

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Report No. 1 of The Administration Committee, Clause No. 13b,
Report No. 2 of The Administration Committee, Clauses Nos. 12b and 26b,
Report No. 1 of The Planning and Transportation Committee, Clause No. 3c,
Report No. 1 of The Policy and Finance Committee, Clause No. 2b,
Report No. 3 of The Policy and Finance Committee, Clauses Nos. 3a, 4a, 6a, 7a and 10a,
Report No. 3 of The Toronto East Community Council, Clause No. 8a,
Report No. 3 of The Toronto North Community Council, Clause No. 4a,
Report No. 2 of The Toronto South Community Council, Clause No. 14b,
Report No. 3 of The Toronto South Community Council, Clauses Nos. 10a, 27a,
49a and 60a,
Report No. 2 of The Toronto West Community Council, Clauses Nos. 7b and 12b, and
Report No. 3 of The Toronto West Community Council, Clauses Nos. 8a, 9a,
16a and 27a.

New Reports:

Report No. 3 of The Administration Committee,
Report No. 3 of The Community Services Committee,
Report No. 3 of The Economic Development and Parks Committee,
Report No. 3 of The Planning and Transportation Committee,
Report No. 4 of The Policy and Finance Committee,
Report No. 3 of The Works Committee,
Joint Report No. 1 of The Economic Development and Parks Committee and the
Works Committee,
Report No. 4 of The Toronto East Community Council,
Report No. 4 of The Toronto North Community Council,
Report No. 4 of The Toronto South Community Council,
Report No. 4 of The Toronto West Community Council,
Report No. 3 of The Audit Committee,
Report No. 3 of The Board of Health, and
Report No. 5 of The Striking Committee,

and Notices of Motions as adopted by the Council of the City of Toronto at its regular meeting held on May 18, 19 and 20, 2004.

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

DEFERRED CLAUSE FROM REPORT NO. 1 OF THE ADMINISTRATION COMMITTEE

Clause No. 13b - **“Exchange of Property Interests with Bombardier Inc./ Release of Covenant (Ward 9 - York Centre and Ward 10 - York Centre)”**.

City Council on May 18, 19 and 20, 2004, received this Clause and referred this matter to the Mayor and the Chief Administrative Officer to deal with any issues that may arise.

DEFERRED CLAUSES FROM REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

Clause No. 12b - **“Moving Forward with SAP”**.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the Commissioner of Corporate Services be requested to:

- (1) submit a project plan to the e-City Committee on the competency centre, such plan to include milestones, timelines and deliverables; and
- (2) report to the Budget Advisory Committee, prior to the early deliberations on the 2005 budget, i.e., before the end of 2004, on the SAP Competency Centre.”

Clause No. 26b - **“Amendment of Contract No. 47007857 with Bowdens Media Monitoring Limited, for the Provision of a Daily Print and Electronic Media Clipping Package and Media Monitoring Services”**.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That:

- (1) the report dated January 19, 2004, from the Commissioner of Corporate Services, as contained in the Clause, be adopted; and
- (2) the Commissioner of Corporate Services be requested to report to the Administration Committee respecting the possible utilization of the staff re-deployed from Security to the City Clerk’s Office to undertake the press clippings function.”

DEFERRED CLAUSES FROM REPORT NO. 1 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 3c - "Amendment to Municipal Code Chapter 447, Fences".

City Council on May 18, 19 and 20, 2004, amended this Clause:

- (1) in accordance with the supplementary report dated January 26, 2004, from the Commissioner of Urban Development Services, containing the following recommendations:

"It is recommended that:

- (1) in place of the recommendation adopted by the Planning and Transportation Committee on January 8, 2004, Chapter 447, Fences, of the Municipal Code, be amended as set out in Appendix 'A' attached to this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

subject to:

- (a) adding the following further definitions to Appendix "A":

"LOT LINE – A lot line is the boundary line on all sides of a lot that marks the division of properties;"; and

"PUBLIC HIGHWAY – means any highway and includes any street, road, sidewalk, boulevard, lane or any other portion of a highway";

- (b) deleting the reference to amending Section 2.B.(3) of Municipal Code, Chapter 447, Fences, concerning an exemption for corner lots; and
- (c) repealing the existing Section 2.B.(3) of Chapter 447, Fences, concerning an exemption to the fence height requirement for a fence in a front or flankage yard; and

- (2) by adding the following:

"That City staff, including the City Solicitor, be requested to take the appropriate actions to have the front yard fence between 7 and 9 Kingsgrove Boulevard removed."

DEFERRED CLAUSE FROM REPORT NO. 1 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 2b - “Naming of Community Councils”.

City Council on May 18, 19 and 20, 2004, amended this Clause in accordance with the following recommendations of the Toronto West Community Council contained in the communication dated May 6, 2004, from the City Clerk:

“The Toronto West Community Council recommends that:

- (1) The Toronto West Community Council be renamed ‘The Etobicoke York Community Council’; and
- (2) the communication (April 27, 2004) from Councillor Doug Holyday, be received.”

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 6a - “Enwave District Energy Limited, Capital Calls of the Shareholders”.

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) deleting from Recommendation No. (1) of the Policy and Finance Committee the amount “\$11.25 million net”, and inserting instead the amount and words “\$10.648 million net, being the City’s amount for the balance of this term of Council”, so that such recommendation shall now read as follows:

“(1) future Capital Calls to the City of Toronto by Enwave District Energy Limited, to a maximum of \$10.648 million net, being the City’s amount for the balance of this term of Council, be funded in the same manner as those previously approved; i.e. that funds be provided from the Water Capital Reserve Fund and that the by-law for the Water Capital Reserve Fund be amended accordingly;”; and

- (2) adding the following:

“That, prior to the approval of the 2005 Water and Wastewater water rates, the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Works and Emergency Services, report to the Works Committee on a detailed business case with respect to the Enwave investment.”

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE TORONTO NORTH COMMUNITY COUNCIL

Clause No. 4a - **“Request for Fence Exemption - 14 Breen Crescent (Ward 25 - Don Valley West)”**.

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Toronto North Community Council.

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE TORONTO SOUTH COMMUNITY COUNCIL

Clause No. 14b - **“Fort York Neighbourhood Public Realm Master Plan and Architectural Design Guidelines (Trinity-Spadina, Wards 19 and 20)”**.

City Council on May 18, 19 and 20, 2004, amended this Clause:

- (1) in accordance with the following recommendation of the Toronto South Community Council contained in the communication dated May 10, 2004, from the City Clerk:

“The Toronto South Community Council recommends that Council adopt changes to the draft Fort York Neighbourhood Public Realm Plan, received by Toronto South Community Council at its meeting of February 17, 2004, to reflect an alternative option for the reconstruction of Fleet Street substantially as shown in Attachments 1 and 2, contained in the report (May 3, 2004) from the Director, Community Planning, South District.”; and

- (2) by adding the following:

“That the supplementary report dated May 13, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘It is recommended that Council:

- (1) adopt the Fort York Neighbourhood Public Realm Master Plan, attached as Attachment 1 to this report;
- (2) authorize the City Solicitor, in consultation with the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services, to initiate amendments to any existing zoning by-laws for the site, as well as any agreements with the landowners, as may be necessary to achieve the intent of the Fort York Neighbourhood Public Realm Master Plan; and
- (3) authorize civic officials to undertake any other work to implement the policy directions outlined in the Fort York Neighbourhood Public Realm Master Plan, as may be necessary.’ ”

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 13b - “(i) Poll Results – Installation of Driveway Widening for Second Parking Space at 153 Cowan; and (ii) Request for an Exemption from Chapter 248 of the (former) City of Toronto Municipal Code (Ward 14 - Parkdale-High Park)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by deleting the recommendation of the Toronto West Community Council and inserting instead the following:

“That the report dated April 16, 2003, from the Manager, Right of Way Management, Transportation Services, District 1, as contained in the Clause, be adopted.”

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 8a - “Traffic Assessment - The Kingsway Neighbourhood (Ward 5 - Etobicoke-Lakeshore)”.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That:

- (1) Works and Emergency staff proceed with a formal traffic calming poll for residents on The Kingsway;
- (2) an all-way stop control be erected at the intersection of The Kingsway and King Georges Road and that an all-way stop control be erected at the intersection of The Kingsway and Kingsway Crescent;
- (3) an all-way stop control be erected at the intersection of The Kingsway and Craik Road/Usher Avenue;
- (4) a three-way stop control be erected at the intersection of The Kingsway and Government Road; and
- (5) the Commissioner of Works and Emergency Services be requested to report back to the Toronto West Community Council on the continuation of these new all-way stop controls after any implementation of traffic calming measures on The Kingsway.”

Clause No. 16a - **“Site Plan Bump Up Report - Site Plan Approval Application; Applicant: Medallion Properties Inc., Architect: Dietrich Boecker Architect, 1555 Jane Street (Ward 12 - York South-Weston)”**.

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

Clause No. 27a - **“Traffic Assessment - Edgemore Drive, Glenroy Avenue and Meadowvale Drive (Ward 5 - Etobicoke-Lakeshore)”**.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That staff proceed with the formal poll for traffic calming on Edgemore Drive, Glenroy Avenue and Meadowvale Drive.”

REPORT NO. 3 OF THE ADMINISTRATION COMMITTEE

Clause No. 2 - **“Greater Inclusiveness in the Annual Schedule of Meetings”**.

City Council on May 18, 19 and 20, 2004, amended this Clause:

- (1) to provide that the 2004 Schedule of Meetings be revised for November and December as shown in the attached Appendix, in order to avoid a conflict with the November 24 to 27, 2004 Federation of Canadian Municipalities (FCM) Board of Directors meeting; and
- (2) by adding the following:

“That City Council refrain from scheduling Council meetings that conflict with meetings of the Board of Directors of the FCM, for the balance of 2004 and in future years.”

(Note: a copy of the revised 2004 Schedule of Meetings is attached to this document.)

Clause No. 7 - **“Declaration as Surplus - 30 Regent Street (Ward 28 - Toronto Centre-Rosedale)”**.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the Chief Operating Officer of the Toronto Community Housing Corporation be requested to meet with the East Downtown Muslim Community to give consideration to the possibility of creating options for development of a mosque on other sites within the Regent Park Redevelopment Project.”

Clause No. 8 - “Option to Purchase Railway Lands Block 18C-Skydome Bus Parking Facility (Ward 20 - Trinity-Spadina)”.

City Council on May 18, 19 and 20, 2004, received this Clause and requested the City of Toronto Economic Development Corporation (TEDCO) to provide an extension to the City of Toronto on the option to purchase the Railway Lands Block 18C - Skydome Bus Parking Facility.

Clause No. 9 - “Proposed Permanent Easements and Crossing Agreement for a Proposed Water Main Project (Ward 24 - Willowdale, and Ward 39 - Scarborough-Agincourt)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by deleting the recommendations of the Administration Committee contained in the confidential communication dated May 3, 2004, from the City Clerk, and inserting instead the following:

“That the joint confidential report dated May 14, 2004, from the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services, be adopted, and that staff be directed to update the Administration Committee monthly on the outcome. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

‘It is recommended that:

- (1) Council communicate to the Province of Ontario, through the Chair of Management Board, the implications of changing the alignment of the proposed water main from the Finch hydro corridor to the Finch Avenue road allowance as summarized in this report;
- (2) Council request the Province of Ontario, through the Chair of Management Board, to expeditiously provide an easement for the water main in the Finch corridor with terms and conditions that do not pose unacceptable potential risk and open-ended cost to the City of Toronto; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 11 - “Status Report on the Proposed Sale - 590 Jarvis Street (Ward 27 - Toronto Centre-Rosedale)”.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That the supplementary report dated May 13, 2004, from the Commissioner of Corporate Services, containing the following recommendations, be adopted:

‘It is recommended that:

- (1) the Commissioner of Corporate Services be directed to offer 590 Jarvis Street for sale on the open market with Royal LePage Commercial Inc.;
- (2) costs associated with the operation, upkeep and security of the building located at 590 Jarvis Street, from May 12, 2004, until completion of a further sale, be paid from the deposit monies; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 19 - “Union Station - Request for Proposals – Negotiations with Union Pearson Group (Ward 28 – Toronto Centre - Rosedale)”.

City Council on May 18, 19 and 20, 2004, amended this Clause:

- (1) by deleting the recommendation of the Administration Committee and inserting instead the following:

“That the supplementary confidential report dated May 19, 2004, from the Commissioner of Corporate Services, be adopted. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information which is subject to solicitor-client privilege:

‘It is recommended that:

- (1) City Council approve the transaction with Union Pearson Group, essentially on the terms and conditions outlined in this report; and
- (2) appropriate City staff be authorized and directed to take all necessary actions to give effect thereto.’ ”;
- (2) to provide that the terms of the proposed agreement be amended to define the terms “Master Plan” and “Master Plan Review” to clarify that the review is the process approved by Council by the adoption of Report No. 3 of The Planning and Transportation Committee, Clause No. 1, headed “Application to Amend Zoning By-law No. 168-93, 61-71 Front Street West, (Union Station), City of Toronto (Ward 28 - Toronto Centre-Rosedale)”, and that the Master Plan is the result of that process; and
- (3) by adding the following:

“That the supplementary report dated May 20, 2004, from the Commissioner of Corporate Services, containing the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council approve the Master Agreement attached hereto as Appendix 2; and
- (2) appropriate City staff be authorized and directed to take all necessary actions to give effect thereto.’ ”

Clause No. 22 - “2004 Insurance Program Renewal”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the supplementary confidential report dated May 19, 2004, from the Chief Financial Officer and Treasurer, be adopted. This report remains confidential in its entirety, in accordance with the provisions of the Municipal Act, as it contains confidential instructions to staff.”

Clause No. 32 - “Declaration as Surplus - An Additional Portion of 150 Borough Drive and Status of Negotiations Respecting the Land Exchange (Ward 38 – Scarborough Centre)”.

City Council on May 18, 19 and 20, 2004, amended this Clause in accordance with the following recommendations of the Toronto East Community Council contained in the communication dated May 5, 2004, from the City Clerk:

“The Toronto East Community Council recommends that:

- (1) Recommendation No. (2) in the report (April 23, 2004) from the Commissioner of Corporate Services, be deleted and the following inserted instead:
 - ‘(2) direct Planning staff to ensure that an updated zoning regimen for the Civic Centre complex, including appropriate parking standards, be determined and recommended for implementation in conjunction with the formal planning processes associated with any proposal to develop the Civic Centre lands identified in this and previous reports as lands to be declared surplus;’; and
- (2) the following Recommendation No. (5) be added:
 - ‘(5) that in the event that Council approves a land exchange as a result of these ongoing negotiations, the proceeds of the transaction be allocated to improvements to the Civic Centre Complex.’ ”

Clause No. 35 - **“Expropriation of a Portion of 1251 Tapscott Road - McNicoll Avenue Extension Project (Ward 42 - Scarborough-Rouge River)”**.

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Administration Committee for further consideration.

REPORT NO. 3 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 1 - **“Application by the Bloor-Yorkville Business Improvement Area for a ‘Tourist Area’ Exemption from the *Retail Business Holidays Act* (Ward 27 Toronto Centre-Rosedale)”**.

City Council on May 18, 19 and 20, 2004, amended this Clause to provide that Christmas Day be excluded from the “Tourist Area” Exemption from the *Retail Business Holidays Act*.

Clause No. 2 - **“Archaeological Master Plan - Interim Report (All Wards)”**.

City Council on May 18, 19 and 20, 2004, amended this Clause to provide that the Parson’s Site, located directly south of York University, be included in the Black Creek Area to be considered in the Archaeological Master Plan.

Clause No. 16 - **“Parking Revenue Increase Options”**.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That:

- (1) Option 1, entitled ‘Increasing Parking Tag Enforcement Revenues by Eliminating the Voluntary Payment Amount for Parking Fines’, be adopted;
- (2) the 2004 Parks and Recreation revenue budget be reduced by \$996,400.00 for parking charges in parks, and replaced with a commensurate increase in the Parking Tag Enforcement and Operations (non-program) Revenue, the reduction to be achieved by approving the following:
 - (a) the voluntary payments for all Parking Offences be eliminated;
 - (b) the set fine amount for Meter Offences be reduced from \$30 to \$20; and
 - (c) the set fine amount for No Parking Offences be increased from \$30 to \$40;
- (3) the Budget Advisory Committee be directed to consider, in the 2005 budget deliberations, an increase of \$4 million in the Parks budget to be dedicated to restoring the turf quality of the parks, such funding to come from the increase in parking revenues;

- (4) the Chief Financial Officer and Treasurer be requested to report to the Planning and Transportation Committee on the feasibility of establishing additional 'First Appearance Centres'; and
- (5) the City Solicitor be directed to apply to the Senior Regional Justice of Ontario Court of Justice in regard to the revised fine levels and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

REPORT NO. 3 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 2 - "Amendments to Municipal Code Chapter 447 Fences, and Chapter 441, Fees".

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

Clause No. 3 - "Pedicabs in the City of Toronto".

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) deleting Recommendation No. (I)(6) of the Planning and Transportation Committee and inserting instead the following:

“(I)(6) Chapter 545 be further amended to require that all pedicab drivers and owners hold a valid Ontario driver’s licence and be required to produce it when requested to do so, as prescribed under the *Highway Traffic Act*, and to produce it to a City of Toronto By-law Enforcement Officer upon request;”; and

- (2) adding the following:

“That Chapter 545 be further amended to prohibit pedicabs on sidewalks.”

Clause No. 4 - "Protocol for Enforcement of Property Standards and Other By-laws in Residential Rental Apartment Buildings".

City Council on May 18, 19 and 20, 2004, amended this Clause by amending Appendix 'A', entitled "Protocol for Enforcement of Property Standards and Other By-laws in Residential Rental Apartment Buildings", attached to the report dated April 5, 2004, from the Commissioner of Urban Development Services, as follows:

- (1) by amending the preamble:
 - (a) by inserting the following new recital between the third and fourth recitals:

“And Whereas there may be circumstances in which co-operation between the tenant and the landlord does not exist;” and

- (b) by adding the following new recital:

“And Whereas there are circumstances which require that enforcement be done on a proactive, rather than a complaint basis. Examples of such circumstances include buildings with a history of non-compliance with standards or repeated concerns about deficient maintenance or management.”;

- (2) by inserting the words “and to provide options for enforcing Chapter 629 in a proactive way” at the end of the first sentence under “Purpose”, so that this section shall now read as follows:

“Purpose:

To define the procedure for the handling of complaints by tenants concerning possible violations to the Code and in particular, Chapter 629 (Property Standards) of the Code as it relates to residential apartment buildings and to provide options for enforcing Chapter 629 in a proactive way. A separate protocol is applicable to the enforcement of property standards in properties owned by the Toronto Community Housing Corporation.”;

- (3) by amending the seventh paragraph under “Making a Complaint” to read as follows:

“Where there appears to be legitimate concerns regarding communication, the Municipal Licensing and Standards Officer will take the complaint.”; and

- (4) by adding a new section, after the section entitled “Making an Inspection”, as follows:

“Proactive Enforcement:

In circumstances where a building has a history of non-compliance or inadequate maintenance, the Municipal Licensing and Standards Officer, in consultation with the Ward Councillor, shall initiate a proactive mechanism for enforcement which is intended to achieve compliance on an ongoing basis, rather than relying on the complaint mechanism.”

Clause No. 5 - "Protocol for Enforcement of Property Standards in Toronto Community Housing Corporation-Owned Buildings".

City Council on May 18, 19 and 20, 2004, amended this Clause:

- (1) to provide that Council adopted the recommendations of the Planning and Transportation Committee, in principle; and
- (2) by adding the following:

"That:

- (a) the Commissioner of Urban Development Services, in consultation with the Toronto Community Housing Corporation, be requested to report back to Council, through the appropriate Committees, by the end of September 2004, on the implementation, including the staffing and budgetary implications embodied in the recommendations, and the role that the Toronto Community Housing Corporation has in enforcing property standards, and that such report also be forwarded to the Board of Directors of the Toronto Community Housing Corporation; and
- (b) a copy of this Clause be forwarded to the Board of Directors of the Toronto Community Housing Corporation."

Clause No. 7 - "Budgetary and Staffing Implications of City Council's Amendments to the Revised Organization Structure for the Committee of Adjustment, August 14, 2003 (All Wards)".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

"That the Chief Administrative Officer be requested to forward the outstanding report on remuneration for appointees to the City's Agencies, Boards and Commissions to the Policy and Finance Committee for its July 8, 2004 meeting for submission to City Council no later than its July 20, 2004 meeting."

Clause No. 9 - "Delegation of Authority to Instruct the City Solicitor on Litigation Court Proceedings Relating to Municipal Licensing and Standards Issues".

City Council on May 18, 19 and 20, 2004, amended this Clause by inserting in Recommendation (i) contained in the joint report dated March 17, 2004, from the Commissioner of Urban Development Services and the Solicitor, after the words "Executive Director of Municipal Licensing and Standards ('MLS')", the words "in consultation with the Ward Councillor", so that such recommendation shall now read as follows:

- “(i) the Executive Director of Municipal Licensing and Standards (‘MLS’), in consultation with the Ward Councillor, be authorized to instruct the Legal Division on litigation court proceedings relating to the enforcement of the City’s municipal standards and licensing by-laws and the City’s zoning by-laws;”.

REPORT NO. 4 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 3 - “Tax Arrears - 103 and 111 Ingram Drive (Ward 12 - York South-Weston)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That:

- (1) the Executive Director of Municipal Licensing and Standards be requested to investigate whether the primary use on the site is a transfer station and, if not, to determine and report back on the primary use on the site to Council, through the Policy and Finance Committee;
- (2) By-law Enforcement staff be directed to investigate possible violations of the Zoning By-law related to the outside storage of prohibited materials, both source separated or non-source separated, in an M3 zone in general and on a transfer station site, in particular at this site, and if violations are present, to take appropriate and immediate enforcement action; and
- (3) the Chief Administrative Officer be requested to report to the Administration Committee, within six months, on the prompt and potential transfer of the site to TEDCO, in the event that the tax sale proceedings are unsuccessful.”

REPORT NO. 3 OF THE WORKS COMMITTEE

Clause No. 2 - “Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste – Request for Qualifications No. 9155-04-7021”.

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Works Committee for a Special Meeting to be held at the Call of the Chair, in order to brief Council Members and to allow for an opportunity to communicate with the Ministry of the Environment, and for report to the next meeting of Council on June 22, 2004.

Clause No. 3 - "Getting to 60% Diversion and Beyond Report".

City Council on May 18, 19 and 20, 2004, amended this Clause by amending Recommendation No. (1) contained in the report dated April 21, 2004, from the Commissioner of Works and Emergency Services, to now read as follows:

- “(1) Council approve the principle that the initiatives in the attached Getting to 60% Diversion and Beyond Report will need to be approved if the City is to achieve 60% waste diversion.”

Clause No. 5 - "Drain Grant Appeal - 69 Craydon Avenue (Ward 11 - York South-Weston)".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the owner of 69 Craydon Avenue consult with the appropriate City staff to discuss documentation.”

Clause No. 8 - "Execution of a Release for the Cured-in-Place Sanitary Sewer Rehabilitation Project Within G. Ross Lord Park (Ward 8 - York West)".

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

Clause No. 14 - "Feasibility of Installing a Pedestrian Crossover or Traffic Control Signals at Midland Avenue and Havendale Road (Ward 41 – Scarborough-Rouge River)".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the Commissioner of Works and Emergency Services report to the Works Committee on September 8, 2004, on the following matters related to speed humps, crosswalks, stop signs and stop lights:

- (1) the number that were requested by individual Councillors in 2003;
- (2) the number that were approved that met the warrants in 2003;
- (3) the number that did not meet the warrants and were approved in 2003; and
- (4) the number that were installed in 2003.”

Clause No. 17 - "Alternate Side Parking - Changeover Times and Grace Periods - Follow-up Report".

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

Clause No. 20 - "Road Salts Partnership".

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Works Committee for further consideration at its meeting on June 2, 2004.

Clause No. 21 - "Toronto Pedestrian Committee - Terms of Reference".

City Council on May 18, 19 and 20, 2004, amended this Clause by revising the Terms of Reference of the Pedestrian Committee contained in the communication dated February 25, 2004, from the City Clerk, to provide that the Committee will be composed of up to 18 members; and that up to two Members of Council will be appointed.

Clause No. 23 - "Approval of Long-Term Initiative to Improve Management of Subsurface Space in the Road Allowance".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

"That:

- (1) the Commissioner of Works and Emergency Services be requested to report annually to the Works Committee on changes in technology, and any other changes, that would impact on subsurface installations and potential policy adjustments that may be required to accommodate these changes; and
- (2) in consultation with the Commissioners of Urban Development Services and Economic Development, Culture and Tourism, all steps and conclusions of this initiative favourably consider and achieve the importance and maximization of the subsurface space to protect and enhance:
 - (a) successful tree plantings (present and future);
 - (b) soft landscaping (to achieve Wet Weather Flow Master Plan objectives); and
 - (c) other urban design objectives."

Clause No. 27 - "Ashbridges Bay Treatment Plant, Plant-Wide Heating System- Phase 2, RFP No. 9155-03-7268 (Ward 32 – Beaches-East York)".

City Council on May 18, 19 and 20, 2004, amended this Clause by deleting Recommendation No. (2) contained in the joint report dated April 27, 2004, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, and inserting instead the following new Recommendation No. (2):

- "(2) project cost of \$16,433,122.00 be approved, with 2004 cash flow of \$1,400,000.00 and future year commitments of \$12,000,000.00 in 2005, and \$3,033,122.00 in 2006."

JOINT REPORT NO. 1 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE AND THE WORKS COMMITTEE

Clause No. 1 - "Implementation of the City's Pesticide By-law".

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) deleting the joint recommendations of the Economic Development and Parks Committee and the Works Committee and inserting instead the following:

"That Council adopt the following recommendations of the Board of Health contained in the communication dated February 24, 2004, from the Secretary, the Board of Health, subject to the education-only phase of the by-law being extended to September 1, 2007, for homeowners, so that no tickets will be issued against homeowners during this period; from January 1, 2007, to August 31, 2007, warnings will be issued to homeowners who do not comply with the by-law:

"The Board of Health recommends adoption of the attached reports:

- (1) (February 10, 2004) from the Chief Administrative Officer, headed "Pesticide By-law Advisory Committee Report to Assist in the Implementation of the City's Pesticide By-law"; and
- (2) (February 6, 2004) from the Medical Officer of Health, headed "Implementation of the Pesticide By-law"; and

- (2) adding the following:

"That:

- (a) as products to control pests and weeds are approved or evaluated by Health Canada, the Acting Medical Officer of Health be requested to report to the Board of Health and Council on whether these products would be appropriate for use in the City of Toronto, and the Acting Medical Officer of Health and the Board of Health be requested to report to Council with criteria by which 'appropriate' pesticides would be determined, such criteria to require Council approval;
- (b) the Roundtable on Seniors be requested to examine ways to assist seniors with the implementation of natural lawn and garden care;
- (c) the Chief Administrative Officer be requested to arrange annual seminars in all four districts, as well as in individual Wards where requested by local Councillors, on how to maintain healthy lawns and gardens without pesticides;
- (d) the Commissioner of Economic Development, Culture and Tourism be requested to report to the Economic Development and Parks Committee on strategies to achieve beautiful pesticide-free parks, using examples of best practices from such cities as Montreal, Halifax and Waterloo;

- (e) the appropriate City staff be directed to make available to the public promotional material on corn gluten meal and other organic products that contribute to a healthy lawn and control dandelions, crabgrass and other common weeds;
- (f) the Chief Administrative Officer be requested to ensure that the following reports, previously requested of staff, be submitted to the same meeting of City Council before the end of 2004:
 - (i) from the Acting Medical Officer of Health:
 - (1) options for requiring users of non-exempt pesticides to post signs detailing the use of such pesticides 24 hours prior to, and four (4) days after, application of the pesticide; and
 - (2) options for a notification system requiring owners to notify the City of their intention to apply non-exempt pesticides; and
 - (ii) from the Chief Administrative Officer:
 - (1) the Acting Medical Officer of Health, in consultation with the Commissioner of Economic Development, Culture and Tourism report back to the Board of Health, by April 2005, on specific action thresholds for the most common weeds and insect pests; this report to consider seasonal factors and any newly developed amendments to action thresholds; further, that a review of action thresholds proposed or in use in other jurisdictions, including Ontario Ministry of Agriculture and Food (OMAF) be conducted and consolidated into the range of existing action thresholds;
 - (2) the Acting Medical Officer of Health continuously review new products that could be added to the exempt product list in the Pesticide By-law, taking into account any products that Health Canada deems as reduced risk, and make recommendations to the Board of Health, if appropriate, as they emerge or on an ongoing basis; and
 - (3) the Commissioner of Economic Development, Culture and Tourism report to the Economic Development and Parks Committee on the cost of implementing a full Integrated Pest Management (IPM) program for city parklands within six months, and any recommendations be included in the 2005 budget submission; and

- (g) the following motions be referred to the Acting Medical Officer of Health for report back at the same time as the other outstanding pesticide issues:

Moved by Councillor Hall:

‘That the Clause be amended:

- (1) to provide that:
 - (a) dandelions be included in the definition of “infestation” which includes residential lawns, and staff be requested to develop action thresholds; and
 - (b) preventative procedures be established for fruit trees that will include the use of pesticides, where necessary, to ensure the health of the trees;
- (2) by adding the words “except for dandelions” to guiding principle (3); and
- (3) by adding the following:

“That the Federal Government and the Ontario Ministry of Agriculture be requested to address the following issues:

- (a) the availability of pesticides and the ability of the public to purchase them;
- (b) the availability of biological or non-chemical weed control products;
- (c) the use of pesticides by the agricultural industry and the regulations which govern such usage; and
- (d) the federal regulation of usage of pesticides throughout the Greater Toronto Area.”

Moved by Councillor Lindsay Luby:

‘That:

- (1) the Clause be amended:
 - (a) to provide that golf courses, lawn bowling greens and cemeteries be exempt from the pesticide by-law, provided that these industries use Integrated Pest Management practices; and
 - (b) by adding the following:

“That a Toronto Weed Pickers for Seniors (TWPS) Program be established in the same manner as the snow clearing program for seniors.”;’.”

REPORT NO. 4 OF THE TORONTO NORTH COMMUNITY COUNCIL

Clause No. 2 - “Request for Approval of a Variance from the Former City of North York Sign By-law No. 30788, as amended, for the Erection of a Projecting Sign on the Jolly Miller Tavern at 3885 Yonge Street (Ward 25 - Don Valley West)”.

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Toronto North Community Council, in accordance with the following recommendation contained in the supplementary report dated May 14, 2004, from the City Solicitor:

“It is recommended that Clause No. 2 of Report No. 4 of The Toronto North Community Council be referred back to the Toronto North Community Council for further consideration, at such time as the proposed signage is approved by the Commissioner of Corporate Services and the business name is approved by the Commissioner of Economic Development, Culture and Tourism, pursuant to the provisions of the existing lease.”

Clause No. 20 - “Site Plan Control Application - TB SPC 2001 0077 - Revival Time Tabernacle - 4340 Dufferin Street (Ward 8 - York West)”.

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

REPORT NO. 4 OF THE TORONTO SOUTH COMMUNITY COUNCIL

Clause No. 4 - "Draft By-laws – Official Plan Amendment and Rezoning - 456-460 Shaw Street (Trinity – Spadina, Ward 19)".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the supplementary report dated May 17, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘In addition to the recommendations in the Final Report, dated April 16, 2004, it is further recommended that:

- (1) the vent/opening at the south and west end of the parking area be relocated in a northerly direction. The newly relocated vent/opening will be one metre wide and be adjacent to the integral garage on lot 1;
- (2) the portion of the privacy fence that is proposed to run along the side walls of the building at 454 Shaw Street and the townhouse unit on lot 7 be eliminated and replaced with a gate at both ends;
- (3) an easement be registered on title to give the owner of the property at 454 Shaw Street access to the approximately 0.8 metre wide strip that will be created with the elimination of the fence in Recommendation No. (2);
- (4) the owner lay gravel on the 0.8 metre wide strip for ease of maintenance;
- (5) the roof deck be eliminated for the townhouse unit on lot 7;
- (6) the roof decks for the townhouse units on lots 8-13 be set back 2 metres on the Shaw Street frontage to prevent overlook onto Shaw Street;
- (7) the owner submit revised plans reflecting the changes to the development made in Recommendations Nos. (1) to (6) and that the changes be secured as part of Site Plan approval pursuant to Section 41 of the *Planning Act*;
- (8) at his own expense, the owner consult with the owner of the property at 454 Shaw Street to develop and implement a plan to mitigate the impact of construction on the front yard of the property at 454 Shaw Street; and
- (9) the owner agree to restrict the hours of construction during the initial phase which shall consist of the excavation of the site, the pouring of concrete for the foundations and the framing for the buildings to 7:30 a.m. to 7:00 p.m.’ ”

Clause No. 9 - **“Request by Concord Adex Developments Corp. - Development Levies at 325/341 Bremner Blvd. (Block 20/23) (Trinity-Spadina, Ward 20)”**.

City Council on May 18, 19 and 20, 2004, received this Clause.

Clause No. 19 - **“Installation of Speed Humps - Glenside Avenue, between Walpole Avenue and Gerrard Street East (Toronto-Danforth, Ward 30)”**.

City Council on May 18, 19 and 20, 2004, deferred consideration of this Clause to the next regular meeting of City Council on June 22, 2004.

Clause No. 21 - **“Installation of Lay-by in the Vicinity of Premises No. 750 Spadina Avenue (Trinity-Spadina, Ward 20)”**.

City Council on May 18, 19 and 20, 2004, amended this Clause by deleting the recommendation of the Toronto South Community Council and adopting instead the recommendation contained in the report dated April 22, 2004, from the Director, Transportation Services, South District, to receive the report for information.

Clause No. 27 - **“Ontario Municipal Board Hearing - 511 Bremner Boulevard; 2 and 20 Housey Street; 20, 22A and 24 Bathurst Street (Trinity-Spadina, Wards 19 and 20)”**.

City Council on May 18, 19 and 20, 2004, referred this Clause back to the Toronto South Community Council and requested the City Solicitor to report further to the Toronto South Community Council on this matter.

Clause No. 28 - **“Requests for Endorsement of Events for Liquor Licensing Purposes”**.

City Council on May 18, 19 and 20, 2004, amended this Clause by amending the recommendations of the Toronto South Community Council as follows:

(1) adding the following Parts (i), (j) and (k) to Recommendation No. (1):

“(i) ‘Inti Rami’ festival to be held on June 26 and 27 at Christie Pits;

(j) Eurocup Celebration hosted by Café Diplomatic, to be held on July 4, 2004, on Clinton Street from the north side of College Street to the first laneway, from 1:00 p.m. to 11:00 p.m.; and

(k) Portugal Week Festival to be held June 5 and 6, 2004, at Trinity Bellwoods Park;” and

(2) adding the following Part (f) to Recommendation No. (5):

“(f) MuchMusic Video Awards After Gala to be held on Sunday, June 20, 2004, from 11:00 p.m. to 4:00 a.m., at The Courthouse, 10 Court Street and the Liberty Grand;”;

(3) adding the following new Recommendation No. (7):

“(7) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request of the Executive Director, 519 Church Street Community Centre for a beer garden in Cawthra Park (wading pool area and north side of 519 Church Street) on June 26, 2004, from 3:00 p.m. to 10:00 p.m., and on June 27, 2004, from 1:00 p.m. to 10:00 p.m., in conjunction with the Toronto Pride Celebrations, and has no objection to the granting of the request;”;

(4) adding the following new Recommendation No. (8):

“(8) declare the 36th Annual CHIN International Picnic, to be held at Exhibition Place from July 1 to 3, 2004, to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to its taking place, nor to the granting of a teletheatre licence to Woodbine Entertainment from noon to 10:00 p.m. from July 1 to 3, 2004, inclusive, on the CNE Grounds in the Better Living Centre, in conjunction with the picnic;” and

(5) adding the following new Recommendation No. (9):

“(9) advise the Alcohol and Gaming Commission of Ontario that it is aware of the request of the Church-Wellesley Village BIA to extend the service boundaries of all licensed establishments within the Church-Wellesley Village BIA area to the sidewalk, every Sunday from July 4, 2004, to September 5, 2004, inclusive, in conjunction with the Church Street Sunday street closures, and has no objection to the granting of the request.”

Clause No. 29 - “Summer Weekday Service to Cherry Street and Rochester Ferry”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the Commissioner of Economic Development, Culture and Tourism, in consultation with the Waterfront Secretariat and any other appropriate officials, be requested to prepare recommendations regarding the taxi stand to service the ferry terminal and report to the Planning and Transportation Committee or the Works Committee, as appropriate.”

Clause No. 50 - “Temporary Road Occupation to Accommodate Construction Staging Area - Premises No. 1 St. Thomas Street (Toronto Centre-Rosedale, Ward 27)”.

City Council on May 18, 19 and 20, 2004, adopted the following:

“That the report dated April 19, 2004, from the Director, Transportation Services, South District, as contained in the Clause, be adopted, subject to:

- (1) replacing all references to ‘Charles Street’ in Recommendations Nos. (1) to (6), with ‘Charles Street West’;
- (2) increasing the student pick-up/drop-off (10 minute parking) zone for The Lycee Francais de Toronto, on the north side of Charles Street West, from four (4) parking spaces to eight (8) parking spaces; and
- (3) deleting from Recommendations Nos. (4) and (5), the number ‘22.0’ and inserting instead the number ‘44.0’, so that such recommendations shall now read as follows:
 - ‘(4) a 10-minute maximum parking regulation be implemented between 8:00 a.m. and 4:00 p.m., Monday to Friday, on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west to facilitate a student pick-up/drop-off zone;
 - (5) the “No Parking, 7:30 a.m. to 9:30 a.m., Monday to Friday” regulation on the north side of Charles Street West, between a point 15 metres west of St. Thomas Street and 44.0 metres further west, be rescinded;’.”

REPORT NO. 4 OF THE TORONTO WEST COMMUNITY COUNCIL

Clause No. 1 - “Operational Implications of Using Etobicoke Civic Centre or York Civic Centre for Future Toronto West Community Council Meetings”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the Commissioner of Corporate Services be requested to bring forward to the Administration Committee the existing policy with respect to rotation of meetings.”

Clause No. 16 - “Designation of Our Lady of Light Annual Festival as a Community Festival (Ward 12 - York South-Weston)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That Council, for Liquor licensing purposes, declare the Maltese Annual Mnarja Festival to be held on June 27, 2004 at Runnymede Park, to be a community festival of municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the event taking place.”

Clause No. 17 - “Designation of St. Mary of the Angels Festival as a Community Festival (Ward 17 – Davenport)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding the following:

“That the following events be declared community festivals of municipal significance and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to these events taking place:

- (1) North Islington Seniors’ Festival to be held on August 8, 2004, at Plunkett Park from 8:00 a.m. to 12:00 p.m.; and
- (2) Emery Village Citizens Festival to be held on August 22, 2004, at Lindylou Park from 8:00 a.m. to 12:00 p.m.”

Clause No. 21 - “Application for a Major Fence Encroachment Agreement 1 Athlone Drive (Ward 5 - Etobicoke-Lakeshore)”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding to Recommendation No. (1) of the Toronto West Community Council, the words “and the Manager, Municipal Licensing and Standards, West District, be directed to negotiate a one-time fee for the encroachment agreement”, so that such recommendation shall now read as follows:

- “(1) the request for a fence encroachment agreement be granted subject to compliance with the Fence By-law, currently under review and the Manager, Municipal Licensing and Standards, West District, be directed to negotiate a one-time fee for the encroachment agreement;”.

Clause No. 29 - “Other Items Considered by the Community Council”.

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) waiving the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (e), entitled “Committee of Adjustment – 36-38 Evelyn Avenue (Ward 13 – Parkdale-High Park)”; and

(b) adopting the following Motion:

“WHEREAS the community on Evelyn Avenue have appealed a decision from the Committee of Adjustment to legalize an illegal basement apartment in the triplex at 36-38 Evelyn Avenue, to the Ontario Municipal Board; and

WHEREAS the community is comprised largely of single family homes; and

WHEREAS the increased density that occurs from a triplex can create problems with parking, traffic, street safety and noise; and

WHEREAS the current absentee landlord situation can create potential problems with property maintenance such as snow removal, leaf removal and solid waste collection; and

WHEREAS the landlord should never have allowed tenants to inhabit the illegal and potentially unsafe rental unit prior to receiving the proper approvals; and

WHEREAS when making its decision, the Committee of Adjustment based its reason for approval on the owner’s claim that the home was purchased with the basement already finished; however, members of the community allege this was not the case and the basement was actually unfinished;

NOW THEREFORE BE IT RESOLVED THAT the City send a City Solicitor and an outside planner to the Ontario Municipal Board on June 2, 2004, to represent the views of the community.”

City Council received the balance of the Clause as information.

REPORT NO. 3 OF THE AUDIT COMMITTEE

Clause No. 1 - “Review of the Implementation of Recommendations of the Final Report of the Task Force on Community Access and Equity”.

City Council on May 18, 19 and 20, 2004, amended this Clause by adding to Recommendation No. (3) of the Audit Committee, the words “and the Auditor General be requested to consider including the Audit in his workplan”, so that such recommendation shall now read as follows:

“(3) the Audit for this term of Council begin and be completed by the end of this term of Council and the Auditor General be requested to consider including the Audit in his workplan.”

Clause No. 4 - "Ernst and Young Report - Audit Results – Year ended December 31, 2003".

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) inserting in the first Operative Paragraph in Recommendation No. (2) of the Audit Committee, after the words "Be it resolved that", the words "in accordance with the Audit protocol", so that such Operative Paragraph shall now read as follows:

"Be it resolved that, in accordance with the Audit protocol, the Chief Financial Officer and Treasurer review and report to the Audit Committee, on October 19, 2004, on the amounts outstanding and what aggressive collection procedures, including the use of collection agencies etc., can be implemented to collect these funds before any write-off; and"; and

- (2) adding the following:

"That:

- (a) the Chief Administrative Officer and the Chief Financial Officer and Treasurer, in preparation of the 2005 budget process, be requested to review the budgets of the departments, agencies, boards and commissions, and give consideration to actual service levels and staff resources required, not on approved 2004 base budgets, as a starting point; and
- (b) the final 2005 budget presentation/documentation to City Council will include the most current 2004 actual costs by program."

Clause No. 5 - "2003 Audited Consolidated Financial Statements".

City Council on May 18, 19 and 20, 2004, amended this Clause by:

- (1) inserting in the first Operative Paragraph in Recommendation No. (2) of the Audit Committee, after the words "Now therefore be it resolved that", the words "in accordance with the Audit protocol", so that such Operative Paragraph shall now read as follows:

"Now therefore be it resolved that, in accordance with the Audit protocol, the Chief Financial Officer and Treasurer review and report to the Audit Committee, at its meeting to be held on October 19, 2004 on:"; and

- (2) referring Recommendation No. (3) of the Audit Committee to the Policy and Finance Committee for further consideration.

REPORT NO. 5 OF THE STRIKING COMMITTEE

Clause No. 2 - "Appointment of Member of Council to the Pedestrian Committee".

City Council on May 18, 19 and 20, 2004, amended this Clause by adding Councillor Saundercook as a Member of the Pedestrian Committee.

NOTICES OF MOTION APPEARING UNDER ITEM F

F(1) Proposal to Make Used City of Toronto Information Technology Equipment (Personal Computers, Printers and Other Equipment) Available to PEN Canada for Support of ‘Writers in Exile’

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Walker

“**WHEREAS** Deputy Mayor Bussin, on behalf of Mayor David Miller, attended the conference ‘Building a Writers in Exile Network’, hosted by PEN Canada and PEN Quebec; and

WHEREAS the mandate of the conference was to seek Canadian municipal support and resources for the building of a writers in exile network in Canadian cities; and

WHEREAS an important component of support for refugee writers to continue their invaluable work of conscience, is to provide the tools with which to do so; and

WHEREAS the City of Toronto does dispose of used computer equipment that could be used by writers in exile, who can ill afford to purchase comparable equipment to continue their work; and

WHEREAS it is appropriate that the City of Toronto take a lead role in supporting exiled writers, as a great many exiled writers supported by PEN Canada live in Toronto, and many of Canada’s foremost authors live in, and around, the City Toronto;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct the Commissioner of Corporate Services to arrange for PEN Canada to have the opportunity to acquire disposed of City of Toronto computer equipment appropriate to support writers in exile.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to amending the Operative Paragraph to read as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services be requested to report to the next meeting of the Administration Committee on whether PEN Canada can have the opportunity to acquire disposed of City of Toronto computer equipment appropriate to support writers in exile.”

NOTICES OF MOTION APPEARING UNDER ITEM I

I(1) Request for Report - Traffic Studies at Signalized and Non-Signalized Intersections Along St. Clair Avenue West (Ward 17, Davenport)

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“**WHEREAS** Report No. 1 of The Works Committee, as adopted by City Council on February 4, 5 and 6, 2003, headed ‘Feasibility of a Reserved Streetcar Right-of-Way on St. Clair Avenue (Wards 11, 17, 21 and 22)’, indicated there may be significant impacts to traffic patterns on streets adjacent to St. Clair Avenue West, as a result of restricting left turns at most signalized and non-signalized intersections; and

WHEREAS many members of the St. Clair Avenue West and Davenport community have serious concerns about this prospect;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the April 28, 2004 meeting of the Works Committee with up-to-date traffic studies for all signalized and non-signalized intersections along St. Clair Avenue West in Ward 17;

AND BE IT FURTHER RESOLVED THAT the report include the number of cars making left turns, right turns and continuing straight through these intersections in the morning rush hour, evening rush hour and during the day.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to:

(1) *deleting the two Recitals and inserting instead the following:*

“WHEREAS an ongoing Environmental Assessment is underway on St. Clair Avenue West to study potential ‘transit improvements’ to the street;”; and

(2) *deleting from the first Operative Paragraph, the words “the April 28, 2004 meeting of the Works Committee”, and inserting instead the words “the June 29, 2004 meeting of the Works Committee”, so that such Operative Paragraph shall read as follows:*

“NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the June 29, 2004 meeting of the Works Committee with up-to-date traffic studies for all signalized and non-signalized intersections along St. Clair Avenue West in Ward 17;”.

I(2) Payment of Outstanding Hydro Charges – 200 Madison Avenue

Moved by: Councillor Chow

Seconded by: Councillor Walker

“WHEREAS on May 21, 22, and 23, 2003, Council approved the report titled ‘Outstanding Hydro Charges - Various Non-Profit Agencies’ which approved funding for payment of the outstanding Hydro bill and part of the go-forward costs of Chill Out and Furniture Bank, the two occupants of 200 Madison Avenue; and

WHEREAS in October 1999, the Property Management Committee allocated 200 Madison Avenue for use as affordable housing; and

WHEREAS Let’s Build has established that development of 200 Madison Avenue is expected to begin on October 1, 2004; and

WHEREAS Chill Out and Furniture Bank have been informed that they will be expected to vacate the premises when development activity begins;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Community and Neighbourhood Services be authorized to draw on appropriate sources of funding, including the Mayor’s Homeless Initiatives Fund, up to a maximum of \$25,000.00, for the payment of Hydro costs at 200 Madison Avenue until September 30, 2004;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services be directed to notify the tenants of 200 Madison Avenue that they must vacate the premises by September 30, 2004.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

NOTICES OF MOTION APPEARING UNDER ITEM J

J(1) Urban Design Improvement Plan - Gerrard Street East, between the Don River and Coxwell Avenue

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“WHEREAS the Toronto Transit Commission is implementing a track replacement program on Gerrard Street East, between May and October, 2004; and

WHEREAS there is a serious need for revitalization of the business communities located on Gerrard Street East in the proposed study area; and

WHEREAS efficiencies might be achieved by folding some improvements into the 2004 track replacement program, as well as developing longer term solutions;

NOW THEREFORE BE IT RESOLVED THAT an Urban Design Improvement Plan for Gerrard Street East, between the Don River and Coxwell Avenue, be developed by the Commissioner of Urban Development Services;

AND BE IT FURTHER RESOLVED THAT the Urban Design Improvement Plan develop short and long-term plans for revitalization of Gerrard Street East within the study area and, where practicable, elements of the plan that can be implemented during the 2004 Gerrard Street East track replacement program should be fast-tracked;

AND BE IT FURTHER RESOLVED THAT the Urban Design Improvement Plan be developed in consultation with the local City Councillor, Parks and Recreation, representatives of affected business communities, including the Chinatown East Chamber of Commerce, the Gerrard India Bazaar, Gerrard Square and the South Riverdale Revitalization Project, and interested local residents.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to deleting from the second Operative Paragraph the words “and, where practicable, elements of the plan that can be implemented during the 2004 Gerrard Street East track replacement program should be fast-tracked.”, so that such Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the Urban Design Improvement Plan develop short and long-term plans for revitalization of Gerrard Street East within the study area.”

J(2) Request for Permission to Install a Plaque to Honour Mr. Ed Mirvish

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

“WHEREAS Mr. Ed Mirvish will be celebrating his ninetieth birthday on July 24, 2004; and

WHEREAS Mr. Mirvish’s numerous accomplishments and contributions are well known in the City of Toronto - among his lasting contributions are founding Canada’s first discount retail establishment in 1940, saving the Royal Alexandra Theatre from demolition in 1963, building the Princess of Wales Theatre in 1993 and developing Mirvish Village outside Honest Ed’s at 581 Bloor Street West; and

WHEREAS Mr. Mirvish has officially been proclaimed Toronto's *Good Will Ambassador* and has been awarded the Key to Toronto, in recognition of his many accomplishments and contributions; and

WHEREAS on the occasion of Mr. Mirvish's birthday, an annual public celebration is held in his honour, with the day being proclaimed 'Ed Mirvish Day' by Toronto's Mayor, and in addition to this summer celebration, Mr. Mirvish also conceived and instituted a well known public Christmas tradition at Honest Ed's; and

WHEREAS the friends and family of Mr. Mirvish propose to dedicate and install a plaque commemorating his birthday outside Honest Ed's at or near 581 Bloor Street West;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council approve the installation of a plaque on public property at or near 581 Bloor Street West to commemorate the ninetieth birthday of Mr. Ed Mirvish;

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

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(3) Award of Tender No. 105-2004 for Reconstruction of Toronto Transit Commission Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East, Coxwell Avenue to Jones Street

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Pitfield

“WHEREAS the City issued Tender No. 105-2004 for the Reconstruction of Toronto Transit Commission ('T.T.C.') Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue; and

WHEREAS the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer recommend award of Tender No. 105-2004 to Sanscon Construction Limited, in the amount of \$2,528,666.27, including all taxes and charges, being the lowest tender received, as outlined in the joint report from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, dated May 3, 2004, entitled 'Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 - Toronto Danforth and Beaches East York)'; and

WHEREAS the award of the tender was scheduled to be before the Works Committee on June 2, 2004; and

WHEREAS the India Bazaar Business Improvement Association, located on Gerrard Street East, requested completion of the work prior to the end of June; and

WHEREAS the work must commence on May 25, 2004, in order to comply with the request from the India Bazaar B.I.A.; and

WHEREAS the award of Tender No. 105-2004 by Council is required on a 'time critical' basis;

NOW THEREFORE BE IT FURTHER RESOLVED THAT Council adopt the joint report from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, dated May 3, 2004, entitled 'Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 – Toronto Danforth and Beaches East York).'

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(3), without amendment, Council adopted, without amendment, the joint report dated May 3, 2004, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, entitled "Contract No. 04D1-51RD– Tender Call No. 105-2004, Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, (Ward Nos. 30 and 32 – Toronto Danforth and Beaches East York)", containing the following recommendation:

"It is recommended that Contract No. 04D1-51RD, Tender Call No. 105-2004 for Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on Gerrard Street East from Coxwell Avenue to Jones Avenue in District One, be awarded to Sanscon Construction Ltd., in the amount of \$2,528,666.27, including all taxes and charges, being the lowest Tender received."

J(4) Authority to Enter Into an Agreement with the Owner of 1236 Dundas Street East to Secure an Extension of Boston Avenue

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“WHEREAS site plan approval has been issued for a 28-unit townhouse development at 1236 Dundas Street East, including a new extension to the public street known as Boston Avenue; and

WHEREAS the townhouses are built and draft conditions are pending for a common element condominium approval; and

WHEREAS authority is required from City Council for City staff to execute an agreement under Section 45 (9); and

WHEREAS the developer must satisfy the conditions of the site plan approval prior to registration of the condominium;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give consideration to the report dated May 11, 2004, from the Commissioner of Urban Development Services, entitled ‘Authorization for 1236 Dundas Street East to Proceed, Toronto - Danforth, Ward 30, 03-157045 000 00 CD’, and that such report be adopted.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(4), without amendment, Council adopted, without amendment, the report dated May 11, 2004, from the Commissioner of Urban Development Services, entitled “Authorization for 1236 Dundas Street East to Proceed (Toronto-Danforth, Ward 30) 03-157045 000 00 CD”, containing the following recommendation:

“It is recommended that City Council authorize the City Solicitor to undertake any steps necessary to implement Council’s direction set out in this report, including the execution of a Section 45 (9) agreement, pertaining to the variances conditionally set out in the decision of the Committee of Adjustment.”

J(5) Support for the Cardiac Community Advisory Group - Cardiac Care Centre for the Scarborough Community

Moved by: Councillor Soknacki

Seconded by: Councillor Cowbourne

“WHEREAS the Rouge Valley Health System serves the residents of the Scarborough community, western Durham Region and southeastern York Region; and

WHEREAS in the most recent census, the Scarborough community has experienced a 6.1 percent increase in total population - from 558,960 to 593,297, Durham’s population increased from 458,616 in 1996 to 506,901 in 2001, an increase of 10.5 percent, and York has seen a 23.1 percent increase in population from 592,445 to 729,254; and

WHEREAS the growth of the population aged over 65 years is expected to increase dramatically, creating an significant impact on health care facilities; and

WHEREAS the Rouge Valley Health System and the Lakeridge Health Corporation have formed a cardiac care partnership because both of these hospital systems believe that a regional system of cardiac care can provide optimal care; and

WHEREAS there are eleven cardiac care surgical service sites in Ontario but only two sites in eastern Ontario (Kingston and Ottawa), creating a serious disparity of services for the Scarborough community and the Regions of Durham and York; and

WHEREAS a group of former cardiac patients have come together to form the Cardiac Care Community Advisory Group to advocate on behalf of future cardiac patients;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council supports the Cardiac Community Advisory Group’s efforts to have the Ontario Minister of Health and Long-Term Care alleviate the disparity in cardiac care by naming the Centenary site of the Rouge Valley Health System as the cardiac care centre for the Scarborough community and the Regions of Durham and York.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(6) Ontario Municipal Board Hearing - 28 Oriole Road

Moved by: Councillor Walker

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Midtown Committee of Adjustment approved an application for consent to sever and for minor variances to permit the development of three single detached dwelling units at 28 Oriole Road; and

WHEREAS this development was opposed by a significant number of area neighbours; and

WHEREAS this development was opposed by Forestry Services because of the existence of a significant heritage tree at 20 Oriole Road which could be detrimentally impacted by this development (see attached); and

WHEREAS the tree is a ‘one of the largest and most spectacular specimens of white oak in the City of Toronto and is upwards of 300 years old’; and

WHEREAS the Deer Park Ratepayers Association has identified heritage trees as one of the special features and characteristics of their neighbourhood that deserve extra protection and preservation from the undue impacts of over-intensification; and

WHEREAS one of the conditions of the approval by the Committee of Adjustment was that Forestry Services be consulted on all plans with respect to this development;

NOW BE IT THEREFORE RESOLVED THAT the City Solicitor, in consultation with staff from Forestry Services, be directed to seek status and to attend all Ontario Municipal Board hearings with respect to 28 Oriole Road to ensure the continued health of this significant tree;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to retain outside planning evidence, if necessary, to further protect this site with respect to the nature of the infill project proposed, ensuring adequate separation between any re-development and the root system of this historic tree;

AND BE IT FURTHER RESOLVED THAT the City Forester be directed to take all necessary actions and to seek maximum damages in the event of any unauthorized actions by the owner, agent or any other representative of 28 Oriole Road.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(7) 650-672 Sheppard Avenue East – Section 37 Benefits (Ward24 – Willowdale)

Moved by: Councillor Shiner

Seconded by: Deputy Mayor Feldman

“WHEREAS the tenants of the residential rental buildings at 640, 642 and 644 Sheppard Avenue East have requested that the original arrangement between themselves, the City and the developer of the proposed residential development at 650-672 Sheppard Avenue East be reinstated, which would make \$60,000.00 available to the tenants for the purpose of paying for amenities on the rental property to mitigate the impact of the proposed development on their buildings; and

WHEREAS by a report dated May 12, 2004 to City Council, the City Solicitor describes the action that could be taken if Council wishes to once again make the \$60,000.00 available to the tenants for the amenities; and

WHEREAS it would be appropriate for the City to direct the \$60,000.00 to the tenants’ use for amenities, rather than adding that sum to the \$400,000.00 the City is already receiving as Section 37 benefits for park improvements and community facilities in the area; and

WHEREAS neither the President of the Bayview Village Association nor the developer of 650-672 Sheppard Avenue East have expressed to City staff any objections to the re-direction of the \$60,000.00 to the tenants for amenities; and

NOW THEREFORE BE IT RESOLVED THAT, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 36 of Report No. 2 of the Toronto North Community Council, headed ‘OMB Direction Report – Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc. - (Rafael + Bigauskas Architects) - 650 & 672 Sheppard Avenue East (Ward 24 Willowdale)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council authorize the re-direction of the \$60,000.00 by adopting the recommendations contained in the report dated May 12, 2004 from the City Solicitor, entitled ‘650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc. (Ward 24 - Willowdale)’.”

Disposition:

City Council on May 18, 19 and 20, 2004, re-opened Toronto North Community Council Report No. 2, Clause No. 36, headed “OMB Direction Report – Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc. – (Rafael + Bigauskas Architects) - 650 & 672 Sheppard Avenue East (Ward 24-Willowdale)”, for further consideration. City Council subsequently adopted the balance of this Motion, without amendment.

In adopting Motion J(7), without amendment, Council adopted, without amendment, the report dated May 12, 2004, from the City Solicitor, entitled “650-672 Sheppard Avenue East, Section 37 Benefits, Application to Amend Official Plan and Zoning By-law TB CMB 2002 0017 – BBT Devgroup Inc., Ward 24 (Willowdale)”, containing the following recommendations:

“It is recommended that City Council

- (1) delete Recommendation No. (2) of Clause No. 36 of Report No. 2 of The Toronto North Community Council and replace it with the requirement that the applicant, prior to the issuance of the first building permit for the proposed development at 650-672 Sheppard Avenue East, is to pay to the City \$60,000.00 to be used for amenities for the tenants of the rental apartment buildings at 640-644 Sheppard Avenue East, such amenities to be determined in consultation with the tenants and the local Councillor;*
- (2) the City Solicitor be directed to request the Ontario Municipal Board to amend its Decision No. 0648 issued on March 25, 2004, to reflect the \$60,000.00 to be used for amenities benefiting the tenants of 640-644 Sheppard Avenue East; and*
- (3) the City Solicitor and other appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(8) Line of Credit Guarantee with the Toronto Philharmonia and the Royal Bank of Canada

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Carroll

“WHEREAS at its regular meeting held on May 21, 22, and 23, 2002, Council authorized that a tri-party agreement be entered into with the Toronto Philharmonia and the Royal Bank of Canada for a guarantee of a line of credit in the amount of \$200,000.00 for a period June 1, 2002, to May 31, 2004, and that such guarantee be on term and conditions satisfactory to the City Solicitor and the Chief Financial Officer and Treasurer; and

WHEREAS the City of Toronto, the Toronto Philharmonia and the Royal Bank of Canada have entered into an agreement dated July 31, 2002, for the provision of the line of credit guarantee in the amount of \$200,000.00; and

WHEREAS the Toronto Philharmonia has requested an extension to this agreement which expires on May 31, 2004, but is not yet able to provide the City with its most recent audited financial statements until September 2004, since its fiscal year-end is May 31, 2004; and

WHEREAS the issuance of a line of credit guarantee is considered a financial commitment of the City and the Chief Financial Officer and Treasurer has certified that the commitment of \$200,000.00 is within the City's updated Debt and Financial Repayment Limit;

NOW THEREFORE BE IT RESOLVED THAT Council authority be granted to extend the agreement with the Toronto Philharmonia and the Royal Bank of Canada with respect to the line of credit guarantee until December 31, 2004, on terms and conditions approved by the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic Development, Culture and Tourism by which time the Toronto Philharmonia's audited financial statements for the fiscal year ending May 31, 2004 will have been provided to the City."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(9) Possible Land Exchange with Village Securities - 311 Staines Road

Moved by: Councillor DeBaeremaeker

Seconded by: Deputy Mayor Feldman

"**WHEREAS** Village Securities Limited owns property known by the municipal address of 311 Staines Road located on the east side of Staines Road north of Finch Avenue which has been granted all planning approvals required to commence development on the property comprised of two parcels totaling approximately 24 acres; and

WHEREAS the Village Securities property, containing 700 year-old artifacts, has been identified as a site of cultural and natural heritage significance by the Toronto Region Conservation Authority, the Iroquois and Mohawk nations and the Save the Rouge organizations; and

WHEREAS Village Securities Limited will within weeks, commence construction activities on the site but, as Village Securities Limited has in the past co-operated with the City of Toronto and Toronto Region Conservation Authority in their attempts to acquire the site, Village Securities has acquiesced that during the intervening period, prior to finalizing construction scheduling, it will consider one final effort by the City of Toronto to acquire said lands by purchase and/or land exchange; and

WHEREAS Village Securities has requested that the City of Toronto expedite any offer to purchase and/or land exchange it wishes to submit due to imminent construction activities; and

WHEREAS Village Securities Limited has indicated that it will consider an exchange of its site at Staines Road for the McCowan Road property, pending the determination that the site is amenable to residential development and that required planning approvals could be 'fast tracked' by the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Commissioner of Corporate Services to report to the Administration Committee meeting scheduled for June 28, 2004 on:

- (1) the feasibility of declaring surplus approximately 4.4 acres of City lands located in the vicinity of the McCowan LRT Station; and
- (2) the feasibility of the land exchange and the potential for residential development on the McCowan site;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services meet as soon as possible with representatives of Village Securities Limited to discuss the potential for a land swap of the McCowan Road site for the Village Securities site.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to adding the following Parts (3) and (4) to the Operative Paragraph:

“(3) the relative values of the two properties; and

(4) any other matters the Commissioner may deem appropriate to bring to the attention of Members of Council.”

J(10) Request to Amend *The Municipal Elections Act* to Allow a Municipality to Place Restrictions on the Terms under which their Members may Stand for a Higher Office

Moved by: Councillor Holyday

Seconded by: Councillor Ootes

“WHEREAS in an open and accountable free society, an oath of office calls for a total commitment to fulfill the duties and responsibilities that voters expect and deserve during a term of office; and

WHEREAS our democratic institutions are not a business, nor are the votes a commodity to be purchased and then ignored at will; and

WHEREAS it is incumbent upon individuals when standing for office to recognize that the public fully expects that winning candidates will honour their selection with conscientious dedication for the full period of the mandate; and

WHEREAS any disruption in a term of office can cause a new election to be held with considerable cost to the taxpayers; and

WHEREAS should the Council decide upon an appointment in place of an election, the democratic rights of citizens to elect their representatives is denied and perversion of the system ensues; and

WHEREAS the financial difficulties endured by Council to balance the budget and maintain services make it imperative that no unnecessary expenses be incurred; and

WHEREAS citizens standing for office should be aware of both the remuneration and demands of office and understand that the public expects that they, once elected, honour that trust and complete their term; and

WHEREAS any time a Councillor is absent (with or without pay) from Council deliberations, the ward involved remains unrepresented on many key issues; and

WHEREAS it has never been more important to have a strong Council unaligned with political party interests to best effect negotiations with other levels of government; and

WHEREAS it is manifestly unfair that some councillors use their candidacy for higher office to buttress the evaluation of their local incumbency by voters; and

WHEREAS a councillor's role in governing Toronto affairs should not be used like a Las Vegas poker table where you 'fold a hand' and play another later without risk, penalty or moral censure; and

WHEREAS the public, according to published surveys, perceives the democratic process to be so fundamentally flawed and controlled by opportunists, that voter turnout is at an all-time low;

NOW THEREFORE BE IT RESOLVED THAT this Council recognize the electoral abuse that takes place when a Ward remains unrepresented for weeks at a time and enact appropriate safeguards to prevent voluntary absenteeism in the pursuit of another office;

AND BE IT FURTHER RESOLVED THAT candidates for Council should swear upon filing their nomination papers that, if elected, they will serve at least half the term of their mandate before seeking another office, or as a result of such a decision, trigger automatic dismissal;

AND BE IT FURTHER RESOLVED THAT Toronto Council request the Government of Ontario to amend *The Municipal Elections Act* to allow a municipality to place restrictions on the terms under which their members may stand for a higher office.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 22, 2004.

J(11) Ontario Municipal Board Hearing – 4 Reigate Road

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Hall

“**WHEREAS** the Etobicoke Committee of Adjustment refused an application to increase the depth of a dwelling at 4 Reigate Road; and

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

WHEREAS the increased dwelling depth is more than minor in nature and is not appropriate;

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

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(12) Request to the Province of Ontario to Assist with the Clean-Up on Provincial Highways in the City of Toronto

Moved by: Councillor Lindsay Luby

Seconded by: Deputy Mayor Bussin

WHEREAS thousands of Toronto residents participated in both the 20 minute Toronto makeover on April 23, 2004, and the Mayor’s Community Clean-Up Day on April 24, 2004; and

WHEREAS City Council and the Mayor are proud of the initiatives many citizens took on these days to make Toronto beautiful; and

WHEREAS the 400 Series Provincial Highways are littered with illegal dumping on off ramp boulevards; and

WHEREAS the Ontario Government should clean-up their fair share of Toronto's litter, especially on lands in their jurisdiction;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council congratulate the Mayor and the citizens of Toronto for the success of the 20 minute Toronto makeover and the Mayor's Community Clean-Up Day;

AND BE IT FURTHER RESOLVED THAT Toronto City Council request the Minister of Transportation to address the issue of litter and illegal dumping on off ramp boulevards of Provincial Highways in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the Minister of Transportation be requested to take immediate action in Toronto by cleaning up these boulevards of litter and that signs be erected to discourage such activity."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(13) Disqualification from Procurement Awards of Persons and Entities that are Indebted to the City of Toronto

Moved by: Councillor Del Grande

Seconded by: Councillor Di Giorgio

"WHEREAS it is in the interests of the City of Toronto and its taxpayers that the City have the right to disqualify persons, directly or indirectly, from bidding on City contracts when such persons are indebted to the City until such time as the indebtedness is paid in full;

NOW THEREFORE BE IT RESOLVED THAT the Chief Financial Officer and Treasurer in consultation with the City Solicitor, be requested to submit a report to the Administration Committee at its meeting of June 28, 2004, on a policy on disqualification from procurement awards of persons and entities that are indebted to the City, and that the appropriate City officials be authorized and directed to take the necessary action to give effect hereto."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(14) Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advance Chemical, Biological, Radiological Nuclear Training by the Office of Public Safety and Emergency Preparedness Canada

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS the Federal Office of Public Safety and Emergency Preparedness Canada (PSEPC) will provide Chemical, Biological, Radiological Nuclear (CBRN) training to employees of the City of Toronto involved in emergency response at Defence Research and Developments Canada’s (DRDC) location in Suffield, Alberta; and

WHEREAS the CBRN training will greatly benefit the Toronto Joint CBRN Team’s performance and its ability to respond to potential terrorist incidents and large-scale chemical disasters; and

WHEREAS, prior to providing the training, DRDC requires the City to execute an Institution Waiver and Indemnification Agreement; and

WHEREAS in order for the City employees to participate in a training course currently scheduled for August 2004, DRDC requires the Institution Waiver and Indemnification Agreement to be executed as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the joint report dated May 14, 2004 from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager and the Emergency Medical Services Chief and General Manager entitled ‘Institution Waiver and Indemnification Agreement With Defence Research And Development Canada For Advanced Chemical, Biological, Radiological Nuclear Training’ and that such report be adopted.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(14), without amendment, Council adopted, without amendment, the joint report dated May 14, 2004, from the Commissioner of Works and Emergency Services, the Fire Chief and General Manager and the Chief and General Manager, Emergency Medical Services, entitled “Institution Waiver and Indemnification Agreement with Defence Research and Development Canada for Advanced Chemical, Biological, Radiological Nuclear Training”, containing the following recommendations:

“It is recommended that:

- (1) two Toronto Emergency Medical Services staff and five Toronto Fire Services staff be permitted to participate in the final phase of the***

Advanced Chemical, Biological, Radiological Nuclear training course sponsored by the Office of Public Safety and Emergency Preparedness Canada and taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in October 2004;

- (2) *ten Toronto Emergency Medical Services staff and ten Toronto Fire Services staff be permitted to participate in the Advanced, Biological, Radiological Nuclear training course taking place at Defence Research and Development Canada's training grounds and facilities in Alberta in August 2004;*
- (3) *the City enter into the Institution Waiver and Indemnification Agreement required by Defence Research and Development Canada for training on its premises;*
- (4) *the Commissioner of Works and Emergency Services be authorized to sign this Institution Waiver and Indemnification Agreement on behalf of the City, provided it is in a form satisfactory to the City Solicitor;*
- (5) *the Commissioner of Works and Emergency Services be authorized to arrange for future training programs for CBRN within budgeted amounts and to sign future Institution Waiver and Indemnification Agreements on behalf of the City, provided they are in the same form as the current Institution Waiver and Indemnification Agreement; and*
- (6) *the appropriate City officials be authorized and directed to take the necessary action to give effect to these recommendations."*

J(15) World Partnership Walk Day

Moved by: Councillor Carroll

Seconded by: Councillor Pitfield

“WHEREAS the World Partnership Walk is a volunteer initiative of the Aga Khan Foundation which is fully supported by the Canadian International Development Agency; and

WHEREAS the World Partnership Walk raises funds to support education and development to help fight global poverty; and

WHEREAS the World Partnership Walk is Canada's largest annual event in support of international development; and

WHEREAS all Councillors have been invited to participate in this year's walk which starts at Metro Hall;

NOW THEREFORE BE IT RESOLVED THAT City Council endorse the aims of the World Partnership Walk and declare Sunday, May 30, 2004, as ‘World Partnership Walk Day’.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(16) Instructions to Settle Claim between former Borough of East York and Daimerson Construction – Replacement of Storm Sewers

Moved by: Councillor Pitfield

Seconded by: Councillor Ootes

“**WHEREAS** the City Solicitor has prepared a report seeking authority for a proposed settlement of legal actions brought against the former Borough of East York with respect to a storm sewer contract entered into in November 1992; and

WHEREAS consideration of this matter by Council is required on an urgent basis to provide the City Solicitor the authority to instruct Loopstra Nixon, acting on behalf of the City of Toronto in this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations contained in the confidential report of the City Solicitor dated May 1, 2004.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(16), without amendment, Council adopted, without amendment, the confidential report dated May 1, 2004, from the City Solicitor. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information which pertains to the security of the property of the municipality:

“It is recommended that:

- (1) the City Solicitor be given the authority to instruct Loopstra Nixon to settle the claim substantially in accordance with the attached letter dated May 10, 2004; and*
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.”*

J(17) Request of the Federal Commissioner of Competition and the Attorney General to Investigate Lookalike Parking Tickets

Moved by: Councillor Moscoe

Seconded by: Councillor Pitfield

“**WHEREAS** Section 52 of the *Competition Act (Canada)* prohibits anyone from knowingly or recklessly making a false or misleading representation to the public for the purpose of promoting, directly or indirectly, any business interest; and

WHEREAS lookalike parking tickets issued by employees of a number of business corporations are designed to mislead the public into thinking that they are parking infraction notices issued under the *Provincial Offences Act*; and

WHEREAS many such lookalike parking tags are paid, and the corporations enriched, as a result of these misrepresentations;

NOW THEREFORE BE IT RESOLVED THAT the Federal Commissioner of Competition and the Attorney General of Canada be requested to undertake an investigation and enforcement action in relation to corporations that issue lookalike parking tickets.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(18) Finalization of Negotiations with York Major Holdings Inc. – Keele Valley Landfill Site

Moved by: Councillor Pitfield

Seconded by: Deputy Mayor Bussin

“**WHEREAS** City Council at its meeting held on December 4, 5 and 6, 2001 adopted Clause No. 2 of Report No. 17 of the Administration Committee (the ‘Original Report’), thereby authorizing the City to enter into agreements with York Major Holdings Inc. (‘York Major’) to effect an exchange of interests in land at Keele Valley Landfill, on terms and conditions outlined in the Original Report; and

WHEREAS City Council at its meeting held on November 26, 27 and 28, 2002 adopted Clause No. 22 of Report No. 14 of the Administration Committee (the ‘Amending Report’), thereby authorizing amendments to the transaction documents previously approved by the adoption of the Original Report; and

WHEREAS by the adoption of Clause No. 11 of Report No. 1 of the Administration Committee at its meeting held on January 27, 28 and 29, 2004 (the 'Additional Lands Report'), City Council declared surplus to the City's requirements certain additional portions of Keele Valley Landfill (the 'Additional Lands') and extended the closing date for this transaction to no later than June 30, 2004; and

WHEREAS the Additional Lands Report provides that the Commissioner of Corporate Services, in consultation with the Commissioner of Works and Emergency Services, continue negotiations with York Major to amend the previously approved transaction to incorporate the Additional Lands, to finalize transaction documentation and to report back to the Administration Committee on the outcome of such negotiations; and

WHEREAS negotiations have continued pursuant to the Additional Lands Report and agreement has now been reached; and

WHEREAS York Major has requested that the City of Toronto enter into a Site Plan Agreement in its capacity as owner and landlord of portions of the lands of the Keele Valley Landfill on which York Major, as tenant, has constructed or will construct improvements in the completion of the transactions provided for in the Original Report, as amended; and

WHEREAS York Major requires execution of the Site Plan Agreement as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT the Council consider the report dated May 17, 2004 from the Commissioner of Corporate Services, entitled Finalization of Negotiations with York Major Holdings Inc. - Keele Valley Landfill Site' and that the report be adopted."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(18), without amendment, Council adopted, without amendment, the report dated May 17, 2004, from the Commissioner of Corporate Services, entitled "Finalization of Negotiations with York Major Holdings Inc., Keele Valley Landfill Site (Vaughan)", containing the following recommendations:

"It is recommended that:

- (1) authority be granted to enter into a site plan agreement with York Major, The Corporation of the City of Vaughan and The Regional Municipality of York in respect of the lands shown as the 'Site Plan Lands' on the Sketch attached as an Appendix to this report ('Appendix 1') (the 'Site Plan Agreement');***

- (2) *authority be granted to release the City's easement interest in the lands identified as Part 5, 65R-26982 on Appendix 1;*
- (3) *authority be granted to include the lands shown hatched on Appendix 1 and identified as the 'Additional Lands' in the previously approved transaction; and*
- (4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."*

J(19) Issuance of Debentures

Moved by: Mayor Miller

Seconded by: Councillor Soknacki

"WHEREAS at its meeting held on January 27, 28 and 29, 2004, City Council adopted By-law No. 92-2004 being a by-law to authorize agreements respecting the issue and sale of debentures; and

WHEREAS pursuant to By-law No. 92-2004, the Mayor and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures upon such terms and conditions, including price or prices as they deem expedient, to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including the purposes of any former area municipality, the former Municipality of Metropolitan Toronto and a board of education; and

WHEREAS the Mayor and Treasurer have entered into an agreement dated May 11, 2004 for the issue and sale of debentures and the Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering into of such agreement; and

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

NOW THEREFORE BE IT RESOLVED THAT Council consider the report of the Chief Financial Officer and Treasurer, dated May 14, 2004, entitled 'Issuance of Debentures', regarding the issuance of debentures; that such report be adopted; and that leave be granted for the introduction of the necessary Bills in Council to give effect to the issuance of debentures."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(19), without amendment, Council adopted, without amendment, the report dated May 14, 2004, from the Chief Financial Officer and Treasurer, entitled “Issuance of Debentures”, containing the following recommendations:

“It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on May 18, 2004, to give effect to the issuance of debentures as described in this report; and*
- (2) the appropriate officials be authorized to take the necessary actions to give effect thereto.”*

J(20) Request to the Minister of Health and Long-Term Care to Maintain the 100 Complex Continuing Care Beds at Toronto Grace Hospital

Moved by: Councillor Soknacki

Seconded by: Councillor Rae

“WHEREAS The Salvation Army Toronto Grace Hospital (Toronto Grace Hospital) is a 100 bed Complex Continuing Care Hospital with an additional 19 beds designated for palliative care; and

WHEREAS the Toronto Grace Hospital has been operating and providing care to Toronto residents since 1905 at this location; and

WHEREAS the relocation of this hospital will result in a significant reduction of the number of complex continuing care and palliative care beds as well as associated services/programs in Toronto; and

WHEREAS the Toronto District Health Council has determined that the hospital’s clients and referring agencies originate predominantly from Toronto’s downtown core and west end; and

WHEREAS the Toronto District Health Council has also determined that the loss of the Grace’s 100 complex continuing care beds would result in an reduced access to complex continuing care in Toronto; and

WHEREAS the Toronto District Health Council has further determined that the loss of 19 palliative care beds would eliminate a unique and necessary service in terms of location, accessibility, and environment; and

WHEREAS the Toronto Grace Hospital also provides outreach palliative care, a much-needed service that alleviates visits to hospital emergency departments and the loss of this service would cause a breakdown in the palliative care continuum;

NOW THEREFORE BE IT RESOLVED THAT Toronto Council supports the recommendations of the Toronto District Health Council on this matter, and urges the Minister of Health and Long-Term Care to maintain the 100 Complex Continuing Care Beds in Toronto using existing infrastructure at other facilities;

AND BE IT FURTHER RESOLVED THAT Toronto Council urges the Minister of Health and Long-Term Care to maintain the 19 palliative care beds within the City of Toronto and requests that the Toronto District Health Council conduct work to determine the best allocation of these resources;

AND BE IT FURTHER RESOLVED THAT Toronto Council request the Salvation Army Toronto (Grace Hospital) to continue to operate its palliative care program in Toronto as either a stand-alone program or in conjunction with another agency.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(21) Authority to Execute Minor Variance Agreement - Voluntary Community Amenity Contributions pursuant to Ontario Municipal Board Order 0282 - Minor Variance Application A0131/02EY at 183 Dovercourt Road – Ward 19 – Trinity Spadina

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

WHEREAS the Ontario Municipal Board, pursuant to Order 0282, issued on February 26, 2003, granted minor variances required to convert an existing five-storey industrial building (the former Ideal Bread Company designated heritage building) to residential use and to add a penthouse addition; and

WHEREAS the Ontario Municipal Board conditions include that, prior to building permit issuance, the applicant provide their agreed-to voluntary community amenity contributions in the amount of \$200,000.00, which contributions are proposed for improvements to the heritage facades of the Santa Cruz Church at Dovercourt Road and Argyle Street, for the Osler Playground, for the Senor Santo Cristo School playground, for the playground at Ossington/Old Orchard School and for community programming at the St. Christopher House 1033 King Street West facility; and

WHEREAS the City, pursuant to the advice of the City Solicitor, wishes to record the fact that it has received and redistributed the above funds in an agreement pursuant to subsection 45(9) of the *Planning Act* and such an agreement requires the authorization of Council; and

NOW THEREFORE BE IT RESOLVED THAT Council authorize the execution of an agreement pursuant to subsection 45(9) of the *Planning Act* to record that it will receive and redistribute the above-described voluntary community amenity contributions pursuant to the conditions of Ontario Municipal Board Order 0282, issued on February 26, 2003, in relation to minor variance application A0131/02EY at 183 Dovercourt Road.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(22) Grant Application to Cultural Spaces Canada on Behalf of Museum of Contemporary Canadian Art

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Chow

“**WHEREAS** Cultural Spaces Canada, a program of the Department of Canadian Heritage, among other things, supports the improvement, renovation and construction of arts and heritage facilities and the acquisition of specialized equipment, as well as conducting feasibility studies; and

WHEREAS non-profit arts and heritage organizations incorporated under Part II of the *Canada Business Corporations Act* or under corresponding provincial or territorial legislation, municipal governments and their agencies are eligible to apply for funding from this program; and

WHEREAS the Museum of Contemporary Canadian Art, a City-sponsored institution, could receive funding at no cost to the City of Toronto by applying for funding from Cultural Spaces Canada;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development Culture and Tourism be authorized and directed to submit a grant application to Cultural Spaces Canada, together with all necessary supporting documentation, on behalf of the Museum of Contemporary Canadian Art (MOCCA).”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(23) Sale of Surplus School Sites

Moved by: Councillor Del Grande

Seconded by: Councillor Kelly

“**WHEREAS** the Toronto District School Board, the Toronto Catholic District School Board, the Conseil des Ecoles Francaises de la Communaute Urbaine de Toronto and the Conseil Scolaire de District Catholique Centre-Sud (collectively called the ‘School Boards’) form an integral part of the social fabric of the City of Toronto; and

WHEREAS the School Boards have had their school sites funded by the property taxes collected by the City of Toronto; and

WHEREAS the school sites owned by the School Boards constitute a significant portion of the greenspace in the City of Toronto and the buildings and facilities are often used for community purposes; and

WHEREAS the School Boards are disposing of properties deemed surplus to their current needs under Ontario Regulation 444; and

WHEREAS the redevelopment of school sites may lead to the permanent removal of or reduction in greenspace, buildings and facilities and deprive the residents of the City of Toronto of the greenspace, buildings and facilities in perpetuity; and

WHEREAS this is a significant public policy issue;

NOW THEREFORE BE IT RESOLVED THAT City Council request that the School Boards, in addition to the current statutory notice which must be given to municipalities, notify the City of Toronto immediately upon a School Board becoming aware of, or concerned that, any particular school site under its jurisdiction may be surplus to its needs, and further that the School Boards work in a co-operative fashion with the City to consider both the immediate and long term impacts on the community of the possible loss of the school site, with a view to developing a strategy to ensure that the reuse of the school site will not unduly deprive the community of the significant public attributes of the school site;

AND BE IT FURTHER RESOLVED THAT City Council direct City staff who are responsible for reviewing redevelopment applications involving surplus school sites to ensure that, where possible and appropriate, the significant public attributes of the school site are preserved and secured through the appropriate planning tools;

AND BE IT FURTHER RESOLVED THAT City Council request the Chief Administrative Officer to report to the Policy and Finance Committee on the financial and operational implications of the City requesting the Province of Ontario to amend the appropriate legislation to permit the City to acquire school sites declared surplus at a

nominal cost for the purpose of operating the school site for community and/or commercial purposes until the school site may once again be required by one of the School Boards for school purposes;

AND BE IT FURTHER RESOLVED THAT the City's Inter-departmental School Team comprised of representatives from all City departments continue to meet with representatives of the School Boards on a regular basis for the purpose of sharing information and discussing matters of mutual interest."

Disposition:

City Council on May 18, 19 and 20, 2004:

(1) ***adopted this Motion subject to adding the following Recital:***

"WHEREAS the City of Toronto recognizes that regional school boards embark on a thoughtful and comprehensive process involving staff, trustees and the community, before declaring their properties surplus."; and

(2) ***adding the following new Operative Paragraph:***

"AND BE IT FURTHER RESOLVED THAT this motion, as amended, be forwarded to the Commissioner of Urban Development Services with the request that she report to the next meeting of the Planning and Transportation Committee on the implementation of the recommendations contained in the Motion."

J(24) Development Charge By-law – 75 Lemonwood Drive

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Watson

"WHEREAS the Final Report to amend the Official Plan and Zoning Code; Studio Court Limited, 75 Lemonwood Drive (Toronto West Community Council, Report No. 1, Clause No. 43), was adopted by City Council, at its Special meeting on January 30 and February 12, 2004; and

WHEREAS the City Solicitor has prepared a report seeking authority to enter into an agreement to extend the provisions of the City's current Development Charge By-law to the proposed development at 75 Lemonwood;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations contained in the report dated May 10, 2004 from the City Solicitor."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(24), without amendment, Council adopted, without amendment, the report dated May 10, 2004, from the City Solicitor, entitled “Development Charge By-law – 75 Lemonwood Drive (Ward 4 – Etobicoke Centre)”, containing the following recommendations:

“It is recommended that:

- (1) Council authorize the execution of an agreement between the City and the applicant, Studio Court Limited, providing that the provisions of By-law No. 476-1999 (Current Development Charge By-law) will apply to the 7 and the 11 storey retirement building proposed to be constructed at 75 Lemonwood Drive, the Official Plan and Zoning Code amendment for which were authorized by Clause No. 43, Report No. 1 of The Toronto West Community Council and adopted by the Council of the City of Toronto at its Special meeting held on January 30 and February 12, 2004, notwithstanding that the building permits may be applied for or issued after the enactment of a new Development Charge By-law in July, 2004;*
- (2) the terms of such agreement provide that such exemption apply on condition that the proposed development proceeds substantially as approved and within a period of 5 years from the date upon which the zoning amendment comes into force, and the form and content of such agreement be satisfactory to the City Solicitor; and*
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

J(25) Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue

Moved by: Councillor Ootes

Seconded by: Councillor Rae

“WHEREAS a petition was received on behalf of the Floyd Avenue residents between Burley Avenue and Logan Avenue, requesting the implementation of overnight on-street permit parking; and

WHEREAS overnight parking has been an issue to residents for sometime, and there is an urgency to bring resolution as quickly as possible due to a lack of parking and increased enforcement;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 17, 2004, from of the Commissioner of Works and Emergency Services be adopted to authorize a formal poll of effected residents, and subject to favourable results, the necessary parking regulation changes be approved.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(25), without amendment, Council adopted, without amendment, the report dated May 17, 2004, from the Commissioner of Works and Emergency Services, entitled “Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth, Ward 29)”, containing the following recommendations:

“It is recommended that:

- (1) the City Clerk be directed to conduct a formal poll of the residents of Floyd Avenue, between Burley Avenue and Logan Avenue, to determine support for the implementation of overnight on-street permit parking and report the results of the poll to the Toronto South Community Council;*
- (2) subject to the results of the poll being favourable, the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue be rescinded;*
- (3) permit parking be introduced on both sides of the street to operate on an alternate side basis between the hours of 11:00 p.m. and 5:00 a.m., 7 days a week, and be included in permit parking area 7K; 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.”*

J(26) Request for Reports on Seniors Abuse Cases and Seniors Abuse Investigations

Moved by: Councillor Carroll

Seconded by: Councillor Cowbourne

“WHEREAS Toronto demographics indicate a demographic bulge of aging citizens; and

WHEREAS the City of Toronto must always endeavour to keep pace with its most vulnerable citizen’s need for services and support; and

WHEREAS a shortage of services and supports to seniors and the families that care for them could, in extreme situations, lead to seniors abuse; and

WHEREAS a lack of co-ordination of existing services and supports to seniors in abusive situations could present extreme difficulty for the Toronto Police Service in the processing and protection of senior victims of abuse;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Police Service be requested to report on the incidence of reported seniors abuse cases and seniors abuse investigations over the past two years and the current cases year-to-date;

AND BE IT FURTHER RESOLVED THAT appropriate City staff report on the current ability of the senior services agencies of the City of Toronto to meet the emergency needs of a senior victim of abuse;

AND BE IT FURTHER RESOLVED THAT these reports be submitted to the Mayor's Roundtable on Seniors."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(27) Extension to the Closing Date in an Agreement with 863880 Ontario Limited- 9 Hanna Avenue

Moved by: Deputy Mayor Pantalone

Seconded by: Mayor Miller

“WHEREAS City Council at its meeting on December 4, 5 and 6, 2001, adopted Clause No. 23 of Report No.18 of The Administrative Committee, headed ‘Front Street Extension Project - Acquisition of Lands Owned by 863880 Ontario Limited, Known as Liberty Street Village (Ward 19 - Trinity Spadina)’ authorizing the City to enter into a Section 30 Agreement with 863880 Ontario Limited to purchase a property west of Strachan Avenue for the future provision of land for Front Street Extension; and

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

WHEREAS staff have continued to negotiate with 863880 Ontario Limited regarding the minimization of existing easements located on 9 Hanna Avenue and require the authorization to extend the closing date of the Section 30 Agreement in order to finalize the terms of the release of these easements;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached confidential dated May 13, 2004, from the Commissioner of Corporate Services and that such report be adopted.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(27), without amendment, Council adopted, without amendment, the confidential report dated May 13, 2004, from the Commissioner of Corporate Services. This report remains confidential in its entirety, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor-client privilege.

J(28) Swansea Town Hall Expansion Project

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“**WHEREAS** in adopting Clause No. 3 of Report No. 7 of Humber York Community Council at its meeting held on July 24, 25 and 26, 2001, City Council authorised a site-specific Official Plan Amendment (OPA No. 193) and site specific Zoning By-law Amendment (Zoning By-law No. 708-2001) to permit the redevelopment of the former Stelco site at 3 and 6 Windermere Avenue (the “Site”); and

WHEREAS the owner of the Site entered into a Section 37 Agreement to secure certain matters including payments for certain community services and facilities, one of which was the payment of a \$25,000.00 contribution to capital improvements of the Swansea Town Hall; and

WHEREAS in adopting Clause No. 56 of Report No. 7 of the Humber York Community Council at its meeting held on September 22, 23, 24 and 25, 2003, City Council authorised an amendment to the Section 37 Agreement:

- (a) to secure a condition imposed by the Ontario Municipal Board (the ‘OMB’), in dealing with a minor variance appeal, to secure further payments for community services and facilities, one of which was a payment of \$20,000.00 to the Swansea Town Hall basement extension, and
- (b) to redirect certain other funds secured by the Section 37 Agreement, in the amount of \$23,000.00, to the Swansea Town Hall basement extension; and

WHEREAS in dealing with a subsequent minor variance appeal, the OMB has by decision issued on March 12, 2004, granted the variance subject to a condition that:

'The owner will contribute a further amount of up to \$60,000.00 toward Section 37 of the *Planning Act* community benefits within 60 days of the issue date of this Board Decision. The owner will undertake that the appropriate Section 37 agreement or agreement amendment will be entered into and registered to the satisfaction of the Commissioner of Urban Development Services in consultation with the City Solicitor.'; and

WHEREAS in imposing this condition, the OMB specified that it would leave it to the applicant and the City to finalize an appropriate agreement within a reasonable period of time; and

WHEREAS staff of Urban Development Services and the owner are still determining how the \$60,000.00 shall be allocated among various Section 37 community benefits; and

WHEREAS the Commissioner of Urban Development Services will be reporting to the Toronto West Community Council upon the allocation of the \$60,000.00 among various Section 37 community benefits and the required further amendment to the Section 37 Agreement; and

WHEREAS the owner has already provided the \$60,000.00 payment to the City; and

WHEREAS the Swansea Town Hall Expansion project is currently underway; and

WHEREAS fundraising for phase one of the project is complete and additional funds are needed to complete phase two; and

WHEREAS construction of phase one is already underway, and the necessary foundation and caisson equipment is currently mobilized and on site; and

WHEREAS immediate additional funds to drill four extra caissons for phase two would complete the caisson work for the entire expansion project and would save the City money in the long run by not having to bring the caisson drilling equipment back to the site in the future; and

WHEREAS it would be in the best interest of the City to use the existing contractor for any additional work as they are already familiar with the site and have the necessary equipment mobilized; and as it would eliminate any future level of disruption to staff and local residents; and

WHEREAS the owner has agreed that \$20,000.00 of the said \$60,000.00 provided by the owner in satisfaction of the March 12, 2004, OMB decision, be granted to the Swansea Town Hall Expansion Project;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services report to the Toronto West Community Council upon the allocation of the \$60,000.00 among various Section 37 community benefits and the required further amendment to the Section 37 Agreement;

AND BE IT FURTHER RESOLVED THAT Council direct the Commissioner of Urban Development Services to stipulate that \$20,000.00 of the said \$60,000.00 be granted to the Swansea Town Hall Expansion Project;

AND BE IT FURTHER RESOLVED THAT Council immediately direct that \$20,000.00 of the \$60,000.00 already provided by the owner in satisfaction of the OMB decision, be granted to the Swansea Town Hall Expansion Project and the City use the existing contractor for the additional caisson work.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(29) Ontario Municipal Board Hearing - 1100 King Street West

Moved by: Councillor Watson

Seconded by: Councillor Walker

“**WHEREAS** the Ontario Municipal Board (OMB) has delivered a decision dated March 26, 2004, regarding 1100 King Street West; and

WHEREAS it is prudent for Council to provide the City Solicitor with instructions regarding this matter during the Council meeting scheduled for May 18, 19 and 20, 2004; and

WHEREAS the City Solicitor has provided a confidential report to City Council dated May 17, 2004, to be considered in camera;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the recommendations contained in the report dated May 17, 2004, from the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the report be considered in camera as it relates to matters of Solicitor-Client Privilege.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

In adopting Motion J(29), without amendment, Council adopted, without amendment, the confidential report dated May 17, 2004, from the City Solicitor. The following recommendations contained in this report are now public and the balance of this report remains confidential, in accordance with the provisions of the Municipal Act, as it contains information which is subject to solicitor-client privilege:

“It is recommended that:

- (1) the Commissioner of Urban Development Services (‘UDS’) be requested to report to Toronto South Community Council upon the revisions being submitted by Urbancorp;*
- (2) the City Solicitor advise the OMB that:*
 - (a) Council is awaiting a further report from UDS on the revisions being submitted by Urbancorp, and*
 - (b) the City Solicitor will advise the OMB of Council’s instructions regarding 1100 King Street West after Council has considered the Commissioner’s report.”*

J(30) Proposed Adjustments to the Boundaries of Toronto South and West Committees of Adjustment

Moved by: Councillor Watson

Seconded by: Councillor Rae

“WHEREAS on March 1, 2 and 3, 2004, Council adopted, without amendment, Policy and Finance Committee Report No. 2, Clause No. 9, headed ‘Proposed Adjustments to the Boundaries of the Toronto South Community Council and the Toronto West Community Council’, and, in so doing, approved the relocation of Ward 14 from Toronto West to Toronto South Community Council; and

WHEREAS Ward 14 was included within the boundaries of the South District because Council determined that its residents would be best served from the South District; and

WHEREAS the Committee of Adjustment boundaries have not yet been revised to reflect the relocation of Ward 14 to the South District; and

WHEREAS residents of Parkdale-High Park are still forced to attend Committee of Adjustment meetings at the Etobicoke Civic Centre, which is a great distance away and results in an inability on the part of many Ward 14 constituents to participate in Committee of Adjustment matters; and

WHEREAS one of Council's primary objectives in adjusting the Community Council boundaries was to make government in Toronto more accessible to its citizens;

NOW THEREFORE BE IT RESOLVED THAT henceforth all Committee of Adjustment matters pertaining to properties in Ward 14 be dealt with in the Toronto South Committee of Adjustment and this be done forthwith."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(31) Support for Exemption from Taxation - Large Non-Profit Theatres

Moved by: Councillor Rae

Seconded by: Deputy Mayor Feldman

"**WHEREAS** the Canadian Opera House Corporation (COHC) acquired a parcel of land located at 145 Queen Street West in August 2002, for the purpose of constructing a new opera house on this site; and

WHEREAS under the *Assessment Act*, the opera house, once constructed, would qualify as a 'large non-profit theatre', and would therefore be eligible for an exemption from property tax under paragraph 27 of subsection 3(1) of the *Act*; and

WHEREAS the current *Assessment Act* provisions relating to exemption would not apply during the period of construction of the opera house, nor would the exemption apply to other portions of the property used to carry on business related functions, (e.g. concession shops, underground parking lots, boutiques, etc.), with the result that these portions would remain taxable at the full commercial rate once the building was constructed; and

WHEREAS other large non-profit theatres in the City of Toronto, including Massey Hall and Roy Thomson Hall, and certain theatres owned by the City of Toronto, including The Hummingbird Centre, and the Toronto Centre for the Arts, are fully exempt from taxation, including any ancillary business portions such as concessions or shops, and that these facilities, as far as can be ascertained, were exempt from taxation during the construction phase; and

WHEREAS legislative amendments to Section 3(1)27 of the *Assessment Act* had been proposed by the former provincial Finance Minister that would have seen the opera house project fully exempt from taxation, both during and after the construction phase, but that this legislation was never passed due to the timing of the election call; and

WHEREAS with the City's consent, an opportunity exists at present to introduce similar legislative amendments, in conjunction with amendments that will give effect to measures introduced by the 2004 Provincial Budget, that would see the opera house and similar large non-profit theatres made exempt from property taxes both during and after the construction period, and would ensure that all ancillary uses (concession shops, boutiques and underground parking) would also be exempt once the facility became operational;

NOW THEREFORE BE IT RESOLVED THAT Toronto Council indicate its support of legislative amendments to Section 3(1)27 of the *Assessment Act* that will have the effect of making exempt from taxation large non-profit theatres (as otherwise defined under the *Assessment Act*), and the premises on which they are situated, both during and after the construction phase."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(32) Waiving of Fees for Proposed Development – 38 St. Lawrence Street – Habitat for Humanity

Moved by: Councillor McConnell

Seconded by: Councillor Pitfield

“WHEREAS Habitat for Humanity is a non-profit charitable organization which has had many successful years of experience in the development and construction of ownership housing for low income families with children; and

WHEREAS the average sale price of a Toronto home in 2003 was \$293 067.00 and the average rent of an apartment with three or more units in 2003 was \$1,211.00, meaning that families with lower incomes are having a very difficult time finding suitable housing which they can afford; and

WHEREAS Habitat for Humanity constructs and renovates homes which are then sold to low income families at reduced rates with zero-interest mortgages; and

WHEREAS Habitat for Humanity has previously requested and been granted dispensation from the payment of building permit and planning application fees, consistent with the Council policy supporting the construction of affordable rental housing stock by other non-profit organizations; and

WHEREAS the waiving of building permit and planning application fees would permit the price of these homes to be reduced, making them even more affordable to the families who purchase them; and

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive all building permit and planning application fees for the Habitat for Humanity Housing project involving the development of 10 townhouses at 38 St. Lawrence Street, located at Eastern Avenue and St. Lawrence Street.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(33) Ontario Municipal Board Hearing – 754 Indian Road

Moved by: Councillor Watson

Seconded by: Councillor Walker

“**WHEREAS** the Humber York Committee of Adjustment Panel on Tuesday, May 4, 2004, heard and approved consent application B75/03HY and minor variance applications A329/03HY, A330/03HY, A331/03HY and A332/03HY to permit the construction of 4 detached houses at 754 Indian Road; and

WHEREAS the variances approved were for gross floor area, front yard setback, setbacks from adjacent residential buildings, side yard setbacks and setbacks from a flanking street; and

WHEREAS the community is strongly opposed to the proposed development and believes the variances are not minor; and

WHEREAS the proposed development represents a significant increase in density and fails to meet any of the required setbacks;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto appeal the Committee of Adjustment decision and send the City Solicitor and other appropriate City staff in support of the appeal to the Ontario Municipal Board.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(34) Intention to Designate Property at 754 Indian Road under Part IV of the Ontario Heritage Act

Moved by: Councillor Watson

Seconded by: Councillor Walker

“**WHEREAS** on April 13, 2004, the West Toronto Junction Historical Society submitted a request to Heritage Preservation Services nominating the church on the property known as 754 Indian Road for designation as a Heritage Property; and

WHEREAS the church, constructed in 1907 to 1911, is an early example of twentieth century architecture designed by well-known local architects Ellis & Connery, who designed many other heritage buildings in the area during this period; and

WHEREAS a demolition permit was issued recently to the current owner of this property, without notification to the Ward Councillor or to any members of the community; and

WHEREAS a Committee of Adjustment hearing of May 4, 2004 gave the developer who has purchased the property permission to construct four detached houses on the site; and

WHEREAS the interior of the church has undergone extensive restoration work, is in excellent condition and could be adapted to a variety of uses; and

WHEREAS the Committee of Adjustment decision will be appealed to the OMB; and

WHEREAS there is community support to retain the church building; and

WHEREAS this is an urgent motion as the developer who purchased the property has already begun to tear the church down;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Toronto give notice of its intention to designate the property at 754 Indian Road under Part IV of the *Ontario Heritage Act* for architectural and historical reasons, provided the Toronto Preservation Board endorses the designation.

AND BE IT FURTHER RESOLVED THAT the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto including issuing an order to the property owner to immediately cease demolition of the building.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(35) Declaration of the “Taste of Lawrence” an Event of Municipal and/or Community Significance

Moved by: Councillor Thompson

Seconded by: Mayor Miller

“WHEREAS the Wexford Heights Business Improvement Area (BIA) has requested City Council to declare the ‘Taste of Lawrence’ to be held on July 9 to 11, 2004 event of municipal and/or community significance; and

WHEREAS the Wexford Heights BIA has requested that restaurants participating in the ‘Taste of Lawrence Event’ be permitted to serve alcohol on their extended patio for the same hours as already existing patios on Lawrence Avenue only; and

WHEREAS the Alcohol and Gaming Commission of Ontario requires at least 30 days advance notice to issue a liquor licence and refuses any permit for Business Improvement areas with less than 30 days notice; and

WHEREAS the next Council meeting is scheduled to be held on June 22, 23 and 24, 2004, which would not leave sufficient time for the City of Toronto to notify the Alcohol and Gaming Commission of Ontario and have the application processed;

NOW THEREFORE BE IT RESOLVED THAT the ‘Taste of Lawrence’ be declared an event of municipal and/or community significance, taking place on July 9, 2004 from noon to 12:00 a.m. and July 10, 2004 from 1:00 p.m. to 12:00 a.m. and July 11, 2004 from 1:00 p.m. to 11:00p.m.;

AND BE IT FURTHER RESOLVED THAT the patio extensions for the establishments approved by the Wexford Heights BIA be permitted to serve alcohol until 12:00 a.m. on July 9, 2004 and July 10, 2004 and until 11:00 p.m. on July 11, 2004, and that the Alcohol and Gaming Commission be so advised;

AND BE IT FURTHER RESOLVED THAT the Alcohol and Gaming Commission of Ontario also be advised that the designation of municipal and/or community significance be extended to the Wexford Heights BIA in order to operate their Ontario Beer and Wine Garden for the ‘Taste of Lawrence’ taking place on July 9, 2004 from 12:00 noon to 12:00 a.m., July 10, 2004 from 1:00 p.m. to 12:00 a.m., and July 11, 2004 from 12:00 noon to 11:00 p.m..”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(36) City’s Submission on Provincial Residential Tenancy Reform Consultation

Moved by: Councillor Walker

Seconded by: Councillor Carroll

“**WHEREAS** on April 20, 2004, the Government of Ontario released its Residential Tenancy Reform Consultation Paper (Green Paper) proposing a new legislative landscape for residential tenancies, and

WHEREAS the government is conducting an extensive consultation with stakeholder groups including tenants, landlords, builders, municipalities, advocacy groups, and the public at large; and

WHEREAS as part of the consultation, the government has requested that stakeholders respond to various issues raised in the Green Paper, including rents for new tenants, utility costs, maintenance, demolition/conversion and dispute resolution amongst others; and

WHEREAS staff in the Shelter, Housing and Support Division are in the process of drafting the City's response to the issues raised in the Green Paper for submission to the Provincial Government; and

WHEREAS this report is scheduled to come before the Tenant Defence Sub-Committee on May 26, 2004, the Community Services Committee on June 3, 2004, and Toronto City Council on June 22, 2004; and

WHEREAS the Provincial Government has set a deadline of June 15, 2004, for receiving submissions; and

WHEREAS this date would preclude City Council from being able to approve the submission prior to the deadline;

NOW THEREFORE BE IT RESOLVED THAT City Council delegate final approval of the City of Toronto's submission on the Provincial Government's Residential Tenancy Reform Consultation to the Community Services Committee, in order to ensure compliance with the deadline established by the Province."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to adding to the Operative Paragraph, the words "and a report on the City's submission be submitted to Council for its information.", so that such Operative Paragraph now reads as follows:

"NOW THEREFORE BE IT RESOLVED THAT City Council delegate final approval of the City of Toronto's submission on the Provincial Government's Residential Tenancy Reform Consultation to the Community Services Committee, in order to ensure compliance with the deadline established by the Province and a report on the City's submission be submitted to Council for its information."

J(37) Revision to the Let's Build Program Application for 1555 Jane Street

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

“WHEREAS the property at 1555 Jane Street has a density of 2.3 with the addition of two new rental buildings whose height is limited to eight storeys as outlined under an OMB decision of April 2001; and

WHEREAS the approved new buildings are subject to a Section 37 agreement under the Planning Act that secures benefits that render the site essentially fully developed for a 25-year period; and

WHEREAS a recent Committee of Adjustment decision granting relief on the height of the new buildings and permitting a transfer of density from one building to another has the net effect of increasing the maximum density on the site; and

WHEREAS Council recently approved an application on the subject site under the Let's Build Program which modifies the purpose built rental housing originally approved to affordable housing; and

WHEREAS these recent decisions alter the approved development substantively and are not reasonable from a good planning perspective; and

WHEREAS the proposed development is still subject to site-plan approval;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto ensure that the integrity of the Planning process is not violated and that a comprehensive, master site-plan be requested that outlines the distribution of all density approved on the site;

AND BE IT FURTHER RESOLVED THAT in the alternative, the City of Toronto demand that any partial site-plan that may be approved be registered on title for a 25-year period;

AND BE IT FURTHER RESOLVED THAT the City of Toronto ensure that the integrity of the Official Plan is not violated and that the proposed commercial floor space be established as the minimum commercial space on the site;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services be requested to report to the next Council meeting on the merits of revising the Let's Build Program application approved in 2003 to reflect more accurately the number of newly built and not converted units that qualify under the program and to secure the appropriate benefits and amenities for the Community under an amended Section 37 agreement."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to deleting the fourth Operative Paragraph and inserting instead the following.

"AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services and the City Solicitor work in consultation with the local Councillor on the following:

- (1) investigate whether the Section 37 agreement accurately secures the public benefits that were specified in the Ontario Municipal Board decision of April 2001; and***
- (2) identify up to three new variances that were not requested by the applicant in the Committee of Adjustment application submitted in April 2003."***

J(38) Options to Deal with Properties used as Illegal Marijuana Growing Houses

Moved by: Councillor Kelly

Seconded by: Councillor Ootes

“WHEREAS there is an increasing problem of criminals and gangs converting residential properties into marijuana cultivating businesses; and

WHEREAS the number of ‘Grow Houses’ in the Greater Toronto area has escalated to over 10,000 properties in recent years; and

WHEREAS to facilitate the operation and protection of ‘Grow Houses,’ the neighbourhoods in which these houses exist become more dangerous with violent criminal offenders in their midst; and

WHEREAS a marijuana growing operation poses serious health and safety concerns, not only while in operation, but also after it is shut down by the police; and

WHEREAS it would be appropriate for the City Solicitor to investigate potential actions available to Toronto pursuant to the new *Municipal Act, 2001* to deal with this problem;

NOW THEREFORE BE IT RESOLVED that the City Solicitor be directed to investigate and report to the Policy and Finance Committee on options available to deal with properties being used as illegal marijuana growing houses.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to inserting in the Operative Paragraph, after the words, “investigate and report”, the words “in consultation with the Toronto Police Services Board”, so that the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to investigate and report, in consultation with the Toronto Police Services Board, to the Policy and Finance Committee on options available to deal with properties being used as illegal marijuana growing houses.”

J(39) Standardization of Warrants, Regulations and Traffic Calming Policies

Moved by: Councillor Del Grande

Seconded by: Councillor Kelly

BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to re-examine and report to the Works Committee on the standardization of warrants, regulations, and policies, with respect to:

- (1) speed humps;
- (2) traffic lights;
- (3) pedestrian crossings;
- (4) right and left turn signals; and
- (5) advance green traffic lights.”

Disposition:

City Council on May 18, 19 and 20, 2004, referred this Motion to the Works Committee.

J(40) Toronto Computer Leasing Inquiry (“TCLP”) and Toronto External Contracts Inquiry (“TECP”)

Moved by: Mayor Miller

Seconded by: Councillor Walker

“WHEREAS the City Solicitor has prepared a report providing City Council with an update on the Toronto Computer Leasing Inquiry (‘TCLI’); and

WHEREAS this report seeks Council's instruction with respect to the resumption of the Toronto External Consultants Inquiry ('TECI');

NOW THEREFORE BE IT RESOLVED THAT Council consider the report of the City Solicitor dated May 18, 2004, entitled 'Toronto Computer Leasing Inquiry and Toronto External Consultants Inquiry' and provide instructions to staff."

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, subject to adding the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT the following Recommendation No. (1) contained in the report dated May 18, 2004, from the City Solicitor be adopted:

'(1) City Council direct the City Solicitor to advise Commission Counsel that it wishes TECI to proceed.'"

J(41) Social Housing Agreement - 66 Roncesvalles Avenue (Copernicus Lodge)

Moved by: Councillor Watson

Seconded by: Councillor Walker

WHEREAS City Council passed an amendment to the Official Plan of the former City of Toronto (By-law No. 865-2000) and an amendment to Zoning By-law No. 438-86 (866-2000) for the property known as 66 Roncesvalles Avenue to allow, among other things, an increase in height and density and a reduction in the required number of parking spaces; and

WHEREAS By-law No. 866-2000 stipulated that the portion of the building used as senior citizens' housing should not contain more than 150 dwelling units; and

WHEREAS the owner of 66 Roncesvalles Avenue recently obtained a variance from the Committee of Adjustment to By-law No. 866-2000 permitting an additional 60 senior citizens' dwelling units; and

WHEREAS the definition of senior citizens' housing within By-law No. 438-86 defines senior citizens' housing as social housing dwelling units operated by a non-profit housing corporation; and

WHEREAS in order to qualify as senior citizens' housing and benefit from the zoning relief requested, the use must constitute social housing dwelling units; and

WHEREAS the Owners of 66 Roncesvalles Avenue have entered into agreements with the Province of Ontario for the provision of this housing; and

WHEREAS By-law No. 438-86 defines social housing as ‘dwelling units which the owner of the lot, and the operator if different from the owner, agrees with the Corporation pursuant to section 2 of the *City of Toronto Act, 1988 (No.2)*, as amended, to provide for the purposes of a social housing program, as defined in the *City of Toronto Act*, and is in compliance with such agreement’; and

WHEREAS in order to comply with the definition of social housing under By-law No. 438-86, the owner must enter into a social housing agreement with the City, despite already having similar agreements with the Province of Ontario;

NOW THEREFORE BE IT RESOLVED that City Council authorize the execution of a social housing agreement between the owner and/or operator of 66 Roncesvalles Avenue and the City of Toronto, provided that such agreement does not contravene or duplicate any other social housing or similar agreement with other levels of government.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion, without amendment.

J(42) An Interim Control By-law to Control Roof-Top Patios along Bloor Street West between Prince Edward Drive and Mimico Creek

Moved by: Councillor Milczyn

Seconded by: Councillor Jenkins

“**WHEREAS** an increasing number of establishments are creating outdoor patios to allow for their customers to enjoy eating, drinking, and smoking outdoors; and

WHEREAS the former City of Etobicoke established an outdoor patio by-law that regulates outdoor patios in areas abutting residential zones; and

WHEREAS the by-law regulates outdoor patios by means of standards governing location and limiting distances; and

WHEREAS the by-law does not govern the establishment of roof-top patios; and

WHEREAS it can be reasonably expected that roof-top patios will have impacts on residential zones related to noise; and

WHEREAS it reasonable to establish development standards to regulate roof-top patios so as to alleviate impacts on residential zones; and

WHEREAS the City of Toronto conducted a study to establish Urban Design Guidelines and enacted Zoning By-law changes along Bloor Street West between Prince Edward Drive and Mimico Creek in the former City of Etobicoke;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated May 18, 2004, from the Commissioner of Urban Development Services entitled 'Proposed Interim Control By-law to prohibit outdoor roof-top patios in the Kingway/Bloor Street West District, located between Thompson, Montgomery Road in the west, to Prince Edward Drive in the east (Ward 5, Etobicoke – Lakeshore)', and that such report be adopted."

Disposition:

City Council on May 18, 19 and 20, 2003, adopted this Motion, without amendment.

In adopting Motion J(42), without amendment, Council adopted, without amendment, the report dated May 18, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to prohibit commercial outdoor roof-top patios in The Kingsway/Bloor Street West District, located between Thompson Avenue and Montgomery Road, in the west, to Prince Edward Drive, in the east (Ward 5 - Etobicoke-Lakeshore)", containing the following recommendations:

"It is recommended that:

(1) City Council adopt the following resolution:

'Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands along Bloor Street West in The Kingsway/Bloor Street West District that are identified on Attachment 1'; and

(2) City Council, after adopting the resolution in No. (1) above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

'No person shall, in the area referred to in Recommendation No. (1) above, use any lot or erect any building or structure that includes a commercial outdoor roof-top patio for a period of one year, save any use lawfully existing on the lands at the time of the passage of these Bills.' "

Council subsequently enacted By-law No. 358-2004.

CONDOLENCES:

(1) **Moved by:** **Councillor Grimes**

Seconded by: **Mayor Miller**

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of The Honourable Anthony William (Bill) Maloney, retired Justice of the Superior Court of Ontario, on May 1, 2004, in his 76th year; and

WHEREAS Mr. Justice Maloney’s illustrious career saw him as a trial lawyer, a member of the Queen’s Counsel, Justice of the Supreme Court of Ontario, Senior Judge of the Northwest Region of Ontario (The ‘Chief Justice of the North’) and Justice for the Supreme Court of the Yukon and Northwest Territories; and

WHEREAS Mr. Justice Maloney loved the law, especially court room trials - being a trial judge wasn’t a job; it was more than a career, it was his passion and he continued sitting until he reluctantly retired on May 12, 2003, at the age of 75; and

WHEREAS Mr. Justice Maloney presided over many difficult trials but will always be remembered as the judge who presided over the trial of the four men charged in the death of the young shoeshine boy, Emmanuel Jacques, in 1978, the trial that changed the face of Toronto forever;

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 wife The Honourable Senator Marian Maloney and their family.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion unanimously.

(2) **Moved by:** **Councillor McConnell**

Seconded by: **Mayor Miller**

“**WHEREAS** the Members of City Council are deeply saddened to learn that Mr. John William McIninch was killed suddenly in a car accident on the evening May 14, 2004; and

WHEREAS John William McIninch has touched the lives of many Torontonians and the children of Toronto through his volunteer contributions for over thirty years to the Young Ambassadors of Toronto, the Learnxs Foundation and the Toronto school system; and

WHEREAS John William McIninch willingly and generously applied his considerable talents as a lawyer to provide invaluable advice to friends and community organizations, often acting as a reasonable sounding board for the discussion of new and innovative approaches in many arenas; and

WHEREAS John William McIninch achieved an outstanding reputation for his insight and legal brilliance as a partner of Torys, often donating his legal expertise to many worthy causes;

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 wife Michele Leroux, his daughters Merryn and Amanda, his sisters and brothers, and all members of his family.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion unanimously.

(3) **Moved by:** Mayor Miller

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Commissioner Joe Halstead’s mother Mrs. Enid Thompson on May 13, 2004, at the age of 89 in Bristol England; and

WHEREAS Mrs. Enid Thompson was an inspiration to Commissioner Halstead and his family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, the Chief Administrative Officer and Commissioners, our sincere sympathy to Commissioner Halstead and his family.”

Disposition:

City Council on May 18, 19 and 20, 2004, adopted this Motion unanimously.

Toronto, Ontario
May 26, 2004

City Clerk

Attachment: Revised 2004 Schedule of Meetings