The following Bills were withdrawn:

- Bill No. 501 To authorize an agreement with Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Municipal Affairs and Housing respecting the issue and sale of a debenture.
- Bill No. 502 To appoint a member of the City Council as a member of the Toronto Transit Commission.
- Bill No. 509 To amend City of Toronto Municipal Code Chapter 767, Taxation, Article VII, Tax Rebate Program for Ethno-Cultural Centres, to amend the eligibility criteria for the Tax Rebate Program for Ethno-Cultural Centres.
- Bill No. 562 To amend former City of North York By-law No. 7625, Zoning.

OFFICIAL RECOGNITIONS:

9.160 Condolence Motions

June 24, 2003

Councillor Johnston, seconded by Councillor Augimeri, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Hugh Walker, the first Managing Director and President of the O’Keefe Centre for the Performing Arts, now the Hummingbird Centre for the Performing Arts; and

WHEREAS Mr. Walker was a key figure in the design and building of the Centre and dedicated over three decades to fostering and promoting the Arts in the City of Toronto; and

WHEREAS Mr. Walker had a passion for the Arts and is remembered for booking

groundbreaking performances at the O'Keefe Centre; and

WHEREAS the gracious, courteous and dignified manner in which he dealt with artists will be sadly missed;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his daughters, Katrina and Zoe, and his two grandchildren.”

Leave to introduce the foregoing Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Mr. Hugh Walker.

June 26, 2003

Councillor Feldman, seconded by Councillor Minnan-Wong, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. George Steiner, father of Mr. Jeff Steiner, Chief Executive Officer of the Toronto Economic Development Corporation;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the family of Mr. George Steiner.”

Leave to introduce the foregoing Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Mr. George Steiner.

9.161 Presentations/Introductions/Announcements:

June 24, 2003:

Mayor Lastman, during the morning session of the meeting, expressed, on behalf of Council, the congratulations of Council to Councillor Kyle Rae, on the occasion of his marriage to his partner Mark Reid; and wished Kyle and Mark many years of health and happiness together.

Councillor Rae, with the permission of Council, addressed the Council and expressed his appreciation for the good wishes of Council.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the Grade 5 students from Humbercrest Public School, present at the meeting.

June 25, 2003:

Deputy Mayor Ootes, during the morning session of the meeting, introduced the Grade 2 students from Regal Road Public School, present at the meeting.

Mayor Lastman, during the morning session of the meeting, invited Mike Myers, star of stage and screen, to the podium. Mayor Lastman advised the Council that Mike Myers, a resident of the former City of Scarborough, has been and continues to be a great advocate for the City of Toronto, especially during the SARS crisis and, in recognition of his efforts on behalf of the City, presented a key to the City of Toronto to Mr. Myers.

Councillor Berardinetti, with the permission of Council, addressed the meeting and presented Mike Myers with a copy of the signs for the streets in the City of Toronto which had been named in his honour.

Mike Myers addressed the Council and expressed his appreciation for the honours that been bestowed upon him by the Council.

Councillor Pantalone, during the afternoon session of the meeting, with the permission of Council, invited Mr. Joseph Gill and Mr. Larry Brenzel, a Board Member of the Ontario Heritage Foundation, to the podium. Councillor Pantalone addressed the Council and advised the Council that Mr. Gill, a volunteer who has devoted his time energy to preserve and promote Fort York, had helped form The Friends of Fort York and Garrison Common, in 1994. Councillor Pantalone further outlined the achievements of Mr. Gill related to Fort York and, together with Mr. Brenzel, to honour his dedication, presented Mr. Gill with the Heritage Community Recognition Program Certificate and Pin.

The Fort York Fife and Drum played a musical salute to mark the occasion and Mr. Gill addressed the Council and expressed his appreciation to the Heritage Foundation and Council.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced former Councillor Betty Disero, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the adult ESL students from the Centre for Information and Community Services, present at the meeting.

June 26, 2003:

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the seniors from West Toronto Support Services, present at the meeting.

Councillor David Miller, with the permission of Council, extended his appreciation to the West Toronto Support Services for the care they provided to his mother during her illness.

9.162 **MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

Vary the order of proceedings of Council:

June 24, 2003:

Councillor Shiner, at 9:55 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(4), moved by Councillor Rae, seconded by Councillor Chow, regarding the use of Wedding Chamber at City Hall on Sunday, June 29, 2003, which carried.

Councillor Bussin, at 10:55 a.m., moved that Council vary the order of its proceedings to consider Clauses Nos. 1 and 2 of Report No. 6 of The Policy and Finance Committee, headed "Proposed Settlement of the Legal Dispute between the City of Toronto, City of Toronto Economic Development Corporation (TEDCO) and the Toronto Port Authority (TPA)" and "The Toronto City Centre Airport", respectively, at 3:00 p.m. today, the vote upon which was taken as follows:

Yes - 26 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Johnston, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Tziretas
No - 15 Councillors:	Dominelli, Duguid, Feldman, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Silva, Sutherland

Carried by a majority of 11.

Councillor Korwin-Kuczynski, at 11:08 a.m., moved that Council vary the order of its proceedings to now consider Clause No. 4 of Report No. 5 of The Works Committee, headed "Traffic Calming Program - Follow-Up Report", the vote upon which was taken as follows:

Yes - 21 Councillors:	Altobello, Berardinetti, Chow, Feldman, Filion, Flint, I. Jones, L. Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Pitfield, Shaw, Sutherland, Tziretas, Walker
No - 9 Mayor: Councillors:	Lastman Augimeri, Di Giorgio, Holyday, Minnan-Wong, Moscoe, Ootes, Pantalone, Soknacki

Carried by a majority of 12.

Deputy Mayor Ootes, at 11:22 a.m., moved that Council vary the order of its proceedings to defer consideration of Clause No. 4 of Report No. 5 of The Works Committee, headed "Traffic Calming Program - Follow-Up Report", until later in the meeting, in order to provide an opportunity for staff to provide requested information, the vote upon which was taken as follows:

Yes - 20	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Flint, Ford, Hall, Holyday, Johnston, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Shaw, Tziretas
No - 11	
Councillors:	Altobello, Chow, Di Giorgio, Dominelli, Duguid, L. Jones, Korwin-Kuczynski, Li Preti, Nunziata, Pitfield, Soknacki

Carried by a majority of 9.

June 26, 2003:

Councillor Mihevc, at 2:28 p.m., moved that Council vary the order of its proceedings to consider Clause No. 2 of Report No. 5 of The Economic Development and Parks Committee, headed "Culture Plan for the Creative City (All Wards)", immediately following Council's consideration of all 'time critical' matters on the Order Paper for Council, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Chow, Di Giorgio, Dominelli, Feldman, Fillion, Flint, Hall, Johnston, I. Jones, L. Jones, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae
No - 10	
Councillors:	Balkissoon, Duguid, Ford, Holyday, Kelly, Minnan-Wong, Ootes, Soknacki, Tziretas, Walker

Carried by a majority of 11.

Councillor Moscoe, at 2:29 p.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(27), moved by Councillor Moscoe, seconded by Councillor Johnston, regarding a proposed amendment to the Taxpayer Protection Act, immediately following Council's consideration of Clause No. 2 of Report No. 5 of The Economic Development and Parks Committee, the vote upon which was taken as follows:

Yes – 14	
Councillors:	Altobello, Augimeri, Balkissoon, Chow, Di Giorgio, Feldman, Johnston, I. Jones, L. Jones, McConnell, Mihevc, Miller, Moscoe, Walker
No – 15	
Councillors:	Ashton, Bussin, Dominelli, Duguid, Flint, Ford, Hall, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Soknacki, Sutherland, Tziretas

Lost by a majority of 1.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

June 24, 2003:

Deputy Mayor Ootes, at 7:15 p.m., proposed that Council now recess and reconvene at 9:30 a.m., on Wednesday, June 25, 2003. Council concurred in the proposal by Deputy Mayor Ootes.

June 25, 2003:

Councillor Chow, at 12:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session until Mayor Lastman arrives for a presentation to Mr. Mike Myers, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 12:52 p.m., proposed that Council now recess and reconvene at 2:15 p.m. Council concurred in the proposal by Deputy Mayor Ootes.

Deputy Mayor Ootes, at 6:40 p.m., proposed that Council now recess and reconvene at 9:30 a.m., on Thursday, June 26, 2003. Council concurred in the proposal by Deputy Mayor Ootes.

June 26, 2003:

Deputy Mayor Ootes, at 12:25 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Ootes.

9.163 ATTENDANCE

Councillor Moscoe, seconded by Councillor Holyday, moved that the absence of Councillor Moeser from this meeting of Council be excused, which carried.

June 24, 2003	9:38 a.m. to 12:30 p.m.*	Roll Call 11:25 a.m.	Roll Call 2:12 p.m.	2:12 p.m. to 7:15 p.m.*	Roll Call 4:30 p.m.	Roll Call 6:52 p.m.	Roll Call 7:04 p.m.
Lastman	x	x	X	x	x	x	x
Altobello	x	x	X	x	-	x	x
Ashton	x	x	-	x	x	x	x
Augimeri	x	x	-	x	-	-	-
Balkissoon	x	-	X	x	x	-	x
Berardinetti	x	x	X	x	-	x	x
Bussin	x	x	-	x	x	-	x
Cho	x	-	-	x	-	x	x
Chow	x	-	-	x	x	-	-
Di Giorgio	x	x	-	x	x	x	x
Dominelli	x	x	X	x	x	x	x
Duguid	x	x	X	x	-	-	-
Feldman	x	-	X	x	x	x	x
Filion	x	x	-	x	-	-	-
Flint	x	-	X	x	-	-	-
Ford	x	x	-	x	-	x	x
Hall	x	x	X	x	x	x	x
Holyday	x	-	X	x	x	x	x
Johnston	x	-	X	x	x	x	-
I. Jones	x	x	-	x	x	x	x
L. Jones	x	x	X	x	x	x	x
Kelly	x	x	X	x	x	x	x
Korwin-	x	x	X	x	-	-	-

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June 24, 2003	9:38 a.m. to 12:30 p.m.*	Roll Call 11:25 a.m.	Roll Call 2:12 p.m.	2:12 p.m. to 7:15 p.m.*	Roll Call 4:30 p.m.	Roll Call 6:52 p.m.	Roll Call 7:04 p.m.
Kuczynski							
Li Preti	x	x	-	x	x	-	x
Lindsay Luby	x	x	X	x	x	x	x
Mammoliti	x	-	X	x	-	-	-
McConnell	x	-	X	x	-	-	x
Mihevc	x	x	X	x	x	x	-
Milczyn	x	-	X	x	-	x	x
Miller	x	-	-	x	x	-	-
Minnan- Wong	x	x	X	x	x	x	x
Moeser	-	-	-	-	-	-	-
Moscoe	x	x	X	x	x	x	x
Nunziata	x	x	-	x	x	-	-
Ootes	x	x	X	x	x	x	x
Pantalone	x	-	X	x	x	x	x
Pitfield	x	x	-	x	x	x	x
Rae	x	-	-	x	-	x	x
Shaw	x	x	X	x	-	-	-
Shiner	x	-	X	x	-	-	-
Silva	x	-	-	x	x	-	-
Soknacki	x	x	X	x	-	-	-
Sutherland	x	-	-	x	x	-	-
Tziretas	x	x	X	x	-	-	-
Walker	x	-	X	x	-	x	x
Total	44	27	28	44	26	25	27

* Members were present for some or all of the time period indicated.

June 25, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:52 p.m.*	Roll Call 10:40 a.m.	Roll Call 2:19 p.m.	2:19 p.m. to 5:59 p.m.*	Roll Call 4:00 p.m.
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June 25, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:52 p.m.*	Roll Call 10:40 a.m.	Roll Call 2:19 p.m.	2:19 p.m. to 5:59 p.m.*	Roll Call 4:00 p.m.
Lastman	-	x	-	-	x	x
Altobello	x	x	-	x	x	-
Ashton	-	x	-	x	x	-
Augimeri	x	x	-	x	x	x
Balkissoon	-	x	x	-	-	-
Berardinetti	x	x	-	-	-	-
Bussin	-	-	-	x	x	x
Cho	-	x	-	-	x	-
Chow	x	x	x	x	x	x
Di Giorgio	x	x	-	-	x	x
Dominelli	x	x	x	x	x	x
Duguid	x	x	x	-	x	x
Feldman	x	x	x	-	x	x
Filion	-	x	x	-	x	-
Flint	x	x	x	x	x	x
Ford	-	x	x	-	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	-	x	x	x	x	x
I. Jones	x	x	-	x	x	x
L. Jones	x	x	x	x	x	x
Kelly	-	-	-	-	x	x
Korwin- Kuczynski	x	x	x	x	x	x
Li Preti	x	x	x	x	x	x
Lindsay Luby	x	x	x	-	x	x
Mammoliti	-	x	x	-	x	-
McConnell	-	x	x	-	x	-

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June 25, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:52 p.m.*	Roll Call 10:40 a.m.	Roll Call 2:19 p.m.	2:19 p.m. to 5:59 p.m.*	Roll Call 4:00 p.m.
Mihevc	x	x	x	-	x	x
Milczyn	-	x	-	-	x	x
Miller	-	x	-	x	x	-
MinnanWong	x	x	x	x	x	-
Moeser	-	-	-	-	-	-
Moscoe	x	x	-	x	x	x
Nunziata	x	x	x	x	x	-
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	-	x	x	-	x	x
Rae	-	x	x	x	x	-
Shaw	-	x	-	-	x	x
Shiner	-	-	-	-	x	x
Silva	x	x	-	x	x	-
Soknacki	-	x	x	x	x	x
Sutherland	-	x	x	x	x	x
Tziretas	x	x	x	-	x	x
Walker	x	x	-	x	x	-
Total	25	41	27	25	42	30

* Members were present for some or all of the time period indicated.

June 25, 2003	Roll Call 4:51 a.m.	Roll Call 5:33 p.m.	Roll Call 5:53 p.m.	Ctte. of the Whole in- Camera 6:00 p.m..	Roll Call 6:30 p.m.	6:35 p.m. to 6:40 p.m.*
Lastman	-	-	-	-	-	-
Altobello	-	-	x	x	x	x
Ashton	x	-	x	x	x	x
Augimeri	x	-	-	-	-	-
	-	-	-	-	-	-

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June 25, 2003	Roll Call 4:51 a.m.	Roll Call 5:33 p.m.	Roll Call 5:53 p.m.	Ctte. of the Whole in- Camera 6:00 p.m..	Roll Call 6:30 p.m.	6:35 p.m. to 6:40 p.m.*
Balkissoon						
Berardinetti	-	-	-	-	-	-
Bussin	x	x	-	x	-	-
Cho	x	x	x	x	x	x
Chow	x	-	x	x	x	x
Di Giorgio	x	-	x	x	x	x
Dominelli	x	x	x	x	x	x
Duguid	-	x	x	-	-	-
Feldman	x	x	-	x	x	x
Filion	x	x	x	x	x	x
Flint	-	x	x	x	x	x
Ford	-	-	-	-	x	x
Hall	x	x	x	x	-	-
Holyday	x	x	x	x	x	x
Johnston	-	-	-	-	-	-
I. Jones	x	x	x	x	x	x
L. Jones	x	x	x	x	x	x
Kelly	x	-	x	x	x	x
Korwin- Kuczynski	-	-	x	x	x	x
Li Preti	x	x	-	-	-	-
Lindsay Luby	x	x	-	-	-	-
Mammoliti	-	-	-	-	-	-
McConnell	-	-	-	x	x	x
Mihevc	x	x	x	x	-	-
Milczyn	x	x	x	x	x	x
Miller	-	-	-	-	-	-

Minutes of the Council of the City of Toronto
June 24, 25 and 26, 2003

June 25, 2003	Roll Call 4:51 a.m.	Roll Call 5:33 p.m.	Roll Call 5:53 p.m.	Ctte. of the Whole in- Camera 6:00 p.m..	Roll Call 6:30 p.m.	6:35 p.m. to 6:40 p.m.*
Minnan-Wong	-	-	-	-	-	-
Moeser	-	-	-	-	-	-
Moscoe	x	-	x	x	x	x
Nunziata	x	x	x	x	-	-
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	-	-
Rae	x	-	x	x	-	-
Shaw	x	-	-	-	-	-
Shiner	x	x	-	x	-	-
Silva	-	x	x	x	x	x
Soknacki	-	-	x	x	x	x
Sutherland	x	x	x	-	-	-
Tziretas	-	x	x	x	x	x
Walker	x	x	x	-	-	-
Total	28	24	28	29	23	23

* Members were present for some or all of the time period indicated.

June 26, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:13 p.m.	2:15 p.m. to 2:40 p.m.*	Ctte. of the Whole inxCamera 2:45 p.m.	4:10 p.m. to 6:00 p.m.*	Roll Call 5:05 p.m.
Lastman	-	-	-	-	-	-	-	-
Altobello	x	x	X	x	x	x	x	x
Ashton	-	x	X	-	x	x	x	-
Augimeri	-	x	-	x	x	x	x	-
Balkissoon	-	x	-	x	x	x	x	-
Berardinetti	-	-	-	-	-	-	-	-
Bussin	x	x	-	-	x	x	x	-

Minutes of the Council of the City of Toronto
June 24, 25 and 26, 2003

June 26, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:13 p.m.	2:15 p.m. to 2:40 p.m.*	Ctte. of the Whole inxCamera 2:45 p.m.	4:10 p.m. to 6:00 p.m.*	Roll Call 5:05 p.m.
Cho	x	x	-	-	-	x	x	-
Chow	-	x	X	x	x	x	x	x
Di Giorgio	x	x	-	x	x	x	x	x
Dominelli	x	x	X	x	x	x	x	x
Duguid	x	x	-	x	x	x	x	x
Feldman	x	x	X	x	x	x	x	x
Filion	-	x	X	-	x	-	-	-
Flint	x	x	X	x	x	x	x	x
Ford	x	x	X	x	x	x	x	x
Hall	-	x	-	x	x	x	x	x
Holyday	x	x	X	x	x	x	x	x
Johnston	-	-	-	-	x	x	x	x
I. Jones	x	x	X	x	x	x	x	x
L. Jones	x	x	X	x	x	x	x	x
Kelly	-	x	X	-	-	x	x	x
Korwin- Kuczynski	x	x	X	-	-	-	x	x
Li Preti	x	x	-	-	-	-	-	-
Lindsay Luby	x	x	-	-	-	-	x	x
Mammoliti	x	x	X	-	-	x	-	-
McConnell	x	x	-	x	x	x	x	x
Mihevc	-	x	X	x	x	x	x	x
Milczyn	x	x	-	-	-	-	x	x
Miller	-	x	X	x	x	x	x	x
Minnan- Wong	x	x	X	x	x	x	x	-
Moeser	-	-	-	-	-	-	-	-
Moscoe	x	x	X	x	x	x	x	-

Minutes of the Council of the City of Toronto
June 24, 25 and 26, 2003

June 26, 2003	Roll Call 9:40 a.m.	9:40 a.m. to 12:25 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:13 p.m.	2:15 p.m. to 2:40 p.m.*	Ctte. of the Whole inxCamera 2:45 p.m.	4:10 p.m. to 6:00 p.m.*	Roll Call 5:05 p.m.
Nunziata	x	x	X	x	x	x	x	x
Ootes	x	x	X	x	x	x	x	x
Pantalone	x	x	-	x	x	x	x	-
Pitfield	x	x	X	-	-	-	x	x
Rae	-	x	X	-	x	x	x	-
Shaw	-	x	X	-	-	-	x	x
Shiner	-	x	X	-	-	x	x	-
Silva	x	x	-	x	-	-	-	-
Soknacki	-	x	-	x	x	x	-	-
Sutherland	x	x	X	-	-	x	x	x
Tziretas	x	x	X	-	x	x	x	x
Walker	x	x	X	x	x	x	x	x
Total	28	41	27	25	30	34	37	27

* Members were present for some or all of the time period indicated.

Adjourned: 6:00 p.m.

**MEL LASTMAN,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT NO. 1

Enquiry dated May 21, 2003, from Councillor Walker, addressed to the City Clerk, regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto (See Minute No. 9.4, Page 3):

In a letter dated May 20, 2003, the Director of Corporate Access and Privacy makes a number of factual statements regarding an information request made by the St. Lawrence and Downtown Community Bulletin.

Could you provide answers to the following questions:

- (1) The Freedom of Information (F.O.I.) Request was for copies of competition files, including evaluations related to hiring of the Chief Administrative Officer, the Commissioner of Urban Development Services, the Commissioner of Corporate Services, the Chief Financial Officer, the City Clerk, the City Solicitor and the Executive Director of Information and Technology. Do these records exist?
- (2) If not, why not?
- (3) What are the applicable Provincial laws or regulations and City By-laws relative to the records retention of these records?
- (4) Have any of the named officials been involved in this information request either directly or indirectly?

I thank you in advance for your prompt and full response to these questions.

ATTACHMENT NO. 2

Answer dated June 19, 2003, from the City Clerk, to the Enquiry dated May 21, 2003, from Councillor Walker, regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto (See Minute No. 9.4, Page 3):

This responds to the May 21, 2003 Enquiries submitted to the City Clerk and the Mayor submitted by Councillor Michael Walker with respect to statements contained in a May 20, 2003 letter to the Mayor and Members of Council from the former Director of Corporate Access and Privacy.

Q1: The Freedom of Information (FOI) request was for copies of competition files including evaluations relating to hiring of the Chief Administrative Officer, the Commissioner of Urban Development Services, the Commissioner of Corporate Services, the Chief Financial Officer, the City Clerk, the City Solicitor and the Executive Director Information and Technology. Do these records exist?

A1: As set out in the in-camera Personnel Sub-Committee report prepared by the Executive Director of Human Resources, dated April 7, 2003, any records responsive to this request are with the three search firms involved in the seven competitions. Six of the seven competitions included sub-committees of Council members, who may have their own records.

External counsel has advised the City Clerk that there is no reason to believe that any of the records have been destroyed. The City Clerk is further advised that any records responsive to the FOI request are exempted from disclosure by sub-section 52(3) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). This was the basis for the response to the FOI request recommended by the City's outside legal counsel. As a result, external counsel advised that conducting any further searches would have incurred a needless expense to the City.

Q2: If not, why not?

A2: Not applicable.

Q3: What are the applicable provincial laws or regulations and City By-laws relative to the records retention of these records?

A3: The City is required by Section 254(1) of the Municipal Act to "retain and preserve the records of the municipality ... in a secure and accessible manner...". The City has defined a "record" in Chapter 219-9 of its Municipal Code as "any unit of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film,

microfilm, sound recordings, videotapes, machine readable records, and any other documentary material, regardless of physical form or characteristics, made or received in the course of the conduct of the affairs of the City, and retained by the City for the purposes of future reference". This definition is consistent with the definitions found in both the Municipal Act, and the Municipal Freedom of Information and Protection of Privacy Act. Section 255 of the Municipal Act allows municipalities to destroy records once a retention period has been established by a municipality and approved by the municipality's auditor, and the retention period has expired. In the case of competition files, the City has not yet established a retention schedule for these specific records, so documents of this nature must be retained until a schedule has been approved by Council and the Auditor General.

In determining an appropriate retention period for employment competition files, a balance must be achieved between retaining a corporate record of the competition process and the potential violation of an applicant's privacy, if sensitive personal information about them is retained long after the competition is completed. The City's predecessor municipalities had widely varying retention periods for employment competition records, ranging from six months to perpetual. The Association of Municipal Managers, Clerks and Treasurers of Ontario have recommended a retention period for employment records of one year after the end of the competition.

Q4: Have any of the named officials been involved in this information request either directly or indirectly?

A4: The handling of this information request was discussed at Personnel Sub-Committee on April 8, 2003. In an in-camera report dated April 7, 2003, the Executive Director, Human Resources, proposed to Personnel Sub-Committee that, for reasons outlined in the report, the preparation of a response to the FOI request should be delegated to outside legal counsel.

On the advice of Counsel, the City Clerk (as delegated head) signed the decision letter with respect to the request for the competition files relating to the hiring of the Chief Administrative Officer, the Commissioner of Urban Development Services, the Commissioner of Corporate Services, the Chief Financial Officer, the City Solicitor and the Executive Director Information and Technology. Also on the advice of Counsel, Mayor Lastman signed the decision letter with respect to the request for the competition file relating to the hiring of the City Clerk.

ATTACHMENT NO. 3

Enquiry dated May 21, 2003, from Councillor Walker, addressed to the Mayor, regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto (See Minute No. 9.4, Page 3):

In a letter dated May 20, 2003, the Director of Corporate Access and Privacy makes a number of factual statements regarding an information request made by the St. Lawrence and Downtown Community Bulletin.

Could you provide answers to the following questions:

- (1) The Freedom of Information (F.O.I.) Request was for copies of competition files, including evaluations related to hiring of the Chief Administrative Officer, the Commissioner of Urban Development Services, the Commissioner of Corporate Services, the Chief Financial Officer, the City Clerk, the City Solicitor and the Executive Director of Information and Technology. Do these records exist?
- (2) If not, why not?
- (3) What are the applicable Provincial laws or regulations and City By-laws relative to the records retention of these records?
- (4) Have any of the named officials been involved in this information request either directly or indirectly?

I thank you in advance for your prompt and full response to these questions.

ATTACHMENT NO. 4

Answer dated June 24, 2003, from the Mayor, to the Enquiry dated May 21, 2003, from Councillor Walker, regarding the alleged contravention of Provincial Statutes and the integrity of the Freedom of Information process in the City of Toronto (See Minute No. 9.4, Page 3):

- (1) See Clerk's response.
- (2) Not applicable.
- (3) See Clerk's response.
- (4) I signed the letter on the advice of counsel, as set out in the Clerk's response. That was my only involvement in this matter.

ATTACHMENT NO. 5

Enquiry dated June 12, 2003, from Councillor Walker, addressed to the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor, regarding the Union Station Project (See Minute No. 9.4, Page 3):

At its meeting of February 2003, City Council directed a review be conducted of the RFP and evaluation processes leading up to Council's vote in July 2002 in respect of the Union Station project. A report dated May 22, 2003, was provided to City Council. Many troubling questions remain about the legitimacy of the process, particularly considering the errors and omissions in the report.

Introduction:

It is clear that the City of Toronto has a governance crisis. The MFP scandal resulted from failure of the administration to provide City Council all the financial information required to make an informed decision on a multi-million dollar contract award. No senior staff who knew financial information was being withheld came forward to inform City Council of that fact. Failure to inform City Council of information material to its deliberative and decision making processes is a dereliction of duty.

In July 2002, the administration failed to provide City Council detailed scoring information it needed to properly award a \$100 million contract on Union Station. It failed to inform City Council that two evaluations had been conducted and that LP Heritage scored higher in the first evaluation.

The administration then refused Councillors' requests for detailed scoring information and for the names of scorers. Notwithstanding that LP Heritage had the higher score in the first evaluation and that the scoring difference between Union Pearson and LP Heritage was statistically insignificant in the second evaluation, the request for a presentation from LP Heritage was refused.

City Council cannot function effectively on behalf of the people of Toronto if this administration fails to provide or frustrates Council's legal right to all information critical to its deliberations and decisions. The City has suffered serious damage because City Council was not provided sufficient information about the MFP contract. Millions of dollars are being spent to find out why.

This administration stonewalled City Council's right to know all scoring information related to Union Station and its right to have a presentation from LP Heritage. The factors of the MFP and Union Station scandals are similar: an administration that withholds and/or refuses to provide information to City Council critical to an informed decision. City Council, the people of Toronto, Union Pearson and LP Heritage deserve better.

The sickness is in the secrecy; therefore, in the interests of public accountability, the City Solicitor must not hide behind the cloak of solicitor-client privilege. There is no legal barrier to all actions being open to public scrutiny. I insist that all answers to the following questions be open to public scrutiny in the interests of transparency and accountability.

There was a 6-member selection committee and 10 categories of evaluation resulting in 60 scoring details and 6 total score for each of 3 proposals – LP Heritage, LP Heritage Alternate and Union Pearson. Senior staff did not advise City Council that there were two sets of evaluations so Council was not in a position to ask for the second set of evaluations.

- Question 1. Who decided to only provide the total scores to City Council?
- Question 2. Who among you made the final decision to provide City Council with only the total scores?
- Question 3. Why did senior staff decide to provide only total scores to City Council and not inform City Council that there were two sets of evaluations?
- Question 4. Why did you refuse to provide all scoring details and to not inform City Council that there were two sets of evaluations?
- Question 5. When did you decide to refuse to provide all scoring details?
- Question 6. The Chief Administrative Officer, the Commissioner of Corporate Services, the City Solicitor and the City Clerk are senior management at the City and are directly accountable to City Council for their actions and inaction. If none of these people made the final decision to refuse to provide all scoring details to City Council and to not inform City Council that there were two sets of evaluations, then who made the decision?
- Question 7. Was the City Solicitor consulted about the decision to provide only total scores to City Council and to not inform City Council that there were two sets of evaluations?
- Question 8. If the Solicitor was consulted, when was she consulted?
- Question 9. If consulted, was the City Solicitor's advice to not inform City Council that there were two sets of evaluations or did she advise that all scores should be provided to City Council?
- Question 10. When Councillors requested all scoring details at the in camera meeting, why did the City Solicitor not inform City Council that they have a legal right to know the requested information?

- Question 11. Was the Mayor and/or any Councillor advised of any scoring details other than the total scores, and, if yes, exactly what information was conveyed to them and when?
- Question 12. When City Councillors requested all scoring details, did the Chief Administrative Officer inform the Mayor, Deputy Mayor, City Solicitor, Commissioner of Corporate Services, Clerk, or any member of City Council that City Council has a right to know the requested information?
- Question 13. When City Councillors requested all scoring details as noted above, did the Commissioner of Corporate Services inform the Mayor, Deputy Mayor, City Solicitor, Chief Administrative Officer, Clerk, or any member of City Council that City Council has a right to know the requested information?
- Question 14. If elected officials and/or senior management were not informed as noted above, on what authority did the Commissioner of Corporate Services rely to not inform them that City Councillors have a right to know?
- Question 15. Is there any rational explanation for the failure to respect City Council's right and need to know all information critical to a \$100 million contract award on what is possibly the most important landmark in Canada?
- Question 16. When Councillors at the July 2002 meeting asked senior staff to link scorers' names with their respective score totals, why did staff not inform City Council that the associated names could not be provided because the information had been destroyed prior to the meeting?
- Question 17. Why did senior management not inform all Councillors of the destruction of original evaluation records at any time between July 2002 and January 29, 2003, when it was revealed by the media?
- Question 18. After learning that the original evaluation records had been destroyed, did the Chief Administrative Officer, Commission of Corporate Services, City Solicitor or City Clerk inform the Mayor and/or any Councillor?
- Question 19. If the Mayor and/or any Councillor was informed, when were they informed?
- Question 20. If the Mayor and/or certain Councillors were informed of the destruction, which senior staff were involved in the decision to not inform all members of the Administration Committee and City Council?

At its meeting of February 13, 14 and 15, 2002, the Toronto City Council adopted, without amendment, Clause No. 17 of Report No. 2 of The Administration Committee; (By-law No. 154-2002) which stated:

“The Administration Committee recommends that it be mandatory for Department Heads to consult with the Director, Corporate Access and Privacy respecting disclosure of propriety [sic] information in public and in-camera reports to ensure that Council has sufficient information to make informed decisions including as much public disclosure as possible with respect to major contracts such as leasing.”

In October, 2002, the Commission of Corporate Services issued a “briefing note” which stated among other things that the above noted By-law “...is not a City By-law and has not been implemented as a corporate-wide procedural requirement.”

- Question 21. Other than the Commissioner of Corporate Services who issued the briefing note, which other senior management were involved in the decision to inform City Council and the people of Toronto that By-law No. 154-2002 is not a City By-law?
- Question 22. Did the Chief Administrative Officer direct the Union Station Project Director (Commissioner of Corporate Services) to comply with the requirements of By-law No. 154-2002 (Mandating Department Heads to consult with the Director, Corporate Access and Privacy, respecting disclosure of information to public) with respect to the Union Station Project? If not, why not?
- Question 23. Did the Commissioner of Corporate Services take steps to ensure compliance with By-law No. 154-2002 with respect to the Union Station Project? If not, why not?
- Question 24. Did the City Solicitor take steps to ensure compliance with By-law No. 154-2002 with respect to the Union Station Project? If not, why not?
- Question 25. Are there other By-laws passed by City Council that this administration has considered not to be City By-laws? If yes, please provide a list.
- Question 26. Has the Chief Administrative Officer, City Solicitor, Commissioner of Corporate Services or any other department head issued a briefing note or other direction to any staff that states or implies that City staff are not obligated to comply with certain City By-laws?

ATTACHMENT NO. 6

Answer dated June 23, 2003, from the Chief Administrative Officer, the Commissioner of Corporate Services and the City Solicitor to the Enquiry dated June 12, 2003, from Councillor Walker, regarding the Union Station Project (See Minute No. 9.4, Page 3):

We are concerned that you allege this administration failed to provide City Council with information it needed to properly award the contract on Union Station. This administration is committed to providing timely, accurate and professional advice to City Council to the best of our ability. We believe your characterization of the professional opinions and advice provided to City Council by City staff and outside legal counsel as “refusals” is unjustified and unfair. City Council decided not to pursue the names of the individual scorers during its in-camera session in July 2002 and it was the Administration Committee that, after receiving legal advice, decided not to allow a presentation by the two proponents. It is our job to provide City Council with all relevant and material information to allow it to make informed decisions as well as our best advice on how to protect the interests of the City. This was done on the Union Station project.

It was precisely to address public concerns that the Honourable Coulter Osborne was requested by City Council to review the Union Station RFP process to determine, among other matters, if it had been fair to both proponents. He found that the process was “on balance, fair to both proponents”. In the course of that review, he also discussed at length “Council’s Right to Know”. Justice Osborne reviewed what information was provided to City Council and examined why City staff took the actions they did. In the end he concluded that City Council was informed of “the material facts” before it voted on the preferred proponent in July 2002.

In response to your specific questions we provide the following information (where considered appropriate, some questions have been grouped together with a single response):

Question 1. Who decided to only provide the total scores to City Council?

Question 2. Who among you made the final decision to provide City Council with only the total scores?

Response: The Commissioner of Corporate Services is the lead on the Union Station project. Ms. Simpson is the Project Co-ordinator. At its meeting held in July 2002, they provided City Council with the scoring summary identifying all 6 selection Committee members’ scores for the 9 categories of evaluation for both proposals exactly as shown at p. 49 of the Report to Toronto City Council from the Honourable Coulter A. Osborne entitled “Union Station Review” (“the review report”). The evaluation and these scores were the subject of a lengthy in camera discussion and debate including questioning of Ms. Simpson and Ms. Anderton.

Question 3. Why did senior staff decide to provide only total scores to City Council and not inform City Council that there were two sets of evaluations?

Question 4. Why did you refuse to provide all scoring details and to not inform City Council that there were two sets of evaluations?

Response Administration Committee and City Council were advised of the change in financial status of LP Heritage and that the financial scores were lowered as a result. At page 84 of his review report, Justice Osborne concludes "by the time Council voted on the preferred proponent issue in July 2002, it had been apprised of all relevant information concerning the Union Station RFP".

In the opinion of staff, there was only one evaluation. As detailed at pages 40 to 48 in the review report, individual score cards were completed on May 8, 2002, in anticipation of a wrap up meeting on May 10 to discuss those marks and next steps.

However, based on advice from legal counsel, the evaluation process was suspended while further information with respect to LP Heritage was obtained. Following a presentation from staff to the Selection Committee on Prime Realty Group's legal and financial status on June 17, 2002, the score cards were returned to the selection committee members and the three financial scores only were revisited.

Question 5. When did you decide to refuse to provide all scoring details?

Response: There was no such refusal. See the response to Question 1 and 2 above.

Question 6. The CAO, the Commissioner of Corporate Services, City Solicitor and City Clerk are senior management at the City and are directly accountable to City Council for their actions and inaction. If none of these people made the final decision to refuse to provide all scoring details to City Council and to not inform City Council that there were two sets of evaluations, then who made the decision?

Response: Justice Osborne concluded (page 84) that City Staff provided all the relevant, material information required by City Council to make an informed decision. The Administration Committee in June 2002 and City Council in July 2002 were advised of the change in the financial status of LP Heritage and that the financial scores had been lowered as a result. They were also provided with the opportunity to review the PricewaterhouseCoopers report.

Question 7. Was the City Solicitor consulted about the decision to provide only total scores to City Council and to not inform City Council that there were two sets of evaluations?

- Question 8. If the Solicitor was consulted, when was she consulted?
- Question 9. If consulted, was the City Solicitor's advice to not inform City Council that there were two sets of evaluations or did she advise that all scores should be provided to City Council?
- Question 10. When Councillors requested all scoring details at the in camera meeting, why did the City Solicitor not inform City Council that they have a legal right to know the requested information?
- Response: The City Solicitor was not consulted in this regard. As far as staff were concerned, City Council had received all material information.
- Question 11. Was the Mayor and/or any Councillor advised of any scoring details other than the total scores, and if yes, exactly what information was conveyed to them and when.
- Question 12. When City Councillors requested all scoring details, did the CAO inform the Mayor, Deputy Mayor, City Solicitor, Commissioner of Corporate Services, Clerk, or any member of City Council that City Council has a right to know the requested information?
- Question 13. When City Councillors requested all scoring details as noted above, did the Commissioner of Corporate Services inform the Mayor, Deputy Mayor, City Solicitor, CAO, Clerk, or any member of City Council that City Council has a right to know the requested information?
- Response: All councillors including the Mayor received the same information on the scoring details at the July 2002 City Council meeting. This information was reviewed again at the February 2003 City Council meeting.
- As noted above, Justice Osborne concluded that City Staff did provide all the relevant, material information required by City Council to make an informed decision.
- Question 14. If elected officials and/or senior management were not informed as noted above, on what authority did the Commissioner of Corporate Affairs rely to not inform them that City Councillors has a right to know?
- Question 15. Is there any rational explanation for the failure to respect City Council's right and need to know all information critical to a \$100 million contract award on what is possibly the most important landmark in Canada?

Response: City Staff provided all material information and their professional opinions to City Council and answered all questions put to them to the best of their knowledge. Justice Osborne concluded that City Staff did provide all the relevant, material information required by City Council to make an informed decision.

Question 16. When Councillors at the July 2002 meeting asked senior staff to link scorers' names with their respective score totals, why did staff not inform City Council that the associated names could not be provided because the information had been destroyed prior to the meeting?

Response: In response to questioning from you during the in-camera session of City Council in July 2002, Ms. Simpson did advise City Council that the Selection Committee did not record the individual scorers' names and so she could not provide them to you.

Question 17. Why did senior management not inform all Councillors of the destruction of original evaluation records at any time between July 2002 and January 29, 2003 when it was revealed by the media?

Response: Senior Management were informed of the destruction of the individual score cards on January 20, 2003 and commenced an investigation immediately. Although the individual score cards were discarded, the information from those score cards had been transcribed onto a spreadsheet and retained. That spreadsheet had been presented to City Council at its meeting held July 2002. Councillors were informed of these facts at the Administration Committee Special Meeting on January 29, 2003.

Affidavits were subsequently obtained from all selection committee members to verify their individual scores. Justice Osborne concluded at page 63 "I am therefore satisfied that there is reliable evidence establishing the scores identified by scorer."

Question 18. After learning that the original evaluation records had been destroyed, did the CAO, Commission of Corporate Services, City Solicitor or Clerk inform the Mayor and/or any Councillor?

Question 19. If the Mayor and/or any Councillor was informed, when were they informed?

Question 20. If the Mayor and/or certain Councillors were informed of the destruction, which senior staff were involved in the decision to not inform all member of the Administration Committee and City Council?

Response: All Councillors, including the Mayor, were informed at the same time, through the Administration Committee on January 29, 2003.

At its meeting of February 13, 14 and 15, 2002, the Toronto City Council adopted without amendment Clause No. 17 of Report No. 2 of the Administration Committee; (By-law No. 154-2002) which stated:

“The Administration Committee recommends that it be mandatory for Department Heads to consult with the Director, Corporate Access and Privacy respecting disclosure of propriety [sic] information in public and in-camera reports to ensure that Council has sufficient information to make informed decisions including as much public disclosure as possible with respect to major contracts such as leasing.”

In October, 2002, the Commissioner of Corporate Services issued a “briefing note” which stated among other things that the above noted By-law “...is not a City By-law and has not been implemented as a corporate wide procedural requirement.”

Question 21. Other than the Commissioner of Corporate Services who issued the briefing note, which other senior management were involved in the decision to inform City Council and the people of Toronto that By-law No. 154-2002 is not a City By-law?

Response: That briefing note was prepared in consultation with the CAO, City Solicitor and City Clerk. The briefing note does not say that By-law No. 154-2002 is not a City By-law. By-law No. 154-2002 is the general confirmatory by-law for the February 13, 14 and 15, 2002 City Council meeting. The reference (initially made in the media) to the amendment made by the Administration Committee to Clause No. 17 of Report No. 2 as a City By-law is not accurate. By-law No. 154-2002 relates to all proceedings of City Council at its meeting held February 13, 14 and 15, 2002, and is intended to confirm the proceedings of Council. It acts as a fail safe mechanism to ensure all City Council’s recommended actions are properly authorized at law.

The amendment made by the Administration Committee to the staff report found at Clause No. 17 of Administration Committee Report No.2 is a resolution adopting an administrative policy decision related to that specific item. It does not meet the legal requirements for a By-law. As a resolution, it has the same status as any other Council direction on a specific matter. To be construed as an administrative policy decision of general application, it should properly have been considered and reported through the Policy and Finance Committee.

Question 22. Did the CAO direct the Union Station Project Director (Commissioner of Corporate Services) to comply with the requirements of By-law No. 154-2002 (Mandating Department Heads to consult with the Director, Corporate Access and Privacy respecting disclosure of information to public) with respect to the Union Station Project? If not, why not?

Question 23. Did the Commissioner of Corporate Services take steps to ensure compliance with By-law No. 154-2002 with respect to the Union Station Project? If not, why not?

Question 24. Did the City Solicitor take steps to ensure compliance with By-law No. 154-2002 with respect to the Union Station Project? If not, why not?

Response: The Administration Committee resolution did not apply to the Union Station project. All City RFP's including the RFP for Union Station clearly state that they are subject to the Municipal Freedom of Information and Protection of Privacy Act. They provide that the City will endeavour to maintain the confidentiality of proprietary and other such information provided to it by third parties.

At the time the report on the Union Station RFP was prepared there was no outstanding request for disclosure under MFIPPA. Issues arose at the Administration Committee meeting in June 2002 with respect to what matters should be dealt with in camera. This is a matter upon which the City Solicitor and City Clerk provide advice to Council. On the Union Station matter, legal advice was given and on that basis, decisions were made by the Administration Committee and directions given to City staff as to what information should be made public and what should remain confidential.

Question 25. Are there other By-laws passed by City Council that this administration has considered not to be City By-laws? If yes, please provide a list.

Response: No. See the response to Question 21.

Question 26. Has the CAO, City Solicitor, Commissioner of Corporate Services or any other department head issued a briefing note or other direction to any staff that states or implies that City staff are not obligated to comply with certain City By-laws?

Response: No. City staff are obligated to comply with all Council direction.

ATTACHMENT NO. 7 [Notice of Motion F(2)]

Report dated September 27, 2002 from the City Solicitor, entitled "Potential Sale of Hydro One – Status of Legal Proceedings" (See Minute No. 9.93, Page 105):

Purpose:

This report responds to City Council's request for a report on the status of the court appeal against the successful union challenge of Ontario's ability to sell shares in Hydro One to the public.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that this report be received for information.

Background:

City Council, at its meeting held on July 30, 31 and August 1, 2002 had before them Motion J(3) Moved by Councillor Layton that the City support the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees (the "Unions") in their defence against an appeal to the Ontario Court of Appeal to stop the sale of Hydro One. Council deferred consideration of the motion to the next regular meeting of City Council and requested that the Chief Administrative Officer submit a report directly to City Council, for its consideration, on the status of the legal proceedings. This report responds to that request.

Comments

The Unions successfully claimed, before the Superior Court of Justice of Ontario, that the Province did not have the legislative authority to offer Hydro One shares for sale to the public under the *Electricity Act, 1998*. The decision, dated April 19, 2002, was appealed by the Province of Ontario.

The appeal was heard by the Court of Appeal on June 19, 2002. The Province of Ontario had sought and been granted an expedited hearing. The Unions argued that the appeal was or would be moot because of events subsequent to the lower court decision, including the Province of Ontario's introduction of Bill 58, the *Reliable Energy and Consumer Protection Act, 2002* which would substantially amend the *Electricity Act* (the subject of the original court decision) to allow the Province of Ontario to sell shares in Hydro One to the public. An appeal is considered moot if a decision will not resolve an issue affecting the rights of the parties. The Province of Ontario

argued that the appeal was not moot as of the date of oral argument, but acknowledged that it would be moot if the recently-introduced legislation became law.

The court heard full argument on both the mootness issue and the merits of the appeal and reserved its decision on both issues. It released its decision on July 4, 2002, noting that the *Reliable Energy and Consumer Protection Act, 2002* was enacted in the intervening period, on June 27, 2002, and concluded that the appeal was moot. It further determined that the Province of Ontario had not satisfied the Court that the circumstances of the case warranted a departure from the general rule that the court should not hear moot appeals. It dismissed the appeal.

The Unions were awarded their costs on a partial indemnity basis and only in relation to the mootness argument.

Conclusions:

It is recommended that this report be received for information

Contact:

Grace Patterson
Solicitor
Legal Services Division

ATTACHMENT NO. 8 [Notice of Motion J(19)]

Report dated June 20, 2003 from the Commissioner of Corporate Services, entitled "Long Term Lease of a Portion of the Murray Ross Parkway Road Allowance (Ward 8 – York West)" (See Minute No. 9.117, Page 142):

Purpose:

To recommend that a portion of the Murray Ross Parkway road allowance be leased on a long-term basis.

Financial Implications and Impact Statement:

Minimum rent in the amount of \$10,600.00 per annum, subject to review and adjustment every 5 years based on increases in the Consumer Price Index, plus G.S.T. and realty taxes, is anticipated over the term of the long-term lease. The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) authority be granted for the City to enter into a Long-term Lease Agreement with the Canadian Tennis Association c.o.b. as Tennis Canada ("Tennis Canada") for a portion of the Murray Ross Parkway road allowance (the "City Lands") shown as Part 1 on Sketch No. PS-2003-056 on the terms and conditions as outlined in the body of this report;
- (2) authority be granted for the City to enter into a Permission to Enter Agreement with Tennis Canada in respect of the City Lands, on the terms and conditions outlined in the body of this report;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses; and
- (4) the appropriate City Officials be authorized and directed to take necessary action to give effect thereto.

Background:

By its adoption, on May 21, 22 and 23, 2003, of Clause 21 of Report No. 4 of the North York Community Council, as amended, City Council authorized the permanent closure of the City Lands as a public highway, declared the City Lands surplus to municipal requirements, and authorized staff

to enter into negotiations for a long-term lease with the developer of the adjoining lands, Tennis Canada.

At this time, Council also decided that the Fred Young Park proposed at the southwest corner of Shoreham Drive and The Pond Road be located at the north end of the existing Murray Ross Parkway, abutting the Black Creek, and that a minimum park block of three (3) acres of tableland contiguous to the Black Creek be achieved for the future Fred Young Park by including the parkland proposed to be dedicated as part of the Tribute Homes application and certain other lands. Details concerning the establishment of Fred Young Park at the above-noted location are contained in Clause 18 of North York Community Council Report No. 5 entitled "Final Report – Application to Amend the Zoning and Draft Plan of Subdivision – TB ZBL 2002 0012 and TB SUB 2002 0002- Tribute Communities (York) Inc. & York University – North of Murray Ross Parkway, east and west of Sentinel Road" which is presently before Council for consideration.

Council also authorized the Commissioner of Corporate Services to take appropriate action to declare certain other portions of the Murray Ross Parkway road allowance surplus and to negotiate with the Toronto and Region Conservation Authority. This will be the subject of a future report to Council.

Finally, Council also directed that any future conveyance to York University of the remaining portion of the unopened Murray Ross Parkway road allowance be exchanged for an equivalent amount of parkland for the future expansion of Fred Young Park. This will also be the subject of a future report to Council.

Comments:

Tennis Canada is proposing to construct a National Tennis Centre with a 12,500 seat stadium, 5,000 seat stadium, indoor and outdoor tennis courts, offices and a Hall of Fame and Museum. Tennis Canada requires the City Lands for access and parking purposes for this proposed development and has requested a long-term lease of the City Lands from the City.

Set out below are details about the City Lands and the terms and conditions of the Lease which Tennis Canada has agreed to enter into with the City:

Subject Property:	Portion of road allowance, Murray Ross Parkway, south of Shoreham Drive and west of The Pond Road, shown as Part 1 on Sketch PS-2003-056
Legal Description:	Part of PIN 10245-0050 (LT) Part of the Public Highway Murray Ross Parkway, the boundaries of which were confirmed under the Boundaries Act by Plan BA-519

Approximate Site Dimensions: Irregular in Shape

East/West Measurement: 15 metres (49.21 ft)

North/South Measurement 112 metres (367.45 ft)

Approximate Site Area: 2,972 m² (31,991 ft²) (.734 acres)

Easement: Following closure of the City Lands as a public highway, easements will be granted by the City to Toronto Hydro and Enbridge Gas Distribution Inc., for the existing utilities plant located in the public highway.

Current Status: Unopened Road Allowance

Zoning: O1 (Open Space)

Current Official Plan: LOS (Local Open Space)

New Official Plan: Parks and Open Space Area

Lessee: Canadian Tennis Association, c.o.b. Tennis Canada

Basic Lease Terms:

- (1) Minimum Rent - \$10,600.00 per annum, plus GST; subject to review and adjustment every five (5) years based on the rate of increase in the Consumer Price Index for Canada between the full month which immediately preceded the said 5 year period and the last full month of the 5 year period. In no event will the minimum rent for any Lease year be less than the minimum rent payable in the immediately preceding Lease year;
- (2) Net Lease - Tennis Canada to be responsible for all costs related to the City Lands, including realty taxes;
- (3) Term - Approximately 24 years, commencing on the later of the date the Lease is executed by both parties and the date a by-law permanently closing the City Lands as a public highway is registered on title, and expiring on July 23, 2027;

- (4) Option to Renew - Tennis Canada to have an option to renew the Lease for a further 24 years on the same terms and conditions;
- (5) Use - Solely for parking, ingress and egress purposes;
- (6) Leasehold Improvements - Tennis Canada to accept possession of the City Lands in "as is" condition; No permanent structures may be installed on the City Lands; All other improvements require the prior written approval of the Commissioner of Corporate Services;
- (7) Insurance - Tennis Canada to maintain Commercial General Liability insurance with a limit of not less than \$5 million per occurrence;
- (8) Assignment - Tennis Canada shall not sublet or assign without the written consent of the City, which consent may be unreasonably withheld;
- (9) Early Termination - Lease shall automatically terminate if the lease between York University and Tennis Canada for the adjoining lands to the east expires or is terminated;
- (10) Closure of highway - Tennis Canada to cover the out-of-pocket expenses incurred by the City to close the highway, to indemnify the City against all loss, damage or action arising as a result of the closure of the highway and to provide, at its sole cost, a reference plan of survey, satisfactory to the City Surveyor;
- (11) Conditions - Lease to be conditional upon (a) a by-law permanently closing the City Lands as a public highway having been enacted no later than June 30, 2005; and (b) at the time of execution of the Lease, the then current Official Plan not prohibiting the disposal of the City Lands.

To facilitate the timely development of Tennis Canada's tennis facility, Tennis Canada has requested permission to enter on the City Lands prior to the Lease coming into effect for the purpose of preparing surveys, carrying out environmental testing, regrading and carrying out other site preparation activities to ready the City Lands for their intended use pursuant to the Lease. It is recommended that Tennis Canada's request be approved, provided that, prior to entering onto the City Lands, Tennis Canada executes and delivers to the City an agreement in the form prepared by the City Solicitor, wherein Tennis Canada agrees to indemnify and save harmless the City, its officers, employees, agents representatives and elected and appointed officials from all loss, damage and action arising as a result of Tennis Canada entering onto and/or using the City Lands, to provide evidence that appropriate insurance, as determined by the City's Chief Financial Officer and Treasurer, has been obtained, to keep the results of any environmental testing confidential and, in the event that the Lease transaction contemplated herein does not proceed, to restore the City Lands to their prior condition, repair any damage caused as a result of Tennis Canada's entry onto and/or use of the City Lands and to forthwith vacate the City Lands. The agreement should also require Tennis Canada to be responsible for all costs and expenses associated with or arising from its entry onto and/or use of the City Lands, save and except the payment of minimum rent, during such period. Tennis Canada has agreed in writing to the above terms and conditions.

Conclusion:

The long-term lease of the City Lands to Tennis Canada and the granting of permission to Tennis Canada to enter onto the City Lands prior to the commencement of the Lease, on the terms and conditions set out herein, is considered fair, reasonable and reflective of market value.

Contacts:

Name: Mike Saffran
Position: Valuator/Negotiator

(The attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

ATTACHMENT NO. 9 [Notice of Motion J(25)]

Joint Report dated June 24, 2003 from the Commissioner of Community Services and the Commissioner of Corporate Services, entitled "Declaration of Surplus – 20 Sewells Road (Ward 42 – Scarborough – Rouge River)" (See Minute No. 9.123, Page 154):

Purpose:

To secure authority to declare 20 Sewells Road (the "Property") surplus to municipal requirements and to undertake negotiations of a long-term lease for the development of the Property for affordable and transitional housing. To secure authority to negotiate the grant of an easement to the owner of 10 Sewells Road (the "Adjacent Owner"), for an existing sewer.

Financial Implications and Impact Statement:

The Property was acquired from the Governments of Canada ("Canada") and Ontario ("Ontario") for nominal consideration and for the sole purpose of developing affordable and transitional housing. The appraised value of the Property is \$675,000.00.

Pursuant to Clause 19 of Report No. 7 of the Community Services Committee entitled "Affordable and Transitional Housing Proposal at 20 Sewells Road – Allocation from Supporting Communities Partnership Initiative and the Capital Revolving Fund" adopted by City Council at its Special Meeting held on July 30, 31 and August 1, 2002, the project was included in the 2003 approved Shelter, Housing and Support Capital Budget to be funded through a combination of institutional mortgages, by the proponent's equity, the Capital Revolving Fund for affordable housing, and from federal funding provided through the Supporting Communities Partnership Initiative (SCPI). The project will have no impact on the operating budget as funding for operations will be provided through rental revenues and provincial rent supplement monies.

Pursuant to Clause No. 13 of Report No. 9 of the Policy and Finance Committee entitled "Exempting Non-Profit Housing from Planning Application Fees, Building Permit Fees and Parkland Dedication Requirement", adopted as amended by City Council at its meeting held on July 4, 5 and 6, 2000, the City's fees and charges for development and building permits and approvals will be waived.

All of the above will be reported in detail at the time the terms and conditions of the proposed long-term lease agreement and the proposed sewer agreement are submitted for approval.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

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

Background:

Canada, through its Surplus Federal Real Property for Homelessness Initiative (SFRPHI) made its 75% interest in the Property available to the City to facilitate the development of transitional and affordable rental housing. Ontario, through its Government Land Initiative to Address Homelessness, also contributed its 25% interest in the Property for the same purpose. City Council, at its Special Meeting held on July 30, 31 and August 1, 2002, adopted Clause No. 3 of Report No. 11 of the Administration Committee entitled "Federal and Provincial Surplus Land Programs for Homelessness: Acquisition of Property Located at 20 Sewells Road at no Cost to the City", thereby authorizing the acquisition of the Property for nominal consideration and for the sole purpose of an affordable and transitional housing initiative.

On January 24, 2002, a Let's Build Request for Proposals (RFP) for affordable and transitional rental housing was released with both a SCPI Transitional Housing funding envelope and a CRF affordable housing funding envelope. The results of the RFP are contained in Clause No. 19 of Report No. 7 of the Community Services Committee, entitled "Affordable and Transitional Housing Proposal at 20 Sewells Road – Allocation from Supporting Communities Partnership Initiative and the Capital Revolving Fund". City Council at its Special Meeting held on July 30, 31 and August 1, 2002, in adopting the aforementioned report, accepted the business case submitted by the successful proponent under the Let's Build program as an Affordable and Transitional Housing project for the development of approximately 92 affordable and transitional rental housing units to be built at 20 Sewells Road and approved the following funding to the successful proponent: a grant by way of a forgivable loan of up to \$1,000,000.00 and a non-interest bearing loan of up to \$1,000,000.00 from the CRF and a grant of up to \$2,000,000.00 from SCPI.

On February 4, 5 and 6, 2003, City Council adopted Clause No. 8 of Report No. 2 of the Administration Committee entitled "Proposed Acquisition of 20 Sewells Road", thereby granting authority to enter into an Agreement of Purchase and Sale, Federal Contribution Agreement and Provincial Contribution Agreement (the "Agreements") and authorizing the City Solicitor to complete the transactions.

Comments:

The City has now taken title to the Property, shown as Parts 1 and 2 on the attached sketch. The Property was not acquired through expropriation proceedings. The successful proponent identified through the Let's Build RFP process, is proposing to develop a 92-unit, four-storey apartment building accommodating not less than 35 transitional and approximately 57 permanent affordable housing units. The range and size of units are designed to reflect a reasonable mix of one, two, three, and four-bedroom apartments that respond to a mix of families, seniors, and persons with disabilities. In addition to the housing units, a place of worship will be incorporated into the project, which will be available to the residents of the building and the surrounding community. The City is proposing to make the Property available to the successful proponent on a long-term lease arrangement with a term of 50 years less a day.

In the course of the City's due diligence inquiries in connection with the acquisition, the Adjacent Owner advised the City of its claim to a 450mm-storm sewer easement over Part 2. This private sewer connection leading to the City services within the Sewells Road allowance has been in existence for over 20 years, has never been registered on title and does not adversely impact the proposed housing development. Because the City acquired the Property "as is", the City was unable to require Canada and Ontario to register an easement for the private sewer prior to closing. However, it would be prudent, that a registerable easement agreement over Part 2 be negotiated with the Adjacent Owner, if the Adjacent Owner requires same.

Details of the Property are as follows:

Property Address: 20 Sewells Road

Legal Description: Parcel 6-1, Section M-1965 and shown as Parts 1 and 2 on the attached sketch

Assessment Roll No.: 1901-12-5-207-00500

Site Dimensions: Frontage: 77.00 metres (252.67 feet)
(approximate) Depth: 95.23 metres (312.45 feet)

Site Area: 6,072 m² (1.5 acres)
(approximate)

Zoning: PW – Place(s) of Worship and
A – Apartment Residential

Existing Official Plan: Place of Worship in the Malvern Community Secondary Plan

New Official Plan: Apartment Neighbourhood

Current Use: Vacant land

Easement: Grant to the Adjacent Owner - Over Part 2 for an existing sewer

In order to proceed with the negotiations for the proposed long-term lease, the City must comply with the procedures governing disposal of property. Section 268 of the *Municipal Act, 2001* requires that, before disposing of any property (including a lease of 21 years or more), Council must declare the property to be surplus by by-law or resolution passed at a meeting open to the public, give notice to the public of the proposed sale and obtain at least one appraisal of the fair market value of the Property, unless exempted under the legislation.

Conclusions:

To comply with the *Municipal Act, 2001*, and in order to proceed with negotiations for the proposed long-term lease with the successful proponent, City Council should declare the Property surplus to the City's requirements.

As it is considered prudent, City Council should grant authority to enter into negotiations for the grant of an easement to the Adjacent Owner for an existing sewer.

Contacts:

Name: Liz Root

Name: Carla Inglis

Position:

Housing Development Officer

Position:

Portfolio Planner

(The attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

ATTACHMENT NO. 10 [Notice of Motion J(33)]

Report dated June 23, 2003 from the Commissioner of Urban Development Services, entitled "Request for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code, for a Pedestal Sign, Ground Sign and Flag Poles at 1 Sunlight Park Road, Application No. 903022, (Toronto- Danforth, Ward 30)" (See Minute No. 9.131, Page 166):

Purpose:

To review and make recommendations on a request by Jeremy Kramer, Kramer Design Associates, for BMW Canada for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code, to permit a pedestal sign, ground sign and flag poles.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

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

Background:

The applicant has varied the original application submitted to include only the signs that the Commissioner of Urban Development Services is prepared to support and make recommendations of approval to City Council. The revised application consists of a pedestal sign on the north side of the building, 5 flag poles to the north east of the existing building and a mural to be painted on the existing transformer vault on the east side of the building.

Comments:

The property is located east of the Don Valley Parkway and just north of the Canadian National Rail tracks. At this location, the Gardiner Expressway merges into the Don Valley Parkway on the east side of the Don River. This property is located in an industrial pocket zoned I3 D5 and contains a 6-storey former office building that is undergoing renovations at this time for a BMW showroom, sales and repair service shop. The applicant was requesting permission to erect a full colour 17mm LED video display board sign on the south elevation of the building approximately 137.6 m² in size (view area – 32.5 by 20.5 feet) in size. This component of the proposal has been set aside for the time being.

It should be noted that the Building Examiner's notice has indicated that the proposed signs may be within the prescribed 30 metres of the Gardiner or a ramp of the Gardiner. This will be required to be confirmed at the time a construction permit is applied for and if any of the signs are within the 30 metres of the Gardiner an additional variance with respect to 297-11B of the Sign By-law may be required.

With respect to the pedestal sign, the applicant has not submitted the revised proposal for this sign in relation to the entire site. However, the matter has been reviewed with staff of the Building Division and the variances are recommended to permit the sign. In addition, the request for the flag poles and the mural (wall graphics) for the transformer vault do not create any impact and the variances are supportable.

Conclusions:

It is recommended that the request for the variances for the pedestal sign, flag poles and "wall graphics" on the transformer vault be approved. The size, location, and type are minor and therefore, approval is recommended. Should the applicant come forward with a request for variances for a video display sign, a new application for this request should be submitted.

Contact:

Denise Graham, Senior Planner
Telephone No. 416 392-0871

(The attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

ATTACHMENT NO. 11 [Notice of Motion J(35)]

Report dated June 23, 2003 from the City Solicitor, entitled "MFP Financial Services Ltd - Summary Judgement Motion" (See Minute No. 9.133, Page 170):

Purpose:

The purpose of this report is to provide a status report on the summary judgment motion brought by MFP Financial Services ("MFP") and Aztec Limited Partnership ("Aztec") against the City of Toronto and to seek authorization from Council regarding instructions to the City's outside solicitors on dealing with any costs issues.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendations:

It is recommended that the City Solicitor be authorized to instruct the City's outside solicitor on dealing with any costs issues relating to the decision of Justice Blair on MFP's summary judgment motion.

Background:

MFP and Aztec brought a motion in the Superior Court of Justice seeking summary judgment dismissing the City's claim and granting their counterclaim, or alternatively partial summary judgment granting their counterclaim and allowing the City's claim to proceed to trial. The matter was heard on April 14, 2003.

Comments:

Justice Blair's decision was released on June 18, 2003. A copy is attached as Appendix "A". Blair J. dismissed MFP's motion for summary judgment, with costs. The test on a summary judgment motion is whether there are genuine issues raised in the action that should proceed to trial. As set out in his reasons, Justice Blair concludes that MFP has not demonstrated that there is no genuine issue of fact requiring a trial for its determination in respect of the City's defence to the amounts claimed by MFP to be due and owing under the contract. In terms of costs, Justice Blair specified that if the parties were unable to agree on costs, written submissions may be made to the court within 30 days of the date of the decision.

Conclusions:

We will need to provide Mr. Lenczner with instructions dealing with costs. In accordance with Justice Blair's decision, Mr. Lenczner will be exploring whether an agreement can be reached on costs, failing which he will make written submissions to the court. Accordingly, we are proposing that the City Solicitor be authorized to instruct Mr. Lenczner on dealing with costs.

Contact:

Diana Dimmer
Director of Litigation

(The attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

ATTACHMENT NO. 12 [Notice of Motion J(47)]

Report dated June 20, 2003 from the Commissioner of Urban Development Services, entitled ‘Final Report to Amend Official Plan and Zoning By-law 7625, 45 York Mills Road, TD ZBL 2002 0004 / TD OPA 2002 0001 / TD SPC 2002 0039, Kirkor Architects & Planners (Ward 25 - Don Valley West)’ (See Minute No. 9.143, Page 186):

Purpose:

To seek Council's direction for a pending Ontario Municipal Board hearing respecting a proposal for amendments to the Official Plan and Zoning By-law to permit the development of 82 townhouses.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

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

Background:

This application was submitted to the City on May 22, 2002 and appealed by the applicant on September 26, 2002 on the basis that the City did not make a decision within 90 days of receipt of the application. A Preliminary Staff Report was received by Midtown Community Council on September 17, 2002, followed by a Directions Report on April 1, 2003 which sought direction for the first Ontario Municipal Board (OMB) Pre-hearing held on April 17, 2003. On the basis of a Directions Report, City Council at its meeting of April 14, 15 and 16, 2003, adopted a number of recommendations which are paraphrased as follows:

- the townhouse form of development was acceptable but opposes the applications in their present form
- the minimum setback from the established top of bank be reviewed for consistency with the City's Ravine Protection By-law, the new Official Plan, and the Toronto and Region Conservation Authority minimum setback requirements
- the minimum setback from Campbell Crescent be reviewed
- the size of the building footprint be reviewed
- urban design issues be reviewed
- access options to the site be reviewed
- efforts to ensure utilities were placed underground
- mature trees be planted in the landscaped buffer area

This staff report sets out a review of the most recent submission for Council's consideration in order to provide City staff with further direction respecting the pending OMB Pre-hearing to be held June 26, 2003, and the scheduled two week Board hearing beginning September 2, 2003.

1. Proposal

The applicant is proposing to demolish the existing Toronto District School Board (TDSB) building and replace it with 5 blocks of condominium townhouses. The 82 townhouses will be 3 and 4 storeys and the resulting density is 1.5 F.S.I. Access to the two level underground parking garage with 214 parking spaces is proposed from York Mills Road with a servicing area for loading and waste-pick up accessed from Campbell Crescent.

2. Site and Surrounding Area

The site is 1.2 hectares and located on the south side of York Mills Road, two blocks east of Yonge Street. Directly to the east is a 5 storey apartment building. On the north side of York Mills Road across from the site are single detached homes. To the west, across Campbell Crescent is the Finnish Agricola Lutheran Church, and further west, at 10 Old York Mills Road, a 9 storey apartment building. The western portion of the site is flanked on the south by a single detached home on Campbell Crescent while the eastern portion of the site is flanked on the south by a ravine which

forms part of the rear lots of single detached homes fronting on to Old Yonge Street.

The site is on two levels with the lower level on the west sloping up to the east portion of the site which has an elevation approximately 10 metres higher. The entire site is at a lower elevation than the houses on Old Yonge Street as well as the 5 storey building to the east, while the western half is similar in grade to the houses facing Campbell Crescent. Currently, the one storey TDSB building and parking area accessed from York Mills Road sits on the eastern portion and a second parking area is situated on the western portion with access onto Campbell Crescent.

3. North York Official Plan

The site is designated by the North York Official Plan as Minor Institutional (M-INS) which permits institutional uses and residential facilities associated with the permitted institutional uses.

4. New Toronto Official Plan

The new Official Plan for the City of Toronto proposes this site as Apartment Neighbourhood. This designation permits townhouses, apartment buildings, institutions, and small scale retail, service, and office uses. A Natural Heritage Area is identified by the Official Plan for the wooded ravine immediately to the south of the site.

5. Zoning By-law

The site is zoned R3 in Zoning By-law 7625 for the former City of North York, which permits single detached residential, recreational, and specific institutional uses.

6. Reasons for Applications

Amendment to the Official Plan for the former City of North York is required to permit a residential use not related to an institution. Amendment to the new Toronto Official Plan is not required as the proposed use is consistent with the Apartment Neighbourhood designation. A zoning amendment is required to permit multiple residential use and to permit exceptions to the standard zoning provisions for multiple residential uses.

7. Community Consultation

Community Consultation meetings were held on November 7, 2002 and June 11, 2003. The following main issues were raised: access onto York Mills Road versus Campbell Crescent, ensuring a green buffer between the development and the remainder of the neighbourhood, and providing a more residential appearance to the development from Campbell Crescent. These concerns and issues have been considered in the processing of this application and have been evaluated in this report.

8. Agency Circulation

This application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

9. City Planning Regulations and Guidelines

A number of policy documents offer guidance in the review of the proposed building layout and built form:

9.1 York Mills Area Study

A planning study of the properties fronting York Mills Road between Old Yonge Street to the east and the York Mills Office Centre to the west was approved by the former City of North York in 1991. While specific policies for 45 York Mills Road were deferred pending the development of institutional policies, general land use policies were formulated to guide the review of development applications in this area. A study recommendation was to limit building coverage and setbacks in order “to minimize the impact of development on the natural character of the treed slope” and “provide a sufficient buffer in order to protect the amenities on the abutting single detached residential use”. It was recommended that parking be located underground in order “to maximize the open and landscaped space around the buildings consistent with existing development.”.

9.2 The Official Plan for the former City of North York

The North York Official Plan states, “new multiple residential development that is adjacent to existing low density residential shall be designed in such a manner that the scale, built form and massing of the proposed development is sensitive to the physical character of the adjacent neighbourhood”. In particular, the policy refers to appropriate transition in height; not creating adverse impact in terms of overview, shadowing, loss of privacy, or loss of significant views of neighbouring residential uses; and need to buffer adjacent uses from impacts of parking areas, lighting, on-site servicing, ventilation, and other noise sources. (Section C4.4.2.2).

9.3 The Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set yet.

Once the Plan comes into full force and effect, it will designate the property as 'Apartment Neighbourhoods', which would permit the proposed townhouse use. The Plan states that new development in 'Apartment Neighbourhoods' should be compatible with adjacent lower-scale 'Neighbourhoods' through the stepping down of buildings, provision of setbacks and maintenance of adequate light, view and privacy. Other development criteria in the Plan pertinent to this application deal with the location and massing of new buildings, provision of sufficient off-street parking, setbacks from the top of bank, and the location and screening of service areas, ramps and garbage storage.

The proposal has been reviewed for compliance with these and other development criteria of the new Plan and generally conforms. However, the development does not meet the requirement of Policy 3.4.8 that development be set back from the top-of-bank of valleys by at least 10 metres, and an amendment to the new Official Plan would therefore be required to permit a lesser setback.

9.4 Design Guidelines for Infill Townhouses

The Design Guidelines for Infill Townhouses recommend a number of principles to ensure compatible built form which are applicable to this proposal. These guidelines include principles respecting building height and setbacks, tree preservation, landscaping, and the screening of garbage and other services.

10. Planning Comments

The above policies and guidelines have been closely reviewed in relation to the proposed development. In addition, the recommendations of City Council in their adoption of a Directions Report from the Acting Director of Community Planning North District have guided staff in their review of this proposal. The following issues have been identified:

10.1 Land Use

The proposed townhouse development and density of 1.5 FSI and 68 units per hectare is considered an appropriate use and intensification of the site. The building height, being well below the crest of valley satisfies the criteria of the 1991 York Mills Study.

10.2 Landscaping

Included with Council's direction was to review improvements to the proposed landscaping. The proposed building coverage is more than 51% of the site and much of the remaining open space is in the form of hard surface such as the driveway and courtyard on the podium and soft landscaping on the edges of the site.

Consequently, a great deal of attention went to softening the edges of the site and ensuring a green interior to the site. The servicing entrance off Campbell Crescent will be screened and the applicant has agreed to enter into an encroachment agreement with the Works and Emergency Services Department to ensure that plantings can take place on the public right-of-way.

The open space area on the south and east sides of the site will be heavily landscaped to provide a visual screen. An engineering certificate will be required as a condition of site plan to ensure that plantings on the podium structure and over the underground garage can be supported.

The applicant has agreed to provide \$24,000.00 to the Forestry Division of Economic Development, Culture, and Tourism as compensation for loss of tree canopy as a result of this development. These funds will be applied to new plantings in a nearby park.

The applicant had indicated an interest in conveying the open space at the corner of Campbell Crescent and York Mills Road to the City as a public park. However, Economic Development, Culture and Tourism Department has requested the standard 5% cash-in-lieu of parkland dedication. The open space area will be publicly accessible.

10.3 Setbacks

City Council requested that the minimum setback from Campbell Crescent be reviewed for consistency with the former City of North York's zoning by-law. Earlier submissions of the application indicated Building 2 projecting past the face of the adjacent single detached house and having a setback of 5 metres from Campbell Crescent. The most recent submission indicates a setback of between 13.6 and 14.0 metres which exceeds the 13 metre minimum front yard setback established by the by-law for houses on Campbell Crescent.

City Council also directed that specific urban design criteria be utilized as criteria for evaluating the proposed development. As a result of concerns raised by both the residents and staff, the plan has been revised to ensure that the west elevation of the development facing Campbell Crescent has a more residential appearance and thus fits in better with the houses on that street. The units closest to Campbell Crescent are setback similarly to the adjacent house, designed to face the street, and have been reduced in height to 3 storeys. In addition, due to the access to the site being changed from Campbell Crescent to York Mills Road, the garage entrance has been replaced by stairs to the podium level.

The urban design criteria referenced the south setback of Building 2 in relation to the house at 11 Campbell Crescent and the east setback in relation to 75 York Mills Road. With regard to the south setback, the earlier plans indicated that the townhouses in Building 2 which back on to the house located at 11 Campbell Crescent had setbacks ranging from 3.1 to 7.4 metres. The existing house is located 1.5 metres from the property line and has windows which will face the townhouse units, decks and patios. There currently exists a row of cedars along the side yard of the house.

To address the issues of overlook from the townhouse units, a number of recommendations by staff have been incorporated in the most recent submissions. These revisions include a minimum setback of 7.5 metres for those units adjacent to the house and 6.2 metres for the remainder of the block as it abuts the rear yard of the house; building height reduced to 3 storeys adjacent to the house; plantings of deciduous and coniferous trees on the site; and a fence along the patios to ensure this buffer area will not be utilized. As well, the proposed site specific zoning by-law has been drafted to ensure that patios and decks will not extend further than within 3.5 metres to the shared property line.

Building 6 which aligns on the east side of the site was originally 5.4 metres from the property line while the underground garage extended almost to the property line. To address concerns about the need for adequate landscaping to provide a screen to the retaining wall along the east property line, the application now indicates a 7.5 metre setback with the parking garage located away from the property line.

11. TRCA Comments and Ravine Protection By-law

City Council requested that the minimum setback from established top-of-bank for this project be reviewed for consistency with the City's Ravine Protection By-law, the new Official Plan, and the Toronto and Region Conservation Authority (TRCA) setback requirements of 10 metres. The surveyed top of bank generally runs parallel to the south property line as it abuts the ravine, before turning north and defining the slope between the east and west halves of the site. The Toronto and Region Conservation Authority (TRCA) typically requires buildings to be set back a minimum 10 metres from the stable top of bank of ravines in an undeveloped state. In this case, due to the existence of development already on the site and in the valley, the TRCA is permitting the development to be built across the slope with a minimum 4 metre setback from top of bank to ensure slope stability. This setback is reflected in this proposal and the site specific zoning by-law and applies to all structures including patios and decks.

The site is entirely within the area protected by the Ravine Protection By-law. This By-law regulates injury or destruction of trees across of the entire site, and in areas of the site that are not regulated by TRCA; it regulates placing or dumping of fill and alteration to grade. Setbacks from slopes are encouraged particularly where it is identified to be important in contributing to the conservation of significant natural lands. On this site, given the development that exists in some areas below top of bank, the setbacks have been reduced. The North York Official Plan permits building setbacks consistent with those of the TRCA while the new Toronto Official Plan requires a 10 metre setback from ravines and top of bank of valleys. An amendment to the new Official Plan is required to permit the development to be located 4 metres from the top of bank of the adjacent valley.

Adjacent to the natural area, minimum setbacks of 4 metres have been accepted with a plan for replanting between the areas of new development and the natural slope. Adjacent to the residential dwelling at 11 Campbell Crescent, the setback of the building is between 6.2 and 7.5 metres. A minimum 3.5 metre area within this setback will be required as a landscape area to allow for protection of the existing trees along the edge of the development site, and for replanting with a single row of narrow form trees that will buffer light and noise between sites. Grades within defined areas of protection around the edge of the site must remain untouched. As noted earlier, the applicant has agreed to contribute \$24,000 to planting in the neighbourhood park, to compensate for loss of tree canopy in the local area.

12. Traffic and Parking

City Council requested that access options to the site be reviewed including maintaining access from York Mills Road. Earlier submissions of the application proposed access to and from the development on the local street, Campbell Crescent.

Residents living immediately south of the development raised concerns with respect to perceived traffic infiltration. As a result, the applicant revised the plans to propose access on York Mills Road and eliminated the garage access from Campbell Crescent. Thus, cars exiting the development will use the east driveway to make left and right hand turns, and cars entering the development will use the west driveway to make right and left hand turns.

Other residents in the area have expressed concerns with respect to full turning movements on York Mills Road. The Works and Emergency Services Department and the TTC have reviewed the most recent submission indicating the access on York Mills and has found it acceptable on the basis that the applicant cover the cost of pavement markings on York Mills Road to indicate a left turn lane between the driveways, or if required, widening of York Mills Road to accommodate a left turn lane.

A service entrance off Campbell Crescent will provide access to the waste pick-up and loading areas. All 214 parking spaces are provided underground on the basis of 2.4 resident parking spaces per unit including 24 tandem spaces. Works and Emergency Services has requested that 20 visitor parking spaces be provided on the basis of the standard .25 spaces per unit, rather than the 17 proposed by the applicant.

13. Servicing Easement

As a result of City Council's adoption of a Works & Emergency Services (WES) report on April 14, 2003, a quit claim is being negotiated to relinquish part of a servicing easement on this site. Financial compensation or other related considerations will be determined by the Commissioner of Corporate Services.

14. Stormwater Protection

Works and Emergency Services has recommended that this development be built to accommodate a 2 year minor and 100 year major storm which will require an on-site underground holding tank to be built. The development will be designed to ensure that no additional stormwater will flow onto adjacent properties.

15. Site Plan

The site plan application has been appealed to the Ontario Municipal Board (OMB) by the applicant. Final site plans must still be reviewed by staff in order to address the following: adequacy of proposed landscaping and ability of the structure to support the proposed landscaping, landscape details, ensuring consistency among the various plans, sections, and elevations, and details of patio areas adjacent to the 4 metre setback. The site plan agreement will set out the requirements of commenting departments and agencies, public access to the open space at Campbell Crescent and York Mills Road, and funds requested by Forestry, as well as the construction and maintenance of the development in accordance with the approved plans. As a result, this report recommends that the City Solicitor request the OMB to hold its Order until a final site plan is approved.

Conclusions:

In April 1996 City Council had before it a Directions report respecting a proposed townhouse development at 45 York Mills. City Council adopted a number of recommendations respecting the design and siting of the proposed development including directions to staff to review the landscaping, access, setbacks and ravine protection. The applicant has submitted revised drawings to respond to Council's recommendations.

Planning staff conclude that the development generally conforms to the policies established by the North York Official Plan for general development criteria for new development within stable residential areas and the new Toronto Official Plan development criteria in Apartment Neighbourhoods. Official Plan amendments are required to redesignate the site from Institutional to Residential and to permit the development to be set back 4 metres from the stable top of bank. A Site Specific Zoning By-law amendment is also required.

It is recommended that City staff attend the OMB Pre-hearing to advise that the application is generally acceptable. The OMB's decision respecting the Official Plan and Zoning Amendments should be conditional on a Site Plan satisfactory to City staff and the seeing of the requirements of Works and Emergency Services.

Contact:

Tom Keefe, Acting Director

(The attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

FINANCIAL IMPACT STATEMENT SUMMARY

Notices of Motion

Council Meeting – June 24, 2003

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
F (1)	Proposed ‘Super Hospital’ – Keele St., & Sheppard Ave.	0	0	Previously distributed. Consider.
F (2)	Support to Defend Against the Appeal With Respect to the Sale of Hydro One	\$40,000		Previously distributed. Consider.
F (3)	City Employees Strike – Summer of 2002	0	0	Previously distributed. Consider.
F (4)	Request to Provincial Government to Abandon Electricity Deregulation and Privatization	0	0	Previously distributed. Consider.
F (5)	Increasing Fines for Illegal Dumping and Littering	0	0	Consider.
I (1)	Proposed Ban on the Use of Diesel Powered Generators on City Property	0	0	Consider.
I (2)	Automobile Damage Claim Against the City of Toronto	0	0	Consider.
J (1)	Implementation of Municipal Act, 2001 – Revision to Notice Provisions to Decrease Notice Period	0	0	Consider.
J (2)	Technical Amendments to Clause – Final Report – Partial Removal of Holding (H) Symbol and Draft Plan of Subdivision	0	0	Consider.
J (3)	Reconsideration of the Naming of the Private Lane System at 2264 Lake Shore Blvd. West	0	0	Consider.
J (4)	Use of Wedding Chamber at City Hall on Sunday, June 29, 2003	0	0	Consider.
J (5)	Official Plan Amendment & Zoning By-law Amendment to Permit the Construction of a Hotel and Residential	0	0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	Condominium at 311 Bay			
J (6)	Proposed “Toronto You Belong Here” Event Weekend	0	0	Consider.
J (7)	Deferral of the Sale of Waterfront Properties at 309 Cherry St., and 54 Commissioners St. for back taxes	0	0	Consider.
J (8)	Request of TDSB Supervisor to Withdraw Plans to Charge Parking User Fees to Toronto Residents for Overnight Parking in TDSB Parking Lots	0	0	Consider.
J (9)	Funding to Assist with OMB Appeal – 151-165 St. Clair Ave West	\$5,000	0	See FIS. Consider.
J (10)	Annual Sorauren Park Festival – Designation as Community Festival	0	0	Consider.
J (11)	Funding for Stay Alert, Stay Safe Campaign	\$20,000		See FIS. Consider.
J (12)	Nomination for the Senior of the Year Award, 2003	0	0	Consider.
J (13)	Hospital Services – York South – Weston Catchment Area	0	0	Consider.
J (14)	Ownership of Private Laneway on Hearne Avenue	0	0	Consider.
J (15)	Reconsideration of Inclusion of 16 Munition St. – Queen’s City Foundry in Inventory of Heritage Properties	0	0	Consider.
J (16)	Commission Rate – Sale of City-Owned Land Located on the East Side of Everett Cres.	0	\$900	See FIS. Consider.
J (17)	Appeal of Committee of Adjustment Decision – 9 Portage Avenue	0	0	Consider.
J (18)	Request for Legislative Authority for the Clerk to Reject	\$10 – 25 k	0	See FIS. Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	a Nomination for Municipal Office or Deem a Candidate Ineligible for Municipal Office			
J (19)	Long Term Lease of a Portion of the Murray Ross Parkway Road Allowance	\$10,600	0	See FIS. Consider.
J (20)	FOI – Removal of Trees at Bales Ave. & Glenora Ave.			
J (21)	2003 Operating Budget Shortfall – Toronto Zoo	0	0	Consider.
J (22)	Installation of Street Lighting – Mathersfield Drive	0	0	Consider.
J (23)	Road Closures and Restrictions for Outdoor Concert – Downsview Park – July 30/03	0	0	Consider.
J (24)	Added Parking Facilities at the Assembly Hall, 1 Colonel Samuel Smith Park Drive	0	0	Consider.
J (25)	Declaration of Surplus – 20 Sewells Road	0	0	See FIS. Consider.
J (27)	Proposed Amendment to the Taxpayer Protection Act	0	0	Consider.
J (28)	Remuneration of the Incoming Council	\$2,500+	0	See FIS. Consider.
J (29)	Expressing Congratulations to Team Canada and Anson Carter	0	0	Consider.
J (30)	Revision to the City’s Coat of Arms	0	0	Consider.
J (31)	Review of Residential Water Billing Frequency	0	0	Consider.
J (32)	Reaffirmation of Support for International Aids Conference 2006	0	0	Consider.
J (33)	Request for Variance to Sign By-law – 1 Sunlight Park Road	0	0	Consider.
J (34)	Safety and Security of Children	0	0	Consider.
J (35)	MFP Financial Services Ltd. –	0	0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	Instructions on Summary Judgement Motion			
J (36)	Settlement with Purchaser of Former City-Owned Property South Side of Brooke Avenue	\$45,000	0	See FIS. Consider.
J (37)	Consideration of Legal Matter Regarding By-laws affecting Parking Enforcement on Private Property	0	0	Consider.
J (38)	Request of the Minister of Labour to Ensure that Unionized Local Labour is Used for Toronto Community Events	0	0	Consider.
J (39)	Rolph Road – School Bus Loading Zone	TBD		See FIS. Consider.
J (40)	Enhancement of Portuguese Monument in High Park	0	0	Consider.
J (41)	Sponsorship of Special Events and Festivals – SARS Recovery	\$500,000	0	See FIS. Refer to Mayor's 'You Belong Here Task Force'
J (42)	City of Toronto Support of the GO Transit Capital Growth/Enhancement Program			See CFO report. Consider.
J (44)	Request for Report to the SARS Recovery Team for a Property Tax Deferral Program	0	0	Consider.
J (45)	Funding to Implement a Multi-Barrier Youth Program	0	0	See FIS. Consider.

**FINANCIAL IMPACT STATEMENT NO. 1 [NOTICE OF MOTION J(9)]
(See Minute Nos. 9.107, Page 126, and 9.151, Page 198)**

Financial Implications:

Operating

Current year impacts: \$ 5,000 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – (9) – No legal services ‘reserve account’ exists. There is no funding for this expense in the Legal Services 2003 budget.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 2 [NOTICE OF MOTION J(11)]
(See Minute No. 9.109, Page 129)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>20,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (11) – No unallocated funding available. Expenditures to be absorbed within existing budgets.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 3 [NOTICE OF MOTION J(16)]
(See Minute No. 9.114, Page 136)

Financial Implications:

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$900 _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (16) –The increase in the commission rate of 1% will result in an additional cost of approximately \$900. This funding will be available in the land acquisition reserve fund once the close of the sale of lands occurs.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 4 [NOTICE OF MOTION J(18)]
(See Minute No. 9.116, Page 140)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ <u>10k-25k</u>	<input type="checkbox"/> Future year impacts: \$ <u>135k+</u> (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (18) –The current year’s costs would be between \$10 and \$25 thousand – for advertising (depending on the number of wards). The future years’ impact would be dependent upon the number of by-elections (\$135k per by-election). Funding is not available in the current 2003 budget.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 5 [NOTICE OF MOTION J(19)]
(See Minute No. 9.117, Page 142)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ <u>10,600 REVENUE</u>	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (19) – Tennis Canada to enter into a long term lease with the City; rental income of \$10,600 per year, subject to review and adjustment every five years.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 6 [NOTICE OF MOTION J(23)]
(See Minute No. 9.121, Page 151)

Financial Implications:

Operating

Current year impacts: \$0.00 (net) Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input checked="" type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$_____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$_____ (net) Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

No Funding Source

Budget adjustments: \$_____ (net)

Operating Impact:

Program costs: \$_____ (net)

Debt service costs: \$_____ (net)

Impacts/Other Comments:

- Service Level Impact:
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J (23) - Road Closures & Restrictions for Outdoor Concert-Downsview Park-July 30, 2003. The estimate for this event for Transportation Services is \$100,000.00 Gross to be funded through the SARS account currently identified as Third Party funding. The net impact should be zero. The impact to other related city departments is to be determined. This would include Solid Waste, Police, Fire, EMS, Public Health and the TTC.

- Consider Refer to Standing Committee

Submitted by:

Chief Financial Officer and Treasurer

**FINANCIAL IMPACT STATEMENT NO. 7 [NOTICE OF MOTION J(26)]
(See Minute No. 9.124, Page 156)**

Financial Implications:

Operating

Current year impacts: \$ 8-12k (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – (26) – Cost of attending Ontario Municipal Board hearing included in the 2003 operating budget.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 8 [NOTICE OF MOTION J(28)]
(See Minute No. 9.126, Page 159)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ <u>2,500+</u>	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (28) –\$2,500 will be required for a small ad. There could be minimal other costs associated with staff time to support the panel, agendas and related materials, etc.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 9 [NOTICE OF MOTION J(30)]

(See Minute No. 9.128, Page 162)

Financial Implications:

Operating

Current year impacts: \$ 48,500 (net) _____ Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input checked="" type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (30) – costs to request revision of Coat of Arms from the Chief Herald of Canada, artist rendering, website changes, etc. No funding is available for this purpose in the 2003 operating budget.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

**FINANCIAL IMPACT STATEMENT NO. 10 [NOTICE OF MOTION J(36)]
(See Minute No. 9.134, Page 171)**

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ <u>45,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ <u>TBD</u> (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input checked="" type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (36) – Current cost of \$45,000; should any further costs arise, the City Solicitor will report back to City Council with the amount and source of funds.

X Consider Refer to Standing Committee
Submitted by: _____
Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 11 [NOTICE OF MOTION J(39)]
(See Minute No. 9.136, Page 173)

Financial Implications:

Operating

Current year impacts: \$ 500.00 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

No Funding Source Available

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J (39) - Rolph Road - School Bus Loading Zone -

The original recommendations adopted by Council April 14, 15, 16, 2003 had a financial impact estimated at \$800.00 for installation of required signs. This has already been spent installing signage as per the Council recommendations. The changes recommended will incur an additional \$500 to reverse this work.

- Consider Refer to Standing Committee

Submitted by:

Chief Financial Officer and Treasurer

FINANCIAL IMPACT STATEMENT NO. 12 [NOTICE OF MOTION J(41)]
(See Minute No. 9.138, Page 177)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>500,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notices of Motion – J (41) – Of the \$5.5 million approved for SARS Recovery, \$5 million is committed and the balance has been ear-marked for contingency purpose. It should be noted that there are other initiatives recommended by the Task Force to support community group events through the waiver of various City fees, estimated to result in a revenue loss of approximately \$500,000.

Consider X Refer to Mayor's You Belong Here Task Force

Submitted by:

Chief Financial Officer and Treasurer