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These Minutes were confirmed by City Council on November 30, 2004

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

**TUESDAY, OCTOBER 26, 2004,
WEDNESDAY, OCTOBER 27, 2004 AND
THURSDAY, OCTOBER 28, 2004**

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

CALL TO ORDER

- 12.1 Mayor Miller took the Chair and called the Members to order.

The meeting opened with O Canada.

12.2 **CONFIRMATION OF MINUTES**

Councillor Carroll, seconded by Councillor Thompson, moved that the Minutes of the Council meeting held on September 28, 29, 30 and October 1, 2004, be confirmed in the form supplied to the Members, which carried.

12.3 **PETITION**

Councillor Palacio submitted a petition from approximately 99 residents of Gilbert Avenue and the surrounding area, respecting a dog attack.

Motion:

Councillor Palacio, with the permission of Council, moved that the petition be forwarded to Toronto Animal Services with a request that the animal not be released.

Vote:

The motion by Councillor Palacio carried.

12.4 ENQUIRY AND ANSWER

Council had before it the following:

- (1) Enquiry dated October 14, 2004, from Councillor Mammoliti, regarding constituency matters (See Attachment 1, Page 178); and
- (2) Answer to the Enquiry dated October 20, 2004, from Mayor Miller (See Attachment 2, Page 179).

Disposition:

Council received the Enquiry and Answer.

PRESENTATION OF REPORTS

12.5 Councillor Altobello presented the following Reports for consideration by Council:

Deferred Clauses:

Policy and Finance Committee Report 7, Clauses 14a, 16a, 18a, 32a, 36a, 37a and 39a
Administration Committee Report 6, Clauses 2a, 10a and 15a
Community Services Committee Report 5, Clause 7b
Community Services Committee Report 6, Clause 10a
Planning and Transportation Committee Report 6, Clause 4a
Works Committee Report 8, Clauses 1a, 4a and 9a
Etobicoke York Community Council Report 7, Clauses 8a, 15a, 18a, 23a and 36a
North York Community Council Report 7, Clauses 28a, 31a, 35a, 36a, 37a, 38a and 47a
Toronto and East York Community Council Report 7, Clauses 24a, 26a, 27a, 33a, 53a, 54a, 55a, 56a, 57a, 58a, 59a, 63a, 69a, 73a and 80a

New Reports:

Policy and Finance Committee Report 8
Administration Committee Report 8
Community Services Committee Report 7
Economic Development and Parks Committee Report 7
Planning and Transportation Committee Report 7
Planning and Transportation Committee Report 8
Works Committee Report 9
Etobicoke York Community Council Report 8
North York Community Council Report 8
Scarborough Community Council Report 8
Toronto and East York Community Council Report 8

Board of Health Report 7

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

12.6 DECLARATIONS OF INTEREST

Councillor Chow declared her interest in Policy and Finance Committee Report 7, Clause 14a, headed "Toronto's No Smoking By-law (Municipal Code Chapter 709-Smoking), Offer of Enforcement Enhancement from the Association of Local Public Health Agencies (alPHa)", in that her stepson is a employee of a restaurant.

Deputy Mayor Feldman declared his interest in Economic Development and Parks Committee Report 7, Clause 3, headed "3885 Yonge Street (Former Jolly Miller) - Business Name (Ward 25 Don Valley West)", in that he lives directly across from the subject property.

Councillor Jenkins declared his interest in Economic Development and Parks Committee Report 7, Clause 3, headed "3885 Yonge Street (Former Jolly Miller) - Business Name (Ward 25 Don Valley West)", in that his son is employed at the restaurant located on the subject property.

Councillor Shiner declared his interest in North York Community Council Report 7, Clause 38a, headed "Request for Poll - Speed Hump Plan - Bolingbroke Road (Ward 15 - Eglinton-Lawrence)", in that his family owns property in the immediate area.

CONSIDERATION OF REPORTS**CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION****12.7 The following Clauses were held by Council for further consideration:**

Policy and Finance Committee Report 7, Clauses 14a, 16a, 18a, 32a, 36a, 37a and 39a

Administration Committee Report 6, Clauses 2a, 10a and 15a

Community Services Committee Report 5, Clause 7b

Community Services Committee Report 6, Clause 10a

Planning and Transportation Committee Report 6, Clause 4a

Works Committee Report 8, Clauses 1a, 4a and 9a

Etobicoke York Community Council Report 7, Clauses 8a, 15a, 18a, 23a and 36a

North York Community Council Report 7, Clauses 28a, 31a, 35a, 36a, 37a, 38a and 47a

Toronto and East York Community Council Report 7, Clauses 24a, 26a, 27a, 33a, 53a, 54a, 55a, 56a, 57a, 58a, 59a, 63a, 69a, 73a and 80a

Policy and Finance Committee Report 8, Clauses 1, 4, 5, 6, 7, 8, 9, 10, 12, 15, 18, 20, and 21

Administration Committee Report 8, Clauses 2, 4, 5, 6, 7, 8, 11 and 12

Community Services Committee Report 7, Clauses 2, 4 and 5

Economic Development and Parks Committee Report 7, Clauses 1, 2, 4, 5 and 7

Planning and Transportation Committee Report 7, Clauses 1, 2, 3 and 4

Planning and Transportation Committee Report 8, Clause 1

Works Committee Report 9, Clauses 1, 2, 3, 4, 5, 6, 7 and 8

Etobicoke York Community Council Report 8, Clauses 6, 7, 8, 10 and 19

North York Community Council Report 8, Clauses 26, 27, 28 and 35

Scarborough Community Council Report 8, Clause 7

Toronto and East York Community Council Report 8, Clauses 1, 15, 38, 47 and 49

Board of Health Report 7, Clause 1

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

Policy and Finance Committee Report 7, Clauses 14a, 16a and 39a

Works Committee Report 8, Clause 4a

Etobicoke York Community Council Report 7, Clause 23a

Toronto and East York Community Council Report 7, Clauses 73a and 80a

Policy and Finance Committee Report 8, Clauses 7, 9 and 18

Administration Committee Report 8, Clauses 4, 7 and 11

Community Services Committee Report 7, Clauses 4 and 5

Economic Development and Parks Committee Report 7, Clauses 1, 2 and 5

Planning and Transportation Committee Report 7, Clauses 1 and 4

Toronto and East York Community Council Report 8, Clause 38

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

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

- 12.8 **Toronto and East York Community Council Report 8, Clause 47, headed “Introduction of Permit Parking on Humewood Drive, between Maplewood Avenue and Valewood Avenue (St. Paul’s, Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by deleting from staff Recommendation (1) contained in the Recommendations Section of the report dated September 23, 2004, from the Manager, Right of Way Management, Transportation Services, South District, the words, “between Maplewood Avenue” and inserting instead the words, “near 37 Humewood Drive”, so that Recommendation (1) now reads as follows:

“(1) the City Clerk be directed to conduct a formal poll of the residents of Humewood Drive, near 37 Humewood Drive and Valewood Avenue, to determine support for the implementation of overnight on-street permit parking.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

12.9 **Toronto and East York Community Council Report 8, Clause 49, headed “Introduction of Permit Parking on Rushton Road, between Maplewood Avenue and Valewood Avenue (St. Paul’s, Ward 21)”.**

Motion:

Councillor Mihevc moved that the Clause be amended by inserting in staff Recommendation (1) contained in the Recommendations Section of the report dated September 23, 2004, from the Manager, Right of Way Management, Transportation Services, South District, the words “and Rushton Road between the laneway north of St. Clair Avenue and Humewood Gardens”, after the words “Valewood Avenue”, so that Recommendation (1) now reads as follows:

“(1) the City Clerk be directed to conduct a formal poll of the residents of Rushton Road, between Maplewood Avenue and Valewood Avenue, and Rushton Road between the laneway north of St. Clair Avenue and Humewood Gardens, to determine support for the implementation of overnight on-street permit parking.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

12.10 **Policy and Finance Committee Report 7, Clause 18a, headed “Toronto Transit Commission (TTC) Ridership Growth Strategy – 2004 Budget Adjustment and 2005 Budget Pre-Approval”.**

Motions:

(a) Councillor Soknacki moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report dated September 1, 2004, from the Chief Financial Officer and Treasurer, by:

(i) deleting from Recommendation (4) the figure “\$1.2 million”, and inserting instead the figure “\$700,000.00”, so that Recommendation (4) now reads as follows:

“(4) approve the 2004 increased TTC operating expenditures of \$700,000.00 for the Ridership Growth Strategy to be funded from increased ridership revenues in 2004;” and

- (ii) further amending Recommendation (5), as amended by the Policy and Finance Committee, by adding the words “subject to Council approval”, so that Recommendation (5) now reads as follows:

“(5) approve that any 2004 operating surplus be allocated to the TTC Stabilization Reserve Account, subject to Council approval;”.

- (b) Councillor Shiner moved that the Clause be amended by amending Recommendation (III) of the Policy and Finance Committee to read as follows:

“(III) That 80 percent of the Ridership Growth Strategy service improvements be phased-in in February 2005, and that Recommendations (2) and (6) contained in the Recommendations Section of the report dated September 1, 2004, from the Chief Financial Officer and Treasurer, be adopted, subject to:

- (i) amending Recommendation (2) by deleting the words “January/February 2005” and inserting instead the words “February/March 2005”, so that Recommendation (2) now reads as follows:

‘(2) approve the hiring and training of additional operators required to implement the RGS phase one off-peak service improvements by February/March 2005 at an estimated cost of \$500,000 in 2004;’
and

- (ii) amending Recommendation (6) by deleting the amount of “\$11 million” and inserting instead the amount of “\$8 million”, and deleting the words “January/February 2005” and inserting instead the words “February/March 2005”, so that Recommendation (6) now reads as follows:

‘(6) pre-approve an increase in the gross expenditures for the TTC of \$8 million in its 2005 operating budget for the implementation of the off-peak RGS service improvements effective February/March 2005.’”

Deputy Mayor Pantalone in the Chair.

- (c) Councillor Pitfield moved that Part (i) of motion (a) by Councillor Soknacki be amended by adding the words “and that Council, on an exception basis, pre-approve 2005 Operating funds for the implementation of the Ridership Growth Strategy”, so that staff Recommendation (4) reads as follows:

“(4) approve the 2004 increased TTC operating expenditures of \$700,000.00 for the Ridership Growth Strategy to be funded from increased ridership revenues in 2004, and that Council, on an exception basis, pre-approve 2005 Operating funds for the implementation of the Ridership Growth Strategy;”.

- (d) Councillor Holyday moved that the Clause be referred to the Toronto Transit Commission to explore the possibility of a fare increase and report back to Council, through the Policy and Finance Committee, on the ramifications of the fare increase.

Vote on Referral:

Yes - 3 Councillors: Cho, Del Grande, Holyday
No - 31 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Thompson, Watson

Lost by a majority of 28.

Motions:

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

“That, given the recent provincial gas tax funding announcement and the continued negotiations with the provincial and federal governments on their contributions to the Capital and Operating requirements of the Toronto Transit Commission, the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Chief General Manager, Toronto Transit Commission, be requested to submit a report to the Policy and Finance Committee, as soon as possible, on the results of the City of Toronto’s negotiations with the federal and provincial governments, and an analysis of how the current Toronto Transit Commission funding received from the federal and provincial governments compares with other major cities in North America and Europe.”

- (f) Councillor Del Grande moved that the Clause be amended by adding the following:

“That City Council consider reducing \$123 million of capital expenditures to be spent for the Toronto Transit Commission in 2005 from other capital expenditures until the City receives this capital amount from the federal and provincial governments.

Mayor Miller in the Chair.

- (g) Councillor Kelly moved that the Clause be amended by further amending staff Recommendation (5) contained in the report dated September 1, 2004, from the Chief Financial Officer and Treasurer, as amended by the Policy and Finance Committee, to provide that any 2004 operating surplus be allocated to the City’s Capital Financing Reserve Fund.

Votes:

Adoption of Part (ii) of motion (a) by Councillor Soknacki:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Thompson, Walker
No - 10	
Councillors:	Balkissoon, Del Grande, Di Giorgio, Feldman, Kelly, Mammoliti, Minnan-Wong, Shiner, Stintz, Watson

Carried by a majority of 21.

Due to the above decision of Council, motion (g) by Councillor Kelly was not put to a vote.

Adoption of motion (c) by Councillor Pitfield:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson

No - 6 Councillors: Augimeri, Feldman, Mammoliti, Moscoe, Shiner, Walker

Carried by a majority of 30.

Part (i) of motion (a) by Councillor Soknacki, as amended, carried.

Adoption of motion (b) by Councillor Shiner:

Yes - 18 Councillors: Altobello, Ashton, Balkissoon, Cowbourne, Di Giorgio, Feldman, Hall, Holyday, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Walker

No - 24 Mayor: Miller Councillors: Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Filion, Fletcher, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Thompson, Watson
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Lost by a majority of 6.

Adoption of motion (e) by Councillor Cho:

Yes - 37 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

No - 5 Councillors: Del Grande, Kelly, Mammoliti, Milczyn, Minnan-Wong

Carried by a majority of 32.

Adoption of motion (f) by Councillor Del Grande:

Yes - 13	
Councillors:	Altobello, Balkissoon, Cho, Del Grande, Feldman, Fletcher, Holyday, Kelly, Mammoliti, Milczyn, Minnan-Wong, Pitfield, Stintz
No - 29	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, Di Giorgio, Filion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker, Watson

Lost by a majority of 16.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 5	
Councillors:	Del Grande, Holyday, Kelly, Mammoliti, Shiner

Carried by a majority of 32.

In summary, Council amended this Clause by:

- (1) amending the staff recommendations contained in the Recommendations Section of the report dated September 1, 2004, from the Chief Financial Officer and Treasurer, by:
 - (a) deleting from Recommendation (4) the figure "\$1.2 million", and inserting instead the figure "\$700,000.00", and by adding the words "and that Council, on an exception basis, pre-approve 2005 Operating funds for the implementation of the Ridership Growth Strategy", so that Recommendation (4) now reads as follows:

“(4) approve the 2004 increased TTC operating expenditures of \$700,000.00 for the Ridership Growth Strategy to be funded from increased ridership revenues in 2004, and that Council, on an exception basis, pre-approve 2005 Operating funds for the implementation of the Ridership Growth Strategy;”; and

(b) further amending Recommendation (5), as amended by the Policy and Finance Committee, by adding the words “subject to Council approval”, so that Recommendation (5) now reads as follows:

“(5) approve that any 2004 operating surplus be allocated to the TTC Stabilization Reserve Account, subject to Council approval;”; and

(2) adding the following:

“That, given the recent provincial gas tax funding announcement and the continued negotiations with the provincial and federal governments on their contributions to the Capital and Operating requirements of the Toronto Transit Commission, the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Chief General Manager, Toronto Transit Commission, be requested to submit a report to the Policy and Finance Committee, as soon as possible, on the results of the City of Toronto’s negotiations with the federal and provincial governments, and an analysis of how the current Toronto Transit Commission funding received from the federal and provincial governments compares with other major cities in North America and Europe.”

12.11 Administration Committee Report 8, Clause 6, headed “Purchase of 248 Brooke Avenue for Municipal Parking Purposes (Ward 16 - Eglinton-Lawrence)”.

Motion:

Councillor Stintz moved that the Clause be received.

Vote:

The motion by Councillor Stintz carried.

12.12 Etobicoke York Community Council Report 8, Clause 6, headed “Removal of On-Street Parking Spaces for Persons with Disabilities (Ward 13 - Parkdale-High Park and Ward 17 - Davenport)”.

Motion:

Councillor Saundercook moved that the Clause be amended by deleting from the report dated September 24, 2004, from the Director, Transportation Services, West District, the words “Gilmour Street” wherever they occur, and inserting instead the words “Gilmour Avenue”.

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

12.13 Administration Committee Report 8, Clause 5, headed “McMillan vs. City of Toronto - Court Application”.

Motion:

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

“That prior to any further proposed amendments to the policies ‘Use of Communications, Services and Resources During an Election Year’ and ‘Use of Corporate Resources for Election Purposes Especially During an Election Year’, staff shall have regard to this Clause, which shall be appended to any future report which seeks to amend these policies.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

12.14 Policy and Finance Committee Report 7, Clause 32a, headed “Employee Suggestion Program”.

Motion:

Councillor Giambrone moved that the Clause be amended by adding the following:

“That the Chief Administrative Officer be requested to report back to the Policy and Finance Committee with recommendations for the implementation of a year-round program to promote and collect ideas for improvement and innovation in City government and the delivery of City services, the recommendations to be developed in consultation with representatives of the Toronto Civic Employees’ Union, Local 416, the Canadian Union of Public Employees, Local 79, Toronto Professional Fire Fighters’ Association, Local 3888 and the Executive Director of COTAPSAI, and further, that staff consult with the TTC on its existing employee improvement program.”

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

12.15 Etobicoke York Community Council Report 7, Clause 8a, headed “Request for All-way Stop Controls on Allanhurst Drive (Ward 4 - Etobicoke Centre)”.

Deputy Mayor Pantalone in the Chair.

Motion:

- (a) Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (July 22, 2004) from the Director, Transportation Services, West District, be adopted.

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 2 Councillors:	Holyday, Minnan-Wong
No - 22 Councillors:	Ashton, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Thompson, Watson

Lost by a majority of 20.

The Clause was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

Motion to Re-Open:

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

Motion:

- (b) Councillor Lindsay Luby moved that the Clause be amended by deleting from the Recommendation of the Etobicoke York Community Council, the word “or”, and inserting instead the word “and”, so that the recommendation of the Community Council now reads as follows:

“The Etobicoke York Community Council recommends that City Council erect an all-way stop control at the intersections of Allanhurst Drive and Swordbill Drive and Allanhurst Drive and Woodcrest Drive.”

Votes:

Motion (b) by Councillor Lindsay Luby carried.

The Clause, as amended, carried.

12.16 Etobicoke York Community Council Report 7, Clause 15a, headed “Traffic Calming on Seacliff Boulevard (Ward 7 - York West)”.

Deputy Mayor Pantalone in the Chair.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 9, 2004) from the Director, Transportation Services, West District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2 Councillors: Holyday, Li Preti
No - 28 Councillors: Altobello, Ashton, Augimeri, Carroll, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Thompson, Walker, Watson

Lost by a majority of 26.

The Clause was adopted, without amendment.

12.17 Etobicoke York Community Council Report 7, Clause 18a, headed “Installation of Speed Humps - Amendment to Existing Plan Riverview Gardens between Bloor Street West and Halford Avenue (Ward 13 – Parkdale-High Park)”.

Ruling by Deputy Mayor:

Deputy Mayor Pantalone ruled that Council defer its consideration of this Clause until the Member of Council who had held it, was present in the Council Chamber.

Councillor Saundercook challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 16 Councillors: Ashton, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Grimes, Holyday, Jenkins, Kelly, McConnell, Mihevc, Pantalone, Walker, Watson
No - 17 Councillors: Augimeri, Bussin, Carroll, Cowbourne, Filion, Fletcher, Hall, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Saundercook, Thompson

Lost by a majority of 1.

Vote:

The Clause was adopted, without amendment.

12.18 North York Community Council Report 7, Clause 28a, headed “40 Km/h Speed Limit - Downsview Avenue (Ward 9 - York Centre)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the North York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 25, 2004) from the Director, Transportation Services, North District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2 Councillors:	Ashton, Holyday
No - 24 Councillors:	Augimeri, Bussin, Carroll, Cowbourne, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Walker, Watson

Lost by a majority of 22.

The Clause was adopted, without amendment.

12.19 North York Community Council Report 7, Clause 31a, headed “All Way Stop Control - Cavotti Crescent and Evanston Drive (Ward 10 - York Centre)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the North York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 26, 2004) from the Director, Transportation Services, North District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 1 Councillors: Holyday
No - 27 Councillors: Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Del Grande, Di Giorgio, Feldman, Fillion, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Walker, Watson

Lost by a majority of 26.

The Clause was adopted, without amendment.

12.20 North York Community Council Report 7, Clause 35a, headed “Request for Poll - Speed Hump Plan - Times Road between Stayner Avenue and Lilywood Road (Ward 15 – Eglinton-Lawrence)”.

Motions:

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

“That the results of the poll be reported by the Acting Commissioner of Works and Emergency Services, along with an evaluation of the need for speed humps.”

- (b) Councillor Shiner moved that the Clause be referred to the Acting Commissioner of Works and Emergency Services with a request that he submit a report to the North York Community Council, as per the normal procedure, prior to the poll being conducted.

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 16	Councillors: Ashton, Cho, Cowbourne, Davis, Feldman, Hall, Holyday, Kelly, Li Preti, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Stintz, Walker
No - 16	Councillors: Altobello, Augimeri, Carroll, Del Grande, Di Giorgio, Giambrone, Grimes, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Watson

Lost, there being a tie vote.

Adoption of motion (a) by Councillor Moscoe:

Yes - 31	Councillors: Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 5	Councillors: Cowbourne, Hall, Holyday, Kelly, Ootes

Carried by a majority of 26.

The Clause, as amended, carried.

12.21 North York Community Council Report 7, Clause 36a, headed “Request for Poll - Speed Hump Plan - Lauder Avenue from Vaughan Road to Amherst Avenue (Ward 15 – Eglinton-Lawrence)”.

Motion:

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

“That the results of the poll be reported by the Acting Commissioner of Works and Emergency Services, along with an evaluation of the need for speed humps.”

Ruling by Deputy Mayor:

Councillor Hall requested Deputy Mayor Pantalone to rule on whether motion (a) by Councillor Moscoe was in order.

Deputy Mayor Pantalone ruled that motion (a) by Councillor Moscoe was an interpretation of the City's Traffic Calming Policy, and was therefore in order.

Councillor Hall challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 27 Councillors: Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 8 Councillors: Altobello, Ashton, Hall, Holyday, Kelly, Ootes, Pitfield, Shiner

Carried by a majority of 19.

Motion:

- (b) Councillor Shiner moved that the Clause be referred to the Acting Commissioner of Works and Emergency Services with a request that he submit a report to the North York Community Council, as per the normal procedure, prior to the poll being conducted.

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 16 Councillors: Altobello, Ashton, Cho, Cowbourne, Davis, Del Grande, Hall, Holyday, Kelly, Minnan-Wong, Nunziata, Palacio, Pitfield, Shiner, Walker, Watson
No - 18 Councillors: Augimeri, Carroll, Di Giorgio, Feldman, Filion, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Pantalone, Rae, Saundercook, Stintz

Lost by a majority of 2.

Motion (a) by Councillor Moscoe carried.

The Clause, as amended, carried.

12.22 North York Community Council Report 7, Clause 37a, headed “Request for Poll - Speed Hump Plan - Roselawn Avenue, west of Dufferin Street to Miranda Avenue (Ward 15 - Eglinton-Lawrence)”.

Motions:

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

“That the results of the poll be reported by the Acting Commissioner of Works and Emergency Services, along with an evaluation of the need for speed humps.”

(b) Councillor Shiner moved that the Clause be referred to the Acting Commissioner of Works and Emergency Services with a request that he submit a report to the North York Community Council, as per the normal procedure, prior to the poll being conducted.

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 16 Councillors:	Altobello, Cho, Cowbourne, Davis, Del Grande, Hall, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Walker, Watson
No - 17 Councillors:	Ashton, Augimeri, Carroll, Chow, Di Giorgio, Feldman, Filion, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Saundercook

Lost by a majority of 1.

Motion (a) by Councillor Moscoe carried.

The Clause, as amended, carried.

12.23 North York Community Council Report 7, Clause 38a, headed “Request for Poll - Speed Hump Plan - Bolingbroke Road (Ward 15 - Eglinton-Lawrence)”.*Motions:*

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

“That the results of the poll be reported by the Acting Commissioner of Works and Emergency Services, along with an evaluation of the need for speed humps.”

- (b) Councillor Hall moved that the Clause be referred to the Acting Commissioner of Works and Emergency Services with a request that he submit a report to the North York Community Council, as per the normal procedure, prior to the poll being conducted.

Votes:

Adoption of motion (b) by Councillor Hall:

Yes - 13	
Councillors:	Cho, Cowbourne, Davis, Del Grande, Filion, Hall, Holyday, Nunziata, Ootes, Palacio, Pitfield, Walker, Watson
No - 19	
Councillors:	Altobello, Ashton, Augimeri, Carroll, Chow, Di Giorgio, Feldman, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Stintz

Lost by a majority of 6.

Motion (a) by Councillor Moscoe carried.

The Clause, as amended, carried.

12.24 Toronto and East York Community Council Report 7, Clause 24a, headed “Driveway Widening - 53 Hillside Avenue West (St. Paul’s, Ward 22)”.*Motion:*

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the

Recommendation Section of the report (May 18, 2004) from the Manager, Right of Way Management, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 1 Councillors: Holyday
No - 23 Councillors: Altobello, Augimeri, Carroll, Chow, Cowbourne, Davis, Del Grande, Feldman, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Thompson, Walker, Watson

Lost by a majority of 22.

The Clause was adopted, without amendment.

12.25 Toronto and East York Community Council Report 7, Clause 26a, headed “Front Yard Parking for Two Vehicles - 13 Ritchie Avenue (Parkdale-High Park, Ward 14)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that staff Recommendation (1) contained in the Recommendations Section of the report (August 9, 2004) from the Manager, Right of Way Management, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 1 Councillor: Holyday
No - 22 Councillors: Augimeri, Carroll, Chow, Cowbourne, Davis, Del Grande, Feldman, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Nunziata, Palacio, Pantalone, Pitfield, Thompson, Walker, Watson

Lost by a majority of 21.

The Clause was adopted, without amendment.

12.26 Toronto and East York Community Council Report 7, Clause 27a, headed “Front Yard Parking - 137 Dowling Avenue (Parkdale-High Park, Ward 14)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that staff Recommendation (1) contained in the Recommendations Section of the report (August 9, 2004) from the Manager, Right of Way Management, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 5	
Councillors:	Feldman, Holyday, Li Preti, Minnan-Wong, Shiner
No - 26	
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Stintz, Thompson, Walker, Watson

Lost by a majority of 21.

The Clause was adopted, without amendment.

12.27 Toronto and East York Community Council Report 7, Clause 33a, headed “Installation of Speed Humps - Rushton Road, between Vaughan Road and Arlington Avenue (St. Paul’s, Ward 21)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the

Recommendation Section of the report (April 19, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 1 Councillor:	Holyday
No - 27 Councillors:	Ashton, Augimeri, Carroll, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 26.

The Clause was adopted, without amendment.

12.28 Toronto and East York Community Council Report 7, Clause 53a, headed “Installation of Speed Humps - Sterling Road, between Bloor Street West and Perth Avenue (Davenport, Ward 18)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 4, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2 Councillors:	Holyday, Shiner
No - 26 Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Nunziata, Palacio, Pantalone, Stintz, Thompson, Walker, Watson

Lost by a majority of 24.

The Clause was adopted, without amendment.

12.29 Toronto and East York Community Council Report 7, Clause 54a, headed “Installation of Speed Humps - Ruskin Avenue, between Edwin Avenue and Perth Avenue (Davenport, Ward 18)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 4, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3 Councillors:	Ashton, Di Giorgio, Holyday
No - 24 Councillors:	Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fillion, Hall, Jenkins, Li Preti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Stintz, Thompson, Walker, Watson

Lost by a majority of 21.

The Clause was adopted, without amendment.

12.30 Toronto and East York Community Council Report 7, Clause 55a, headed “Installation of Speed Humps – Sheridan Avenue, between Florence Street and Muir Avenue (Davenport, Ward 18)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the

Recommendation Section of the report (August 4, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3 Councillors:	Ashton, Di Giorgio, Holyday
No - 26 Councillors:	Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson

Lost by a majority of 23.

The Clause was adopted, without amendment.

12.31 Toronto and East York Community Council Report 7, Clause 56a, headed “Installation of Speed Humps - Walmer Road, between St. Clair Avenue West and Heath Street West (St. Paul’s, Ward 21)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 10, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 4 Councillors:	Ashton, Holyday, Kelly, Stintz
No - 24 Councillors:	Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Nunziata, Palacio, Pantalone, Rae, Thompson, Walker, Watson

Lost by a majority of 20.

The Clause was adopted, without amendment.

12.32 Toronto and East York Community Council Report 7, Clause 57a, headed “Installation of Speed Humps - Heath Street West/Tichester Road between Bathurst Street and Spadina Road (St. Paul’s, Ward 21)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 10, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2	
Councillors:	Holyday, Kelly
No - 29	
Councillors:	Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson

Lost by a majority of 27.

The Clause was adopted, without amendment.

12.33 Toronto and East York Community Council Report 7, Clause 58a, headed “Installation of Speed Humps - Russett Avenue, between Bloor Street West and Wallace Avenue (Davenport, Ward 18)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the

Recommendation Section of the report (August 10, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 4	
Councillors:	Ashton, Di Giorgio, Holyday, Kelly
No - 27	
Councillors:	Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fillion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson

Lost by a majority of 23.

The Clause was adopted, without amendment.

12.34 Toronto and East York Community Council Report 7, Clause 59a, headed “Installation of Speed Humps - Tweedsmuir Avenue between St. Clair Avenue West and Heath Street West (St. Paul’s, Ward 21)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 10, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3	
Councillors:	Ashton, Holyday, Kelly
No - 26	
Councillors:	Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Stintz, Walker, Watson

Lost by a majority of 23.

The Clause was adopted, without amendment.

12.35 Toronto and East York Community Council Report 7, Clause 63a, headed “Installation of Speed Humps - Withrow Avenue, between Broadview Avenue, and Logan Avenue (Toronto-Danforth, Ward 30)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Toronto and East York Community Council, and that the staff recommendation contained in the Recommendation Section of the report (August 12, 2004) from the Director, Transportation Services, South District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 5 Councillors:	Ashton, Del Grande, Holyday, Kelly, Palacio
No - 27 Councillors:	Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson

Lost by a majority of 22.

The Clause was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

12.36 Toronto and East York Community Council Report 7, Clause 69a, headed “Removal of Speed Humps - Wade Avenue, between Paton Road and the East/West section of Wade Avenue (Davenport, Ward 18)”.

Vote:

Adoption of the Clause, without amendment:

Yes - 25 Councillors:	Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Saundercook, Stintz, Thompson, Watson
No - 2 Councillors:	Ashton, Li Preti

Carried by a majority of 23.

12.37 Policy and Finance Committee Report 7, Clause 36a, headed “Status Report on Performance Measurement in the City of Toronto”.

Motion:

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

“That the Chief Administrative Officer, in developing a 3-1-1 Customer Service Request Tracking Program, align the indicators and measurements that will be monitored with the Municipal Performance Measurement Program.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

12.38 Policy and Finance Committee Report 7, Clause 37a, headed “Appointment of Community Members for the Roundtable on a Beautiful City”.

Motion:

Deputy Mayor Bussin moved that the Clause be amended by adding the following:

“That Philip Goodfellow be appointed to the Roundtable on a Beautiful City as the University of Toronto Architectural School’s nominee, for a term of office expiring on November 30, 2006, or until his successor is appointed.”

Votes:

The motion by Deputy Mayor Bussin carried.

The Clause, as amended, carried.

12.39 Administration Committee Report 6, Clause 2a, headed “Declaration as Surplus - Residual Portion of Closed Road Allowance Running North from Lawrence Avenue East, Between 6520 and 6530 Lawrence Avenue East (Ward 44 - Scarborough East)”.

Motion:

Councillor Cowbourne moved that the Clause be amended by:

- (1) deleting the recommendation of the Administration Committee; and
- (2) adding the following:

“That Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report dated October 26, 2004, from the Commissioner of Economic Development, Culture and Tourism, subject to inserting in Recommendation (2), the words “upon completion of the Port Union Waterfront Trail”, so that the recommendations now read as follows:

‘It is recommended that:

- (1) the residual portion of closed road allowance, being part of Lot 154 and part of Block A on Plan 319, designated as Parts 5, 6, 7 and 8 on Reference Plan 64R-10150, Part 11 on Reference Plan 64R-10199 and Part 12 on Reference Plan 64R-10422, as shown on the attached sketch, be retained by the City of Toronto until such time as the Port Union Waterfront Trail is completed; and
- (2) upon completion of the Port Union Waterfront Trail, the Commissioner of Works and Emergency Services report back to the Property Management Committee whether this residual portion of the closed road allowance should be retained in City ownership as a pedestrian walkway to provide access to the Port Union Waterfront Trail.’ ”

Votes:

The motion by Councillor Cowbourne carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

12.40 Administration Committee Report 6, Clause 15a, headed “Redevelopment of TTC Yonge-Eglinton Lands – Issues (Ward 22 - St. Paul’s)”.

Motion:

Councillor Nunziata moved that consideration of this Clause be deferred to the next regular meeting of City Council on November 30, 2004.

Vote on Deferral:

The motion by Councillor Nunziata carried.

12.41 Works Committee Report 9, Clause 3, headed “Bus-Only Lanes (Bus Rapid Transit) Downsview Subway Station to York University”.

Motions:

(a) Councillor Mihevc moved that consideration of the Clause be deferred to the next regular meeting of City Council on November 30, 2004, in order to allow the Toronto Transit Commission to conclude its negotiations.

(b) Councillor Moscoe moved that motion (a) by Councillor Mihevc be amended by adding the following:

“and the City Clerk be requested to assist in conducting a public meeting on this matter with property owners and tenants located on the east side of Keele Street.”

Votes on Deferral:

Motion (b) by Councillor Moscoe carried.

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

12.42 Policy and Finance Committee Report 8, Clause 10, headed “Costs and Benefits of Implementing an Environmental Management System in the City of Toronto”.

Motion:

Councillor McConnell moved that the Clause be amended by adding to Recommendation (2)(b) of the Policy and Finance Committee, the words “including all new Capital programs approved by City Council”, so that Recommendation (2)(b) now reads as follows:

“(2)(b) resources required in 2005 and beyond to further the environmental management systems in the City of Toronto, including all new Capital programs approved by City Council.”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

12.43 Scarborough Community Council Report 8, Clause 7, headed “Elimination of Sidewalks on Starry Crescent and Boulderbrook Drive (Ward 42 - Scarborough Rouge River)”.

Votes:

Adoption of Clause, without amendment:

Yes - 30	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Watson
No - 2	
Councillors:	Cho, Kelly

Carried by a majority of 28.

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

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

Yes - 25 Councillors: Altobello, Augimeri, Carroll, Cho, Davis, Del Grande, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors: Balkissoon, Bussin, Mammoliti

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

Motion:

Deputy Mayor Pantalone moved that consideration of the Clause be deferred to the next regular meeting of City Council on November 30, 2004.

Vote on Deferral:

The motion by Deputy Mayor Pantalone carried.

Mayor Miller in the Chair.

12.44 Policy and Finance Committee Report 8, Clause 15, headed “Ashbridges Bay Treatment Plant Odour Control Facilities, Provision of Engineering Services - RFP No. 9117-04-7188 (Ward 32 - Beaches-East York)”.

Motion:

Councillor Del Grande moved that the Clause be amended by adding the following:

“That authorization be granted for Works and Emergency Services staff for travel for technical inspection of other facilities utilizing technologies of the type being considered for implementation under the Ashbridges Bay Treatment Plant odour control facilities project, at a cost not to exceed \$10,000.00.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

12.45 Policy and Finance Committee Report 8, Clause 4, headed “City of Toronto and TCEU, Local 416 CUPE Grievances, Paramedic Level 1 Wage Rate (Symptom Relief)”.

Motion:

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

“That the Chief Financial Officer and Treasurer be requested to include the amount of \$9.7 million to replenish the Employee Benefit Reserve Fund, as part of the 2005 budget process.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

12.46 North York Community Council Report 8, Clause 35, headed “Other Items Considered by the Community Council”.

Motion:

Councillor Moscoe moved that the Clause be received Clause as information, subject to referring Item (i), headed “Request for Poll - Speed Hump Plan - Hillmount Avenue Between Dalemount Avenue and Shermount Avenue (Ward 15 - Eglinton-Lawrence)”, back to the North York Community Council for further consideration.

Votes:

The motion by Councillor Moscoe carried.

The balance of the Clause was received for information.

Deputy Mayor Bussin in the Chair.

12.47 Administration Committee Report 6, Clause 10a, headed “Replacement Toner Cartridges”.

Motions:

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

“That the Chief Financial Officer and Treasurer be requested to report to the Administration Committee on the feasibility of establishing a refilling station or facility for refilling existing toner cartridges.”

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

“That the Chief Financial Officer and Treasurer be requested to report to the Administration Committee in one year’s time, providing a review and evaluation of the City of Toronto’s experience with using remanufactured toner cartridges.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Hall carried.

The Clause, as amended, carried.

12.48 Policy and Finance Committee Report 8, Clause 21, headed “Additional Actions Needed to Provide Shelter and Outreach Services to Street Homeless Persons”.

(Note: Council considered Motion I(1) respecting the Use of Toronto’s Shelter System, with this Clause [See Minute 12.85, Page 85].)

Motions:

- (a) Councillor Mihevc moved that the Clause be received.

- (b) Councillor Shiner moved that Council adopt the following:

“That:

- (1) the by-laws which deal with people who are causing obstructions on public sidewalks be more strenuously enforced by the Toronto Police Service and the City’s by-law enforcement officers, and that these people be asked to move; and
- (2) the Commissioner of Community Neighbourhood Services, the Acting Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the Mayor, be requested to bring to the November 30, 2004 Council meeting, through the Community Services Committee, a joint report on solutions to the crisis of persons living on Toronto streets.”

- (c) Councillor Ford moved that Council adopt the following:

“That the City Solicitor, in consultation with the Commissioner of Community and Neighbourhood Services, submit a report to the Community Services Committee on the feasibility of the City establishing a nuisance by-law to deal with people causing obstructions on public sidewalks.”

- (d) Councillor Ootes moved that Council adopt the following:

“That the Mayor request the Toronto Police Services Board to demand that the Toronto Police Service, in a humane and civil manner, do everything legally possible to discourage persons from panhandling, squeegeeing and sleeping on the streets of Toronto.”

- (e) Councillor Carroll moved that motion (b) by Councillor Shiner be amended by adding the following:

“and such report to include a comparison study of dollars spent on:

- (a) shelter systems;
- (b) social services; and
- (c) policing,

including percentage ratios with respect to total City populations and including the ratios of ‘state vs. city’ funding for Toronto, Stockholm, Oslo, Amsterdam, Copenhagen, Frankfurt, Milan, London, Paris, and New York City.”

- (f) Councillor Pitfield moved that Council adopt the following:

“That:

- (1) the Province of Ontario be requested to increase the rent supplement allocated to the City of Toronto in order to allow for initiatives such as rooming house environments and transitional housing, where people could have their own rooms that could be locked up, rather than the social housing list currently accessed by the waiting list;
- (2) the City Solicitor be requested to report back to City Council on the enactment of a Quality-of-Life by-law wherein City Council states that it is inhumane to allow residents to sleep on City streets;

- (3) the Commissioner of Community and Neighbourhood Services be requested to report to the next regular meeting of Council, through the Community Services Committee, on an action plan on how the homeless people currently sleeping at Toronto City Hall can be assisted towards housing or care, and on using an approach similar to the Tent City model with other large groups of homeless people;
- (4) the Mayor meet with the Minister of Health and Long-Term Care and the Minister of Community and Social Services, on a plan for the Province to assist with funding to enable those people from the streets who are mentally ill, or who suffer from substance abuse, to be given support and/or institutional help; and
- (5) the Chief Administrative Officer, in consultation with the Acting Commissioner of Works and Emergency Services and the Executive Director, Human Resources, be requested to submit a report to the Administration Committee on the feasibility of enlisting homeless persons who are currently unemployed but able to work, to gain work experience in areas such as litter collection.”

Mayor Miller in the Chair.

- (g) Councillor Giambrone moved that Council adopt the following:

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee on what it would take to offer sufficient resources to solve the problem of homelessness in the City of Toronto.”

- (h) Councillor Mammoliti moved that Council adopt the following:

“That:

- (1) the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee on the possibility of expanding partnerships with private landlords to create a subsidized system for providing housing for the homeless; and
- (2) City Council request the Province of Ontario to immediately declare homelessness as an emergency situation in the City of Toronto.”

- (i) Councillor Nunziata moved that Council adopt the following:

“That:

- (1) City Council request the Provincial Government to amend legislation to allow the

City of Toronto to pass a by-law to prohibit loitering on City sidewalks; and

- (2) the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee with details on the New York City by-law which allowed it to discourage homelessness and panhandling on City streets.”

- (j) Councillor Del Grande moved that Council adopt the following:
 - “That the Commissioner of Community and Neighbourhood Services be requested to:
 - (1) improve shelter locations by putting enclosed cubicles that will ensure a safe accommodation environment; and
 - (2) conduct a program of surprise inspections of our shelters for cleanliness and safety.”

- (k) Councillor Lindsay Luby moved that:
 - (1) Council adopt the following:
 - “That Council request the Police Services Board to ensure that by-laws which deal with people who are causing obstructions on public sidewalks and other activities such as squeegeeing, be actively enforced.”; and
 - (2) the Clause, together with motions (a) to (k)(1) by Members of Council, and Motion I(1) moved by Councillor Holyday, seconded by Councillor Kelly, entitled “Use of Toronto’s Shelter System”, be referred to the Commissioner of Community and Neighbourhood Services, the Acting Commissioner of Works and Emergency Services, the City Solicitor, the Chief Administrative Officer and the Homeless and Socially Isolated Persons Advisory Committee, for consideration in consultation with the Mayor, with a request that they submit a joint report to the January 11, 2005 meeting of the Community Services Committee on a defined solution to the homelessness crisis in Toronto.

Vote Be Now Taken:

Councillor Soknacki moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken on Part (2) of motion (k) by Councillor Lindsay Luby, the vote upon which was taken as follows:

Yes - 25	
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Councillors:	Augimeri, Carroll, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson
No - 12	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Cho, Del Grande, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Shiner

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

Vote on Referral:

Adoption of Part (2) of motion (k) by Councillor Lindsay Luby:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Soknacki, Thompson, Watson
No - 13	
Councillors:	Cho, Di Giorgio, Feldman, Ford, Grimes, Holyday, Kelly, Mammoliti, Minnan-Wong, Nunziata, Ootes, Saundercook, Shiner

Carried by a majority of 14.

In summary, Council referred this Clause, together with the following motions by Members of Council, and Motion I(1) moved by Councillor Holyday, seconded by Councillor Kelly, entitled "Use of Toronto's Shelter System", to the Commissioner of Community and Neighbourhood Services, the Acting Commissioner of Works and Emergency Services, the City Solicitor, the Chief Administrative Officer and the Homeless and Socially Isolated Persons Advisory Committee, for consideration in consultation with the Mayor, with a request that they submit a joint report to the January 11, 2005 meeting of the Community Services Committee on a defined solution to the homelessness crisis in Toronto:

(1) Moved by Councillor Carroll:

"That Part 2 of the motion by Councillor Shiner be amended by adding the following:

‘and such report to include a comparison study of dollars spent on:

- (a) shelter systems;
- (b) social services; and
- (c) policing,

including percentage ratios with respect to total City populations and including the ratios of ‘state vs. city’ funding for Toronto, Stockholm, Oslo, Amsterdam, Copenhagen, Frankfurt, Milan, London, Paris, and New York City.’ ”

- (2) Moved by Councillor Del Grande:

“That the Commissioner of Community and Neighbourhood Services be requested to improve shelter locations by putting enclosed cubicles that will ensure a safe accommodation environment.”

- (3) Moved by Councillor Del Grande:

“That the Commissioner of Community and Neighbourhood Services be requested to conduct a program of surprise inspections of our shelters for cleanliness and safety.”

- (4) Moved by Councillor Ford:

“That the City Solicitor, in consultation with the Commissioner of Community and Neighbourhood Services, submit a report to the Community Services Committee on the feasibility of the City establishing a nuisance by-law to deal with people causing obstructions on public sidewalks.”

- (5) Moved by Councillor Giambrone:

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee on what it would take to offer sufficient resources to solve the problem of homelessness in the City of Toronto.”

- (6) Moved by Councillor Lindsay Luby:

“That Council request the Police Services Board to ensure that by-laws which deal with people who are causing obstructions on public sidewalks and other activities such as squeegeeing, be actively enforced.”

- (7) Moved by Councillor Mammoliti:

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee on the possibility of expanding partnerships with private landlords to create a subsidized system for providing housing for the homeless.”

- (8) Moved by Councillor Mammoliti:

“That City Council request the Province of Ontario to immediately declare homelessness as an emergency situation in the City of Toronto.”

- (9) Moved by Councillor Mihevc:

“That this Clause be received.”

- (10) Moved by Councillor Nunziata:

“That City Council request the Provincial Government to amend legislation to allow the City of Toronto to pass a by-law to prohibit loitering on City sidewalks.”

- (11) Moved by Councillor Nunziata:

“That the Commissioner of Community and Neighbourhood Services be requested to report to the Community Services Committee with details on the New York City by-law which allowed it to discourage homelessness and panhandling on City streets.”

- (12) Moved by Councillor Ootes:

“That the Mayor request the Toronto Police Services Board to demand that the Toronto Police Service, in a humane and civil manner, do everything legally possible to discourage persons from panhandling, squeegeeing and sleeping on the streets of Toronto.”

- (13) Moved by Councillor Pitfield:

“That the Province of Ontario be requested to increase the rent supplement allocated to the City of Toronto in order to allow for initiatives such as rooming house environments and transitional housing, where people could have their own rooms that could be locked up, rather than the social housing list currently accessed by the waiting list.”

(14) Moved by Councillor Pitfield:

“That the City Solicitor be requested to report back to City Council on the enactment of a Quality-of-Life by-law wherein City Council states that it is inhumane to allow residents to sleep on City streets.”

(15) Moved by Councillor Pitfield:

“That the Commissioner of Community and Neighbourhood Services be requested to report to the next regular meeting of Council, through the Community Services Committee, on an action plan on how the homeless people currently sleeping at Toronto City Hall can be assisted towards housing or care, and on using an approach similar to the Tent City model with other large groups of homeless people.”

(16) Moved by Councillor Pitfield:

“That the Mayor meet with the Minister of Health and Long-Term Care and the Minister of Community and Social Services, on a plan for the Province to assist with funding to enable those people from the streets who are mentally ill, or who suffer from substance abuse, to be given support and/or institutional help.”

(17) Moved by Councillor Pitfield:

“That the Chief Administrative Officer, in consultation with the Acting Commissioner of Works and Emergency Services and the Executive Director, Human Resources, be requested to submit a report to the Administration Committee on the feasibility of enlisting homeless persons who are currently unemployed but able to work, to gain work experience in areas such as litter collection.”

(18) Moved by Councillor Shiner:

“That:

- (1) the by-laws which deal with people who are causing obstructions on public sidewalks be more strenuously enforced by the Toronto Police Service and the City’s by-law enforcement officers, and that these people be asked to move; and
- (2) the Commissioner of Community Neighbourhood Services, the Acting Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the Mayor, be requested to bring to the November 30, 2004 Council meeting, through the Community Services Committee, a joint report on solutions to the crisis of persons living on Toronto streets.”

Motion I(1):

Use of Toronto's Shelter System

Moved by: Councillor Holyday

Seconded by: Councillor Kelly

“WHEREAS all citizens have a right to adequate shelter; and

WHEREAS those who choose to remain homeless make this choice voluntarily or through ignorance of existing shelter facilities; and

WHEREAS the homeless often have need for medical assistance, clothing, sleep and food; and

WHEREAS it is manifestly unfair and inhumane to expose the homeless to potential exploitation and harm; and

WHEREAS the City of Toronto expends at least \$150 million annually towards the resolution of this social inequity, but the tragedy of homelessness persists; and

WHEREAS other large jurisdictions throughout North America have successfully enacted measures to shelter the homeless;

NOW THEREFORE BE IT RESOLVED THAT a zero tolerance policy be adopted with respect to sleeping on City property;

AND BE IT FURTHER RESOLVED THAT a voluntary registry be set up and homeless persons be identified, listed and offered choices for regular shelter, if they so request;

AND BE IT FURTHER RESOLVED THAT a tracking system be developed to monitor the whereabouts of those registered, to ascertain the efficacies of the program;

AND BE IT FURTHER RESOLVED THAT those who do not wish to avail themselves of the opportunity to seek shelter be encouraged to use the City's available shelter facilities.”

12.49 North York Community Council Report 8, Clause 26, headed “Request for Direction Report - OPA and Rezoning Application 04 109551 NNY 23 OZ - Site Plan Application 04 150493 NNY 23 SA - Toronto District School Board and Rosedale Development Inc. - Kohn Shnier Architects and E.I. Richmond Architects - 4917-4975 Yonge Street 11-27 Hollywood Avenue, 8-18 & 50 Spring Garden Avenue (Ward 23 – Willowdale)”.

Motion:

Councillor Filion moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated October 27, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the applications submitted;
- (2) authorize the City Solicitor and appropriate staff to support the applications, provided the proposal is revised to the satisfaction of City Planning staff generally in accordance with the plan provided by the applicant for discussion purposes dated October 22, 2004, to delete proposed Building E and to incorporate the following:
 - (a) Dedicated driveway from Spring Garden to Hollywood Avenues

The provision of a continuous south-north driveway to abut the future property line of Building B, (8-18 Spring Garden Avenue); then curving eastward in front of proposed Building D; then northward, parallel to the future school building, as depicted on the plan provided by the applicant dated October 22, 2004. The driveway will be of sufficient width to accommodate through traffic, as well as a lane dedicated for a minimum of 15 drop-off and pick-up lay-by spaces, and be located entirely on the school property. The driveway will be one-way north from Spring Garden Avenue to the loading area of Building D, then two-way north to Hollywood Avenue to accommodate loading and garbage pick-up.

(b) Below-grade Parking Garage for School

Parking for 40 vehicles will be provided for the school, in a below-grade structure beneath the school building. No underground parking will be permitted below the school yard or driveway. Access to the garage will be via a ramp serving both the school and the adjacent residential building, (Building D) which will be located on the west side of Building D, as depicted on the plan provided by the applicant, dated October 22, 2004.

(c) Increased Area of School Yard

The school yard will include the previously proposed yard and, in addition, an area east and south of the proposed driveway of approximately 1,800 square metres and of a size sufficient to accommodate a playing field. No buildings will be permitted on the area of the playground which shall be secured by the proposed Official Plan amendment and Zoning By-law.

(d) Building D - 27 Hollywood Avenue

Building E, originally shown on the applicant's site plan, will be eliminated. Building D is to have a maximum gross floor area of 29,728 metres and must comply with the height limits of the North York Centre Secondary Plan (65 metres). The high rise portion of the building cannot exceed, on a north-south axis, 70 metres, and the design must include a curved south-eastern façade, and stepping of heights as depicted on the plan provided by the applicants dated October 22, 2004. The building must also have a two-storey base along the south portion of the building, similar in scale to its north portion, and similar to the base buildings for Buildings A and B. The use of this space could be for residential units or indoor residential amenity space. Outdoor residential amenity space may be provided on the roof of this two-storey base. The location of the ramp to the underground parking garage and the circular drop-off area are to be as shown on the plan provided by the applicant, dated October 22, 2004. The ramp is to be integrated into the building as shown on the plan provided by the applicant, dated October 22, 2004.

(e) Building C - 4917-4975 Yonge Street

For Building C, the ground floor must have grade-related retail uses only and the second and third floors must have retail or commercial uses only. The uses permitted on the ground floor shall be limited to those providing street animation, and will be secured by the proposed Zoning By-law. The total estimated gross floor area of these uses is in the range of 9,000 square metres. The maximum number of residential units will be 400. The building is to remain substantially the same as shown on the plan provided by the applicant, dated October 22, 2004, with respect to the density, height, and massing, but to be revised to indicate three floors of commercial use along the Yonge Street frontage.

(f) Building B - 8-18 Spring Garden Avenue

The area of previously approved Building B may be increased to a maximum of approximately 32,000 square metres gross floor area. The height may be increased from 30 to 36 storeys, consistent with the previous OMB decision, and the number of units increased from 318 units to a maximum of 342 units.

(g) Proposed School

The maximum gross floor area of the school building shall be 3,789 square metres and the maximum building height shall be 11 metres and 3 storeys.

(h) Bicycle and General Storage

The applicant shall provide below-grade storage space to be used for general storage in each of the buildings, with no incentives for bicycle storage. All storage areas will be included as part of the calculated gross floor areas of these buildings.

(i) Section 37 Contributions

The owner shall provide:

- (i) \$500,000.00 towards the provision of park and community facilities to serve the North York Centre area, to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, in consultation with the Ward Councillor; and

- (ii) \$300,000.00 towards an on-site public art program;
- (3) the City Solicitor shall request the Ontario Municipal Board to withhold its Order approving the revised Official Plan amendment and Zoning By-law that incorporates the changes noted above until:
- (a) the owner has entered into an agreement under Section 37 of the *Planning Act* to ensure the provision of a \$500,000.00 financial contribution to be used for parks and community facilities to serve the North York Centre, to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, in consultation with the Ward Councillor. The Section 37 agreement shall also secure an on-site public art program in the amount of \$300,000.00. These payments shall be submitted to the City, prior to issuance of the first building permit for Buildings B, C, or D. Prior to the first building permit, the applicant shall provide an irrevocable letter of credit in the value of five percent (5%) of the market value of the net site of Buildings C and D, for off-site parkland dedication;
 - (b) conditions of site plan approval for the entire site have been established and the owner has entered into agreements under Section 41 of the *Planning Act*. The site plan agreement shall also continue to secure sidewalk improvements along Yonge Street, landscaping and an interim parking lot, illustrated as Phase 1A on Plan L-1 (November 27, 2003), prior to the issuance of the first building permit for Buildings B, C, and D;
 - (c) Official Plan amendment and Zoning By-laws are prepared to the satisfaction of the City Solicitor. The detailed Official Plan amendment will secure, among other matters, the provision that the school yard will remain as open space and no buildings will be permitted within this area, now or in the future. The detailed Zoning By-law shall incorporate performance standards which include, but are not limited to, regulations on building setbacks, building envelopes, build-to lines, parking, building heights, gross floor area of residential and commercial space, type of uses, number of dwelling units, minimum indoor recreational amenity space, outdoor open space area, parking and loading;

- (d) upon detailed review of the revised plans, in preparation of the by-laws and required agreements, the applicant shall address the concerns of the commenting departments and agencies, including the requirements of the Works and Emergency Services Department, Economic Development, Culture and Tourism Department and the Toronto Transit Commission. These requirements shall be secured, as appropriate, in the Section 37 or Site Plan development agreements; and
 - (e) the applicants have given a written undertaking in a form satisfactory to the City Solicitor, that upon the Official Plan amendment and Zoning By-law described in this report coming into force and effect, the applicant's appeal of the new Toronto Official Plan as it relates to this site, be settled upon the necessary amendments to the new Toronto Official Plan being made to reflect the Official Plan amendment and zoning by-law approved by the Ontario Municipal Board; and
- (4) request the Director, Community Planning, North District, to undertake a review of the density incentive for below grade bicycle storage in the North York Centre Secondary Plan area and report back to North York Community Council."

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

12.50 Toronto and East York Community Council Report 8, Clause 1, headed "Art Gallery of Ontario, 317 Dundas Street West: Final Report – Amendment to the Official Plan and Zoning By-law No. 438-86; and Authority to Enter into a Heritage Easement Agreement (Trinity Spadina, Ward 20)".

Motion:

Councillor Chow moved that the Clause be amended in accordance with:

- (1) the following staff recommendation contained in the Recommendation Section of the supplementary report dated October 26, 2004, from the Commissioner of Urban Development Services:

"It is recommended that Council approve the Draft Zoning By-law amended as described in this report and resolve that no further notice be given in respect of the proposed By-law.";

- (2) the following staff recommendations contained in the Recommendations Section of the supplementary report dated October 27 2004, from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism, in consultation with the City Solicitor, work with the AGO to prepare and expedite the necessary agreements to ensure the use of #4 Grange Road as parkland;
- (2) the Commissioner of Economic Development, Culture and Tourism, in consultation with the AGO, the Grange Park Working Group and other stakeholders, develop park improvement and landscape plans for the conversion of #4 Grange Road to parkland;
- (3) the \$80,000.00 to be provided to the City of Toronto by the Art Gallery of Ontario as part of the transfer of the Dundas Street lands, be provided within 21 days of the Official Plan and Zoning By-laws for the Art Gallery of Ontario becoming final and binding;
- (4) once the \$80,000.00 is received by the City of Toronto, the Commissioner of Economic Development, Culture and Tourism, in co-operation with the Chief Financial Officer and Treasurer, establish the necessary Capital account to be utilized to undertake park planning and various park improvements at Grange Park;
- (5) an in year adjustment to the Parks and Recreation 2004 Capital Budget for \$80,000.00 gross, \$0 net, be funded by payment from the AGO;
- (6) the Commissioner of Economic Development Culture and Tourism report back to Economic Development and Parks Committee once the park improvement plan is complete, with a status report on the conversion of #4 Grange Road to parkland, on potential Phase I park improvements, and any future phased capital works; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (3) the following Resolution by Councillor Chow:

“**WHEREAS** the Toronto and East York Community Council has recommended approval of the Art Gallery of Ontario Expansion, subject to the owner entering into a Heritage Easement Agreement to protect the Grange House, Walker Court and the Moore Gallery; and

WHEREAS any future expansion of the south limit of the Art Gallery should be regulated; and

WHEREAS as the existing southerly edge of the building on the Art Gallery site consists of the George Reid Wing on the east, the Grange in the centre and the Chalmers Wing on the west; and

WHEREAS, as the George Reid Wing is designated under Part IV of the *Ontario Heritage Act* and cannot be expanded without Council approval; and

WHEREAS the Grange is designated and will be included in the Heritage Easement Agreement and cannot be expanded without Council approval; and

WHEREAS the Chalmers Wing is neither designated nor proposed to be included in the Heritage Easement Agreement;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Zoning By-law amendment appended as Attachment 8 to Toronto and East York Community Council Report 8, Clause 1, be amended to include provisions to limit development of the lands south of the Chalmers Wing. The parcel of land is to extend from the south deed line up to the existing façade to the north (The Chalmers Wing); and
- (2) the proposed amendment to the Zoning By-law amendment referred to above is minor and, as such, no further notice is required under Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

12.51 **Administration Committee Report 8, Clause 12, headed “Other Items Considered by the Committee”.**

Procedural Motion:

Councillor Moscoe moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (e), entitled “Municipal Term of Office”, the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Stintz, Watson
No - 6	
Councillors:	Holyday, Jenkins, Nunziata, Ootes, Soknacki, Thompson

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

Motion:

Councillor Moscoe moved that Item (e), contained in the Clause, be referred to the Policy and Finance Committee for consideration with Bill 120.

Votes:

The motion by Councillor Moscoe carried.

The balance of the Clause was received for information.

12.52 **Economic Development and Parks Committee Report 7, Clause 4, headed “Proposed Amendments to the *Ontario Heritage Act* - City of Toronto Response (All Wards)”.**

Motion:

Councillor Moscoe moved that the Clause be amended to provide that City Council’s position with respect to section 35.2 of the *Ontario Heritage Act* be that Council, rather than the Minister, be given the authority to issue the stop work order for 60 days, and that Council be permitted to extend that authority to the Chief Building Official, subject to confirmation by Council.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

12.53 North York Community Council Report 8, Clause 28, headed “Request for Direction Report - Site Plan Approval Application 03 200020 NNY 24 SA - Marek Dzikowski, Dzikowski Architects Inc. - 5845-5955 Leslie Street (Ward 24 - Willowdale)”.

Motion:

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

“That:

- (1) City Council instruct City Planning staff to again request the applicant to submit a revised site plan showing the drive-through lane exiting to the north; and
- (2) if the applicant does not comply with the above-noted request, that:
 - (a) the Ontario Municipal Board be advised that City Council does not support the drive-through at this location; and
 - (b) the City Solicitor appear before the Ontario Municipal Board in opposition to the site plan, and that authority be granted for the retention of an outside planning consultant, if required.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

12.54 Works Committee Report 9, Clause 8, headed “Proposed Agreements with Eastern Power Limited to Allow for Expansion of the Power Plants at the Brock West and Keele Valley Landfill Sites”.

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report dated October 25, 2004, from the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services:

‘It is recommended that:

- (1) a portion of the Brock West Landfill site, described as Part of PIN 26383-0014 (LT), being part of Lots 21 and 22, Concession 3, and part of the Road Allowance between Concessions 2 and 3, (Closed by By-law No. 800, Instrument PI22182), Geographic Township of Pickering, City of Pickering and shown as Parts 1 and 2 on the attached sketch (the “Property”), be declared surplus to the City’s requirements, with the intended method of disposal to be by way of long-term lease to Eastern Power Limited and all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken;
- (2) authority be granted for the Commissioner of Corporate Services and the Acting Commissioner of Works and Emergency Services (the “Commissioners”) to enter into negotiations with EPL for a long-term lease for Part 2 and any other agreements deemed appropriate by the Commissioners and the City Solicitor to facilitate the development of a new natural gas fired electricity generation facility on the Part 2 lands and to protect the City’s interests, all such terms and conditions as are satisfactory to the Commissioners, in their discretion and in a form acceptable to the City Solicitor, and to report back on the results of such negotiations;
- (3) authority be granted for the Commissioners to enter into negotiations with EPL to amend and extend an existing lease for Part 1 and to protect the City’s interests, all such terms and conditions as are satisfactory to the Commissioners, in their discretion and in a form acceptable to the City Solicitor, and to report back on the results of such negotiations; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

12.55 Works Committee Report 9, Clause 7, headed “Packaging Resolution”.

Motion:

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

“That the Mayor be requested to consider, as part of the New Deal negotiations, the ability of the City of Toronto to have the authority to levy an environmental tax on goods and materials that exceed municipally established packaging standards.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

12.56 Works Committee Report 8, Clause 1a, headed “Publication Box Strategy - Beautiful City Initiative”.

Motions:

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

- (1) deleting Recommendation (1)(i) of the Works Committee; and
- (2) adding the following:

“That Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report dated September 23, 2004, from the Acting Commissioner of Works and Emergency Services:

‘It is recommended that new applicants not be exempted from the proposed two-year moratorium on the placement of new publication dispensing boxes on City streets and accordingly, Recommendation (1)(i) contained in Works Committee Report 8, Clause 1a, not be adopted. This recommendation does not preclude pilot projects to explore other types or forms of publication boxes (Recommendation. (1)(ii) contained in Works Committee Report 8, Clause 1, to be adopted).’ ”

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

“That the Commissioner of Urban Development Services and the Acting Commissioner of Works and Emergency Services be requested to compile a comprehensive work plan by April 2005, to advance a co-ordinated street furniture program, taking into account the expiry of the current transit shelter agreement in 2007, such program to:

- (i) encompass transit shelters, litter/recycling bins, benches and other components in addition to publication boxes;
- (ii) introduce, as a primary consideration, a high quality of civic design to effectively harmonize and mitigate the current clutter and disparate design elements, allow for pedestrian traffic flow and safety, and provide for functional, durable elements in an economically viable manner; and
- (iii) be submitted to the Works Committee and the Planning and Transportation Committee within the context of the Beautiful City work program.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Rae carried.

The Clause, as amended, carried.

12.57 Planning and Transportation Committee Report 7, Clause 3, headed “Comprehensive By-law Compliance Programme”.

Motion:

Councillor Watson moved that:

- (1) consideration of the Clause be deferred to the meeting of City Council on February 1, 2005; and
- (2) Council adopt the following:

“That:

- (i) the Commissioner of Urban Development Services be requested to make a presentation to each of the Community Councils on the Comprehensive By-law

Compliance Programme; and

- (ii) all comments made at the Community Council meetings be forwarded to Council for consideration on February 1, 2005, through the Planning and Transportation Committee.”

Vote on Deferral:

The motion by Councillor Watson carried.

12.58 Policy and Finance Committee Report 8, Clause 5, headed “Notification to Tenants in Multi-Residential Rental Properties Subject to Automatic Rent Reduction Due to Property Tax Decreases for 2004 - Recommendation to Withdraw Previous Council Decision (All Wards)”.

(Note:

By its adoption of Motion J(15), City Council re-opened Policy and Finance Committee Report 4, Clause 5, headed “List of Multi-Residential Properties that are Subject to Automatic Rent Reduction Due to Property Tax Decreases in 2003”, for further consideration, only as it pertains to the recommendation that the form of tax notification to tenants for 2004, where requested, be drafted co-operatively with the Local Councillor. [See Minute 12.101, Page 115.]

Motion:

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

“That prior to the issuance of 2005 tenant tax reduction notices, the Chief Financial Officer and Treasurer, in consultation with the Commissioner of Community and Neighbourhood Services, report back to the Community Services Committee on the feasibility and costs of including a standard letter from each Councillor with each tenant tax reduction notice issued in their Ward.”

Votes:

Adoption of the motion by Councillor Moscoe:

Yes - 22	
Mayor:	Miller
Councillors:	Augimeri, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield
No - 11	
Councillors:	Altobello, Balkissoon, Cho, Del Grande, Feldman, Holyday, Milczyn, Saundercook, Stintz, Thompson, Watson

Carried by a majority of 11.

The Clause, as amended, carried.

12.59 Policy and Finance Committee Report 8, Clause 6, headed “Tax Rebate Program for Veterans’ Clubhouses and Legion Halls - Addition of One Clubhouse, Proposed Amendment to By-law No. 726-1999”.

Motion:

Councillor Moscoe moved that the Clause be received.

Vote:

The motion by Councillor Moscoe carried.

12.60 Community Services Committee Report 5, Clause 7b, headed “Update on the Implementation of the Review Recommendations for University Settlement and University Settlement Recreation Centre”.

Motion:

Councillor Chow moved that the Clause be received.

Vote:

Adoption of the motion by Councillor Chow:

Yes - 19 Mayor: Miller Councillors: Augimeri, Carroll, Chow, Cowbourne, Di Giorgio, Feldman, Fletcher, Giambrone, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook
No - 5 Councillors: Del Grande, Holyday, Kelly, Mammoliti, Minnan-Wong

Carried by a majority of 14.

12.61 Planning and Transportation Committee Report 6, Clause 4a, headed “Taxicab Driver Safety”.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting the Recommendation of the Planning and Transportation Committee, and that the staff recommendations contained in the Recommendations Section of the report (August 27, 2004) from the Commissioner of Urban Development Services be adopted.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Yes - 25 Councillors: Altobello, Balkissoon, Bussin, Carroll, Cho, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 7 Councillors: Augimeri, Chow, Davis, Del Grande, Fletcher, McConnell, Minnan-Wong

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

Motion:

Councillor Milczyn moved that consideration of the Clause be deferred to the next regular meeting of City Council on November 30, 2004.

Vote on Deferral:

The motion by Councillor Milczyn carried.

12.62 Works Committee Report 9, Clause 4, headed “Feasibility of Installing Traffic Control Signals at Bellamy Road North and Nelson Street (Ward 38 - Scarborough Centre)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Works Committee, and that the staff recommendation contained in the Recommendation Section of the report (August 11, 2004) from the Director, Transportation Services, East District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 4	
Councillors:	Ford, Giambrone, Holyday, Mammoliti
No - 23	
Councillors:	Balkissoon, Carroll, Cowbourne, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Watson

Lost by a majority of 19.

The Clause was adopted, without amendment.

12.63 Works Committee Report 9, Clause 5, headed “Feasibility of Installing Traffic Control Signals at Kennedy Road and Havendale Road (Ward 39 - Scarborough Agincourt)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Works Committee, and that the staff recommendation contained in the Recommendation Section of the report (August 11, 2004) from the Director, Transportation Services, East District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 1 Councillor: Holyday
No - 27 Mayor: Miller Councillors: Balkissoon, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Soknacki, Thompson, Watson

Lost by a majority of 26.

The Clause was adopted, without amendment.

12.64 Works Committee Report 9, Clause 6, headed “Results of 2004 Litter Audit”.

Motion:

Councillor Palacio moved that the Clause be amended by adding the following:

“That the Acting Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services and the City Solicitor, report to the Works Committee in early Spring 2005, on:

- (a) a process, protocol or mechanism that promotes an anti-litter educational campaign on ways of keeping our streets and public places clean; education should be provided to newcomers and tourists who come to Toronto every year, to familiarize

them with our 'Clean and Beautiful City' initiatives, and litter reduction goals;

- (b) reviewing and recommending increased fines for illegal dumping on public roads and public places; emphasis must be put on motorists who dispose of fast food waste, or packaging materials onto the road while driving;
- (c) the use of cameras for the current dumping hot spots; and
- (d) reviewing and enhancing garbage and recycling collection practices; emphasis must be with solid waste collectors to ensure that solid waste collection does not produce litter;

and this report be submitted to the Works Committee at the same time as the previously requested report from the Acting Commissioner of Works and Emergency Services; and the report and subsequent reports also be forwarded to the Roundtable on a Beautiful City.”

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

12.65 Etobicoke York Community Council Report 8, Clause 7, headed “Traffic Calming (Speed Humps) on Highbury Road Between Starview Drive and Wallasey Avenue (Ward 7 - York West)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 2 Councillors: Ford, Kelly
No - 31 Mayor: Miller Councillors: Altobello, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Watson

Lost by a majority of 29.

The Clause was adopted, without amendment.

12.66 Board of Health Report 7, Clause 1, headed “Shade Policy and Technical Considerations for the City of Toronto”.

Motion:

Councillor Stintz moved that the Clause be received.

Disposition:

As Council did not conclude its consideration of this Clause prior to the end of this meeting, consideration of this Clause was deferred to the next regular meeting of City Council on November 30, 2004.

12.67 Etobicoke York Community Council Report 8, Clause 8, headed “Poll Results - Installation of Sidewalks on Goswell Road Between Kipling Avenue and Martin Grove Road (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendation of the Etobicoke York Community Council, and that the staff recommendation in the Recommendations Section of the report (September 10, 2004) from the Director, Transportation Services, West District, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 3 Councillors:	Ford, Holyday, Li Preti
No - 30 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Carroll, Cho, Chow, Cowbourne, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 27.

The Clause was adopted, without amendment.

12.68 Etobicoke York Community Council Report 7, Clause 36a, headed “Implications of Holding Committee of Adjustment Public Hearings for the Etobicoke York Panel at Two Meeting Locations - Etobicoke Civic Centre and York Civic Centre”.

Motions:

- (a) Councillor Holyday moved that the Clause be received.
- (b) Councillor Nunziata moved that the Clause be amended by:
 - (1) adding to Recommendation (1) of the Etobicoke York Community Council, after the words “pilot project”, the words “commencing January 2005”; and
 - (2) adding to Recommendation (2) of the Etobicoke York Community Council, after the words “evaluation criteria”, the words “including staffing implications, service levels and complaints and that the Director report back”,

so that the recommendations of the Etobicoke York Community Council now read as follows:

- “(1) implement a pilot project, commencing January 2005, up to 6 months in length, whereby Committee of Adjustment applications for Wards 7, 11, 12, 13 and 17, would be heard at the York Civic Centre; and
- (2) request the Director, Community Planning, West District, to prepare measurable evaluation criteria, including staffing implications, service levels and complaints, and

that the Director report back so that the Etobicoke York Community Council can factually determine how successful the pilot project has been.”

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 1 Councillors: Holyday
No - 30 Mayor: Miller Councillors: Altobello, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 29.

Motion (b) by Councillor Nunziata carried.

Adoption of Clause, as amended:

Yes - 31 Mayor: Miller Councillors: Altobello, Augimeri, Carroll, Cho, Chow, Cowbourne, Davis, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors: Fillion, Holyday, Rae

Carried by a majority of 28.

12.69 Works Committee Report 9, Clause 2, headed “Policy Review of Residential Front Yard Parking and Driveway Widening”.

Motion:

Councillor Saundercook moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report dated October 26, 2004, from the Acting Commissioner of Works and Emergency Services and the City Solicitor:

“It is recommended that:

- (1) staff not engage in any process or systems development at this time that would be required to add any unpaid front yard parking charges to the tax bill;
- (2) the Acting Commissioner of Works and Emergency Services include, in his future report on consolidated front yard parking by-law provisions, recommendations on harmonizing penalty provisions and restrictions on legalizing parking pads that have been constructed without a City permit;
- (3) the Acting Commissioner of Works and Emergency Services consult with the Chief Building Official for the purpose of including comments on the legal status of front yard parking pads in the Building Division’s ‘Building Compliance Reports’; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be required.”

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

12.70 Economic Development and Parks Committee Report 7, Clause 7, headed ‘Parks and Recreation Service Improvement Priorities for 2005-2006 (All Wards)’.

Motion:

Councillor Stintz moved that the Clause be amended by adding the following:

“That the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the use of corn gluten meal for weed control in parks.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

12.71 Etobicoke York Community Council Report 8, Clause 10, headed “Application for Demolition under Section 34 of the Ontario Heritage Act - 89 Kingsway Crescent (Isaac Scott House) (Ward 5 - Etobicoke-Lakeshore)”.

Vote:

The Clause was adopted, without amendment.

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

Mayor Miller in the Chair.

12.72 Administration Committee Report 8, Clause 2, headed “Provision of Recruitment Advertising Services - Request for Proposal 9103-04-7223”.

Motions:

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

(1) deleting from staff Recommendations (1) and (2) contained in the report dated September 20, 2004, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, the amount of “\$400,000.00” and inserting instead the amount of “\$100,000.00”; and

(2) deleting staff Recommendation (3) contained in the above-noted report.

(b) Councillor Soknacki moved that the Clause be amended by adding the following new Recommendation (4) to the staff recommendations contained in the Recommendations Section of the report dated September 20, 2004, from the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer, and renumbering the original Recommendation (4) accordingly:

“(4) the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer be directed to ensure that the services utilized under this Request for Proposals do not exceed \$200,000.00 a year;”.

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

“That the Commissioner of Corporate Services be requested to report quarterly in 2005, to the Administration Committee, on the utilization of recruitment advertising under this contract.”

Deputy Mayor Feldman in the Chair.

Permission to Withdraw Motions:

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

Councillor Davis, with the permission of Council, withdrew her motion (c)

Votes:

Motion (b) by Councillor Soknacki carried.

The Clause, as amended, carried.

12.73 Community Services Committee Report 7, Clause 2, headed ‘Harmonization of Fire Routes By-laws’.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the draft by-law respecting the harmonization of fire routes, be amended as follows:

“That:

- (1) it be illegal under this by-law to erect any fire route sign, unless an application has been made and approved under this by-law or its predecessors;
- (2) staff make an application for a set fine in relation to erecting illegal fire route signs in an amount that is at least reflective of the cost of a fire route application under the by-law;
- (3) Part B of Section 3, headed ‘Consideration of Application’, be amended by adding the words, ‘including the local Councillor’, after the words, ‘any other official of the City’, so that Part B of Section 3 now reads as follows:

‘B In determining whether there is compliance with the condition set out in Clause A(2), the Fire Chief may obtain the assistance of any other official of the City, including the local Councillor, as the Fire Chief considers advisable.’;
- (4) Part C of Section 3, headed ‘Consideration of Application’, be amended to provide that the Fire Chief may call a public meeting to seek input on the details of the

proposed fire route if he so requires, prior to final approval;

- (5) Part F of Section 5, headed 'Appeals', be amended by adding the words 'or amend', after the word 'confirm, so that Part F of Section 5 now reads as follows:

'F Upon hearing the representations of the owner of the private road and considering the report and representations of the Fire Chief, the Committee, having regard to the conditions set out in Subsection 3A, shall recommend to the Council whether to approve or refuse the application or to confirm or amend the order, as the case may be.'; and

- (6) Part A of Section 10, headed 'Fire Route Signs Under Prior By-laws', be amended by deleting the words 'that sign continues to comply with the requirements established by such old area municipal by-law for the design and location of such signs', and replaced with the words 'it can be demonstrated that the sign was erected in compliance with the by-law of the former area municipality'."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

12.74 Policy and Finance Committee Report 8, Clause 12, headed "Processing Capacity for Source Separated Organic Material Request for Proposal No. 9155-03-5280".

Deputy Mayor Bussin in the Chair.

Votes:

Adoption of the Clause, without amendment:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Watson

No - 4 Councillors: Balkissoon, Feldman, Shiner, Stintz
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Carried by a majority of 24.

12.75 Toronto and East York Community Council Report 8, Clause 15, headed “Poll Results for Front Yard Parking - 205 Garden Avenue (Parkdale-High Park, Ward 14)”.

Motion:

Councillor Holyday moved that the Clause be amended by deleting the Recommendations of the Toronto and East York Community Council, and that staff Recommendation (1) contained in the Recommendations Section of the report (August 10, 2004) from the Manager, Right of Way Management, Transportation Services, be adopted.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 2 Councillors: Holyday, Minnan-Wong
No - 26 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Watson

Lost by a majority of 24.

The Clause was adopted, without amendment.

12.76 Etobicoke York Community Council Report 8, Clause 19, headed “Final Report - Official Plan Amendment and Rezoning Application, Applicant: Tom Giancos, 1463290 Ontario Inc.; 1100 Islington Avenue And 1 and 3 Chauncey Avenue (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Milczyn moved that the Clause be amended:

- (1) in accordance with the staff recommendation contained in the Recommendation Section of the supplementary report dated October 26, 2004, from the Commissioner of Economic Development, Culture and Tourism, subject to amending the recommendation so that it now reads as follows:

“It is recommended that the parkland location and configuration as recommended by the Etobicoke York Community Council at its meeting held on October 12, 2004, be adopted and the additional parkland dedication of 207 square metres beyond the statutory five percent (5%) requirement, be accepted as parkland without credit or benefit as it relates to any future statutory parkland dedication requirement.”;

- (2) in accordance with the following staff Recommendations (1) and (3) contained in the Recommendations Section of the supplementary report dated October 22, 2004, from the Commissioner of Urban Development Services:

“It is recommended that:

- (1) the necessary Bills to implement the revised Official Plan and Zoning Code amendments, as modified pursuant to amendments and recommendations of the Etobicoke York Community Council at its meeting held October 12, 2004, be adopted subject to the owner entering into an Agreement under Section 37 of the *Planning Act*, including requirements of the Economic Development, Culture and Tourism Department for parks improvements as outlined in received comments; and
- (3) [should City Council not adopt Recommendation (2) in the report], Site Plan Approval be made conditional pursuant to the conditions set out in Attachment 8 of this report.”; and
- (3) by adding the following:

“That Council resolve that no further notice be given.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

12.77 Planning and Transportation Committee Report 7, Clause 2, headed “Enforcement of Property Standards in Toronto Community Housing Corporation Owned Buildings (All Wards)”.

Motion:

Councillor Palacio moved that the Clause be amended by:

- (1) adding to the Recommendation of the Planning and Transportation Committee, the words “and report back directly to the Planning and Transportation Committee on the completion and success of the project”, so that the recommendation now reads as follows:

“The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (September 20, 2004) from the Commissioner of Urban Development Services; and notwithstanding Recommendation (1) in the aforementioned report, the Commissioner of Urban Development Services be requested to complete audits identified in Ward 17 to ensure the completion of those audits and report back directly to the Planning and Transportation Committee on the completion and success of the project.”; and

- (2) adding to staff Recommendation (2) contained in the report (September 20, 2004) from the Commissioner of Urban Development Services, the words “and request the Chief Executive Officer, Toronto Community Housing Corporation, to report to the Planning and Transportation Committee on the results of the building audits, broken down by ward, and proactive measures taken to respond to complaints from residents to enforce the protocol, as required, and this audit information be made available to Members of Council”, so that Recommendation (2) now reads as follows:

“(2) staff continue to liaise with the Toronto Community Housing Corporation regarding the results of their proactive maintenance strategy and request the Chief Executive Officer, Toronto Community Housing Corporation, to report to the Planning and Transportation Committee on the results of the building audits, broken down by ward, and proactive measures taken to respond to complaints from residents to enforce the protocol, as required, and this audit information be made available to Members of Council; and”.

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

12.78 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

October 26, 2004:

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

Deputy Mayor Pantalone moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act*:

- (a) Works Committee Report 8, Clause 9a, headed "Harbour Remediation and Transfer Inc. - Claim and Related Third Party Claim of Fred Dominelli", as it contains information pertaining to litigation or potential litigation.
- (b) Policy and Finance Committee Report 8, Clause 8, headed "Citizen Appointments to the Toronto Community Housing Corporation (TCHC) Board of Directors", as it contains personal information about identifiable individuals.
- (c) Community Services Committee Report 6, Clause 10a, headed "Update Regarding the Status of Litigation with The Learning Enrichment Foundation", as it contains information that is subject to solicitor-client privilege.

Vote:

The motion by Deputy Mayor Pantalone carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:28 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 7:46 p.m., and met in public session in the Council Chamber.

Mayor Miller took the Chair and called the Members to order.

12.79 Works Committee Report 8, Clause 9a, headed "Harbour Remediation and Transfer Inc. - Claim and Related Third Party Claim of Fred Dominelli".

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act*, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

Councillor Fletcher moved the Council adopt the following:

“That the staff recommendations contained in the Recommendations Section of the confidential report dated September 1, 2004, from the City Solicitor, be adopted, such report to remain confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.”

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

Further Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act*, further reported that City Council, at the in-camera portion of its meeting, had also issued confidential instructions to staff, that are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act*, as they contain information pertaining to litigation or potential litigation.

12.80 Policy and Finance Committee Report 8, Clause 8, headed “Citizen Appointments to the Toronto Community Housing Corporation (TCHC) Board of Directors”.

Report of the Committee of the Whole:

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

Vote:

The Clause was adopted, without amendment.

12.81 Community Services Committee Report 6, Clause 10a, headed “Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.

Report of the Committee of the Whole:

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

Motions Moved in Public:

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

“That Council issue confidential instructions to staff, that are to remain confidential in their entirety, in accordance with the provisions of the *Municipal Act*, as they contain information that is subject to solicitor-client privilege.”

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

- (1) deleting the recommendation of the Community Services Committee; and
- (2) adding the following:

“That:

- (a) the staff recommendation contained in the Recommendation Section of the confidential report dated October 25, 2004, from the City Solicitor be adopted, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to solicitor-client privilege; and
- (b) the confidential report dated August 16, 2004, from the Commissioner of Community and Neighbourhood Services and the City Solicitor, be received, such report to remain confidential in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to solicitor-client privilege.”

Votes:

Adoption of motion (a) by Councillor Shiner:

Yes - 25 Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Feldman, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Milczyn, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 6 Mayor: Councillors:	Miller Chow, Davis, Giambrone, Moscoe, Nunziata

Carried by a majority of 19.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

October 27, 2004:*Procedural Motion:*

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

- J(22) Settlement of Legal Action relating to a Personnel Matter, moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding the Settlement of Legal Action relating to a Personnel Matter.

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the Administration Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(22) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Deputy Mayor Bussin moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act*:

- (a) J(22) Settlement of Legal Action relating to a Personnel Matter, moved by Mayor Miller, seconded by Deputy Mayor Pantalone, regarding the Settlement of Legal Action relating to a Personnel Matter, as it contains information pertaining to litigation or potential litigation.
- (b) Planning and Transportation Committee Report 8, Clause 1, headed "Citizen Appointments to the Property Standards Committee and the Toronto Licensing Tribunal", as it contains personal information about identifiable individuals.

Vote:

The motion by Deputy Mayor Bussin carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:43 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 8:04 p.m., and met in public session in the Council Chamber.

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

12.82 **J(22) Settlement of a Legal Action relating to a Personnel Matter.**

Deputy Mayor Bussin called upon Motion J(22), as follows:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the City Solicitor has received advice from outside legal counsel and has prepared a report with respect to a legal action relating to a personnel matter; and

WHEREAS consideration of this matter by Council is required, on an urgent basis, to provide instructions to outside legal counsel in relation to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached confidential report dated October 25, 2004, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Council had before it, during consideration of Motion J(22), a confidential report dated October 25, 2004, from the City Solicitor.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Report of the Committee of the Whole:

Deputy Mayor Bussin, in accordance with the provisions of the *Municipal Act*, reported that Council, at the in-camera portion of its meeting, had issued confidential instructions to staff. These

instructions are to remain confidential, in their entirety, in accordance with the *Municipal Act*, as they contain information pertaining to litigation or potential litigation.

Vote:

Adoption of Motion J(22), as amended by confidential instructions to staff:

Yes - 27 Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Soknacki, Stintz, Thompson
No - 4 Councillors: Balkissoon, McConnell, Pitfield, Watson

Carried by a majority of 23.

In summary, Council adopted Motion J(22), subject to issuing confidential instructions to staff, such instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act*, as they contain information pertaining to litigation or potential litigation.

In adopting Motion J(22), as amended, Council adopted, as amended, the staff recommendations contained in the Recommendations Section of the confidential report dated October 25, 2004, from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation.

12.83 Planning and Transportation Committee Report 8, Clause 1, headed “Citizen Appointments to the Property Standards Committee and the Toronto Licensing Tribunal”.

Report of the Committee of the Whole:

Deputy Mayor Bussin advised that Council had not concluded its discussion in Committee of the Whole with respect to this matter and the in-camera session of this meeting would resume on October 28, 2004.

October 28, 2004:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Deputy Mayor Bussin moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act*:

- (a) Planning and Transportation Committee Report 8, Clause 1, headed “Citizen Appointments to the Property Standards Committee and the Toronto Licensing Tribunal”, as it contains personal information about identifiable individuals.

Vote:

The motion by Deputy Mayor Bussin carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:25 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act*.

Committee of the Whole rose, reconvened as Council at 6:36 p.m., and met in public session in the Council Chamber.

Councillor Soknacki in the Chair.

Acting Chair Soknacki took the Chair and called the Members to order.

12.84 **Planning and Transportation Committee Report 8, Clause 1, headed “Citizen Appointments to the Property Standards Committee and the Toronto Licensing Tribunal”.**

Report of the Committee of the Whole:

Acting Chair Soknacki, in accordance with the provisions of the *Municipal Act*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

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

“That the Chief Administrative Officer and the City Solicitor be requested to report to the Policy and Finance Committee on Council’s concerns regarding fair application of the policy and procedures governing selection of any citizen appointments, including but not limited to:

- (i) selection of applicants with any other pecuniary interest with the City, direct or indirect;

- (ii) selection of applicants with any interest, direct or indirect, with outstanding litigation against the City;
 - (iii) selection of applicants with any outstanding tax arrears to the City, whether private or commercial;
 - (iv) fair and transparent weighting of various selection criteria;
 - (v) appropriate provision of staff and selection process materials for Council consideration of appointment approvals; and
 - (vi) fair and consistent treatment of all applicants.”
- (b) Councillor De Baeremaeker moved that the Clause be amended by referring Recommendation (4) of the Planning and Transportation Committee, respecting the appointment of three alternates to the Toronto Licensing Tribunal, back to the Nominating Panel of the Planning and Transportation Committee with a request that it evaluate all of the unsuccessful candidates, and report to Council, through the Planning and Transportation Committee, on a ranking of all candidates.
- (c) Councillor Augimeri moved that motion (a) by Councillor Carroll be amended by adding the following Part (vii):
- “(vii) the proposal that if there are not enough qualified candidates to allow for a reasonable choice, the affected Committee or Panel be able to request the City Clerk to re-advertise for the position.”
- (d) Councillor Hall moved that the Clause be amended by referring Recommendation (2) of the Planning and Transportation Committee, respecting the appointment of four alternates to the Property Standards Committee, back to the Nominating Panel of the Planning and Transportation Committee for interviews and further evaluation.

Votes:

Adoption of motion (d) by Councillor Hall:

Yes - 18 Councillors:	Augimeri, Balkissoon, Carroll, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Kelly, McConnell, Mihevc, Milczyn, Minnan-Wong, Palacio, Pitfield, Soknacki, Thompson, Watson
No - 10 Councillors:	Altobello, Ashton, Filion, Holyday, Jenkins, Li Preti, Mammoliti, Saundercook, Shiner, Stintz

Carried by a majority of 8.

Adoption of motion (b) by Councillor De Baeremaeker:

Yes - 19 Councillors:	Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, McConnell, Minnan-Wong, Palacio, Pitfield, Shiner, Thompson, Watson
No - 10 Councillors:	Altobello, Ashton, Holyday, Li Preti, Mammoliti, Mihevc, Milczyn, Saundercook, Soknacki, Stintz

Carried by a majority of 9.

Adoption of motion (c) by Councillor Augimeri:

Yes - 29 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1 Councillors:	Li Preti

Carried by a majority of 28.

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

Yes - 25 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Watson
No - 4 Councillors: Holyday, Li Preti, Mammoliti, Saundercook

Carried by a majority of 21.

Adoption of Clause, as amended:

Yes - 27 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 3 Councillors: Holyday, Li Preti, Mammoliti

Carried by a majority of 24.

In summary, Council amended this Clause by:

- (1) referring Recommendation (2) of the Planning and Transportation Committee, respecting the appointment of four alternates to the Property Standards Committee, back to the Nominating Panel of the Planning and Transportation Committee for interviews and further evaluation;
- (2) referring Recommendation (4) of the Planning and Transportation Committee, respecting the appointment of three alternates to the Toronto Licensing Tribunal, back to the Nominating Panel of the Planning and Transportation Committee with a request that it evaluate all of the unsuccessful candidates, and report to Council, through the Planning and Transportation Committee, on a ranking of all candidates; and

(3) adding the following:

“That the Chief Administrative Officer and the City Solicitor be requested to report to the Policy and Finance Committee on Council’s concerns regarding fair application of the policy and procedures governing selection of any citizen appointments, including but not limited to:

- (i) selection of applicants with any other pecuniary interest with the City, direct or indirect;
- (ii) selection of applicants with any interest, direct or indirect, with outstanding litigation against the City;
- (iii) selection of applicants with any outstanding tax arrears to the City, whether private or commercial;
- (iv) fair and transparent weighting of various selection criteria;
- (v) appropriate provision of staff and selection process materials for Council consideration of appointment approvals;
- (vi) fair and consistent treatment of all applicants; and
- (vii) the proposal that if there are not enough qualified candidates to allow for a reasonable choice, the affected Committee or Panel be able to request the City Clerk to re-advertise for the position.”

Council appointed the following citizens to the Property Standards Committee:

North Panel:

- William J. Dolan;
- Linda Nolan;
- Dennis M. Topp; and
- Alton Telfer.

South Panel:

- Anne Beaumont;
- Bill Dalton;
- Domenic Di Serio; and
- David L. Strelchuk.

East Panel:

- Mary Handler;
- Zuhtu S. Ozden;
- Norman A. Smith; and
- William G. Wilson.

West Panel:

- Barbara J. Ewles;
- Ronald J. Gillis;
- Martha Marini; and
- Yim Chan.

Council appointed the following citizens to the Toronto Licensing Tribunal:

- Angelo Amenta;
- Carole Cushnie;
- Mark Gannage;
- Aubrey Golden;
- Wayne Habbib;
- Heidi Rubin; and
- William Weissglas.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**12.85 I(1) Use of Toronto's Shelter System**

Mayor Miller called upon the following Notice of Motion appearing on the Order Paper:

Moved by: Councillor Holyday

Seconded by: Councillor Kelly

“WHEREAS all citizens have a right to adequate shelter; and

WHEREAS those who choose to remain homeless make this choice voluntarily or through ignorance of existing shelter facilities; and

WHEREAS the homeless often have need for medical assistance, clothing, sleep and food; and

WHEREAS it is manifestly unfair and inhumane to expose the homeless to potential exploitation and harm; and

WHEREAS the City of Toronto expends at least \$150 million annually towards the resolution of this social inequity, but the tragedy of homelessness persists; and

WHEREAS other large jurisdictions throughout North America have successfully enacted measures to shelter the homeless;

NOW THEREFORE BE IT RESOLVED THAT a zero tolerance policy be adopted with respect to sleeping on City property;

AND BE IT FURTHER RESOLVED THAT a voluntary registry be set up and homeless persons be identified, listed and offered choices for regular shelter, if they so request;

AND BE IT FURTHER RESOLVED THAT a tracking system be developed to monitor the whereabouts of those registered, to ascertain the efficacies of the program;

AND BE IT FURTHER RESOLVED THAT those who do not wish to avail themselves of the opportunity to seek shelter be encouraged to use the City's available shelter facilities."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion I(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 189)

Disposition:

City Council considered this Motion with Policy and Finance Committee Report 8, Clause 21, headed "Additional Actions Needed to Provide Shelter and Outreach Services to Street Homeless Persons". (See Minute 12.48 , Page 37)

12.86 I(2) Request to Re-open Harmonized City-Wide Private Tree By-law

The following Motion was withdrawn:

Moved by: Councillor Hall and Councillor Lindsay Luby

Seconded by: Councillor Nunziata

“BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be amended to provide that, in cases of hardship, the Commissioner of Economic Development, Culture and Tourism be authorized to waive the permit application fees.”

12.87 **J(1) Issuance of Debentures**

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

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 Chief Financial Officer and Treasurer are authorized to enter into an agreement or agreements with a purchaser or purchasers during the year for the sale and issue of debentures, upon such terms and conditions, including price or prices as they deem expedient, to provide an amount not exceeding \$500,000,000.00 for the purposes of the City of Toronto, including the purposes of any former area municipality, the former Municipality of Metropolitan Toronto and a board of education; and

WHEREAS the Mayor and Chief Financial Officer and Treasurer have entered into an agreement dated October 20, 2004, for the issue and sale of debentures, and the Chief Financial Officer and Treasurer is required to report the terms of the agreement to Council not later than the second regular Council meeting following the entering into of such agreement; and

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

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated October 22, 2004, from the Chief Financial Officer and Treasurer, regarding the issuance of debentures, and that the staff recommendations contained in the Recommendations Section of the report be adopted;

AND BE IT FURTHER RESOLVED THAT leave be granted for the introduction of the necessary Bills in Council to give effect to the issuance of debentures.”

Advice by Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(1) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(1), a report dated October 22, 2004, from the Chief Financial Officer and Treasurer, entitled “Issuance of Debentures”. (See Attachment 3, Page 180)

Motion:

Councillor Shiner moved that Motion J(1) be adopted, subject to adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the next meeting of Council, through the Policy and Finance Committee, on the amount of additional debt projected for 2004, and how the City of Toronto could capture lower interest rates should any further debenturing be required.”

Votes:

The motion by Councillor Shiner carried.

Motion J(1), as amended, carried.

Summary:

In adopting Motion J(1), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated October 22, 2004, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures":

"It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on October 26, 2004, to give effect to the issuance of debentures as described in this report; and
- (2) the appropriate City officials be authorized to take the necessary actions to give effect thereto."

12.88 J(2) Appeal of Committee of Adjustment Decision - 90 Madison Avenue

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

"**WHEREAS** the Ontario Municipal Board case regarding an appeal of the decision of the Committee of Adjustment regarding 90 Madison Avenue will be heard on November 17, 2004;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be instructed to appear at the Ontario Municipal Board to defend the position taken by the Committee of Adjustment, and support the neighbourhood association, Annex Residents Association, and the immediate neighbours, in opposition to the position of the owner of this property."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(2), a Notice of Decision dated July 6, 2004, from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(2) was adopted, without amendment.

12.89 J(3) Property Tax Exemption for Toronto Transit Commission Properties

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

Moved by: Councillor Moscoe

Seconded by: Councillor Mihevc

“WHEREAS the Toronto Transit Commission (“TTC”) is subject to payment-in-lieu of taxes (‘PIL’) on property it owns or uses; and

WHEREAS the Commission’s annual PIL liability to the City of Toronto is approximately \$10 million; and

WHEREAS the City retains both the municipal and education portion of the PIL; and

WHEREAS municipal agencies and departments such as the Toronto Police Services Board, Fire, Ambulance Services, Public Libraries and the City of Toronto Zoo are exempt from PIL; and

WHEREAS the payment of PIL by the TTC results in an annual, recurring funding

requirement of the TTC and a source of property tax revenue to the City; and

WHEREAS the Current Value Assessment system has resulted in the assessment values of property tax assessment rolls being updated every year, wherein the uncertainty of valuation shifts and municipal tax levy increases will result in budgeting difficulties, potential funding shortfalls and administrative resources to file the necessary tax appeals; and

WHEREAS the Municipal Property Assessment Corporation (MPAC) has recently given notice to the TTC that all bus platforms in subway stations will lose their current status as exempt and will be subject to PIL in 2005; and

WHEREAS the Council of the City of Toronto, during its meeting on May 21, 22 and 23, 2003, supported a property tax exemption for the Toronto Coach Terminal Inc. and for leased TTC commuter parking lots on hydro corridors, which undertaking remains to be concluded; and

WHEREAS the Province of Ontario has confirmed its intention to draft a new *City of Toronto Act*;

NOW THEREFORE BE IT RESOLVED THAT City Council support a property tax exemption for all Commission properties, through means such as enabling provisions in the new *City of Toronto Act* and that the Chief Administrative Officer submit a report to the Policy and Finance Committee on the necessary legislation;

AND BE IT FURTHER RESOLVED THAT for the 2005 budget process and beyond, the City of Toronto's Budget Advisory Committee be requested to consider a credit to the TTC for this new expense, noting that this has no new net impact on the City of Toronto's Operating Budget."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Policy and Finance Committee was taken as follows:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Shiner, Stintz, Thompson
No - 6	
Councillors:	Altobello, Del Grande, Feldman, Kelly, Saundercook, Watson

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

Vote:

Motion J(3) was adopted, without amendment.

Motion to Re-Open:

Councillor Kelly, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(3) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(3) was adopted, without amendment.

12.90 **J(4) Request for Fence Exemption - 7 Fifeshire Road (Ward 25 - Don Valley West)**

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

Moved by: Councillor Jenkins

Seconded by: Councillor Pitfield

“**WHEREAS** City Council, by its adoption, without amendment, of North York Community

Council Report 7, Clause 9, on September 28, 29, 30 and October 1, 2004, refused a request for a fence exemption at 7 Fifeshire Road; and

WHEREAS the owner of the above property was out of the country during the notification and deputation period; and

WHEREAS the owner has requested an opportunity to make a deputation to the North York Community Council; and

WHEREAS Municipal Licensing Services staff concur with this request;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report 7, Clause 9, headed 'Request for Fence Exemption – 7 Fifeshire Road (Ward 25 – Don Valley West)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be referred back to the North York Community Council for further consideration at its meeting on November 16, 2004, in order to permit the applicant to make a deputation to the Community Council."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Votes:

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

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

Summary:

Council, by its adoption of the balance of Motion J(4), without amendment, referred North York Community Council Report 7, Clause 9, headed "Request for Fence Exemption – 7 Fifeshire Road (Ward 25 – Don Valley West)", back to the North York Community Council for further consideration at its meeting on November 16, 2004.

12.91 **J(5) 2195 Yonge Street – Minto Construction Activity**

Councillor Pitfield moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion, moved by Councillor Walker, seconded by Councillor Stintz, and, in the absence of Councillor Walker, moved by Councillor Pitfield, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pitfield

Seconded by: Councillor Stintz

“WHEREAS Minto Midtown Inc. has commenced construction of a major high-rise residential building at 2195 Yonge Street; and

WHEREAS the initial stage of construction involves the excavation of the site; and

WHEREAS the construction methods employed by Minto involve the insertion of a series of large diameter temporary steel liners to create a concrete caissons wall system around the entire perimeter of the site before excavation, to control water infiltration during excavation and afterwards; and

WHEREAS the steel liners are being inserted to a depth in excess of eighty (80) feet, utilizing drilling and an ICE model 4450 vibratory hammer for several months; and

WHEREAS the use of the vibratory hammer has caused vibrations to travel through the ground into the adjacent neighbourhood; and

WHEREAS such vibrations have adversely impacted upon persons in the use and enjoyment of their homes and businesses; and

WHEREAS the construction activity commenced in August of this year, and it is anticipated that the activity causing the vibrations will continue for several more weeks; and

WHEREAS the complaints and concerns of residents and businesses, in the vicinity of 2195 Yonge Street, about the adverse impact of the vibrations emanating from the Minto construction activity are well-founded; and

WHEREAS the affected residents and businesses are requesting that the City, on an urgent basis, take necessary action to cause Minto to mitigate the adverse impacts of its construction activity;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services and the City Solicitor be requested to investigate the impacts of vibrations emanating from the Minto construction activities at 2195 Yonge Street, and submit a report to the Planning and Transportation Committee for its next meeting on November 8, 2004, such report to address the following matters:

- (a) the availability of alternate construction methods that may mitigate or eliminate the adverse impacts of the vibrations from the presently-utilized construction methods;
- (b) the building permit process followed with respect to 2195 Yonge Street, and the adequacy of the information about possible adverse impacts related to the construction methods proposed by Minto in its application;
- (c) a description of the applicable regulations under the *Building Code Act, 1992, S.O. 1992, c.23*, with respect to vibrations or ground-shaking caused by construction;
- (d) a description of the role of the City of Toronto in monitoring and limiting vibrations caused by construction;
- (e) an explanation of when a stop-work order would be utilized due to adverse impacts caused by construction vibrations;
- (f) comments on the adequacy of existing Provincial laws to address the problem of adverse impacts caused by construction vibrations;
- (g) comments on the legislative authority of the City of Toronto to enact a by-law to regulate adverse impacts;
- (h) the legal exposure, if any, of the City of Toronto with respect to the construction activities carried on by Minto, pursuant to a building permit issued by the City; and
- (i) what role the City can play to assist residents and businesses that are adversely affected by the construction vibrations caused by Minto.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(5) was adopted, without amendment.

12.92 **J(6) Reconstitution of the Toronto City Centre Airport Advisory Committee**

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Bussin

“WHEREAS City of Toronto Council, by its adoption, as amended, of Policy and Finance Committee Report 6, Clause 2, headed ‘The Toronto City Centre Airport’, on June 24, 25 and 26, 2003, approved the formation of the Toronto City Centre Airport Community Advisory Committee; and

WHEREAS Council also approved the Terms of Reference for the Toronto City Centre Airport Community Advisory Committee as outlined in the attached document; and

WHEREAS City Council, by its adoption, as amended, of Policy and Finance Committee Report 1, Clause 3, headed ‘Sub-Committees, Advisory Committees, Roundtables and Other Bodies’, on January 27, 28 and 29, 2004, approved the following recommendation:

- ‘(33) the re-establishment of the Toronto City Centre Airport Advisory Committee be referred to the Mayor for further review and recommendation;’; and

WHEREAS the Toronto City Centre Airport Community Advisory Committee needs to

be re-established during this term of Council;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 1, Clause 3, headed ‘Sub-Committees, Advisory Committees, Roundtables and Other Bodies’, be re-opened for further consideration, only as it pertains to the action taken by Council with respect to the Toronto City Centre Airport Community Advisory Committee;

AND BE IT FURTHER RESOLVED THAT City Council reconstitute the Toronto City Centre Airport Community Advisory Committee and the attached Terms of Reference for the Advisory Committee be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Vote:

The first Operative Paragraph contained in Motion J(6) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Chow moved that the balance of Motion J(6) be adopted, subject to:

- (1) amending the Terms of Reference for the Toronto City Centre Airport Community Advisory Committee by deleting from Part (2) under the heading “Mandate”, and Part (4) under the heading “Focus”, the words “through the Waterfront Reference Group”, so that the Terms of Reference of the Toronto City Centre Airport Community Advisory Committee, as amended by Council, shall now read as follows:

“Toronto City Centre Airport Community Advisory Committee
Terms Of Reference

Mandate:

The Community Advisory Committee will undertake two significant functions:

- (1) it will function as a mechanism through which the Toronto Port Authority obtains community input into Toronto City Centre Airport (TCCA)

operations, with a view to assisting the TPA in managing the impact of these operations on the surrounding community or other communities located within TCCA flight paths; and

- (2) it is also to advise Toronto City Council of any operational or other issues related to current or planned TCCA activities that require municipal action.

Composition:

The Committee will be comprised of representatives from key community stakeholder groups and area Councillors. To maximize effectiveness, a 15-member committee would be the ideal size.

Process:

Meetings shall be called and agendas set by the Chair of the Community Advisory Committee. Agendas will be distributed at least one-week prior to each meeting. Meetings will take place at least twice per year, based on a pre-determined schedule. The Committee will select a Chair from within its membership and its meetings will be open to the public.

Focus:

- (1) Providing input into items of concern to Council and the community regarding the operation of the TCCA and the fixed link (if constructed), including noise abatement, traffic management, public safety, parking, transit, urban design, and environmental impacts and the actions required to address them.
- (2) Providing input into legislatively required environmental assessments undertaken by the TPA in relation to proposals involving the TCCA.
- (3) A regular agenda item will be reserved for an update by the Port Authority regarding existing or emerging developments that affect the local community.
- (4) Should an unresolvable issue arise, the Chair of the Community Advisory Committee will report to Toronto City Council.”; and

- (2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT:

- (1) Councillors Chow, Kelly and Mammoliti, and Councillor Del Grande as an alternate, be appointed to the Toronto City Centre Airport Community Advisory Committee for a term of office ending May 31, 2005, and until successors are appointed, and that the relevant sections of Chapter 27 of the City of Toronto Municipal Code, Council Procedures, be waived, in order to permit these appointments; and
- (2) the following citizen members, as listed in the confidential appendix to this Motion, be appointed to the Toronto City Centre Airport Community Advisory Committee for a term of office ending November 30, 2006, such appendix now public in its entirety:

François St-Pierre, Harbourfront Community Association;
Ruth Milliken, Bathurst Quay Neighbourhood Association;
Boris Broz, Harbourfront Community Association;
Jerry Shiner, Garment District Neighbourhood Association;
Cam Miller, St. Lawrence Neighbourhood Association;
Pam Mazza, Toronto Island Community Association;
Roger Shaw, Ontario Sailing Association;
Elizabeth Quance, Niagara Neighbourhood Association;
Keith Stewart, Toronto Environmental Alliance;
Julie Beddoes, Gooderham and Worts Neighbourhood Association; and
Greg Gatenby, Toronto Arts Community.

Votes:

The motion by Councillor Chow carried.

The balance of Motion J(6), as amended, carried.

12.93 **J(7) Support for a National Affordable Housing Energy Efficiency Strategy**

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

Moved by: Councillor Chow

Seconded by: Councillor McConnell

“WHEREAS Canada faces the national challenge of a growing affordable housing crisis; and

WHEREAS the Federation of Canadian Municipalities (‘FCM’) believes that the health and well-being of Canada’s communities depend on the provision of appropriate, secure, decent, sustainable and affordable housing; and

WHEREAS the retention and improvement of Canada’s existing affordable housing stock must be a key element of a national housing strategy, as recommended by FCM’s National Housing Policy Options Team (rehabilitation of 10,000 units per year over 10 years); and

WHEREAS Canada also faces the national challenge of implementing the Kyoto Protocol to address global climate change; and

WHEREAS the federal government’s climate change action plan includes the goal of retrofitting 20 percent of Canada’s existing houses by 2010, reducing greenhouse gas emissions by 1.5 million tonnes; and

WHEREAS energy efficient housing upgrades provide an important, cost-effective opportunity to improve affordability and sustainability by lowering energy costs – freeing wasted energy spending to address core housing needs, improving home health and indoor air quality and reducing pollution and greenhouse gas emissions that contribute to climate change; and

WHEREAS the Green Communities Association (GCA) is a national network of non-profit, community-based organizations that have delivered 150,000 home energy performance assessments in all regions of Canada, including low-income and social housing retrofit programs; and

WHEREAS, the GCA has demonstrated that households can reduce energy consumption an average 34 percent per year and can cut greenhouse gas emissions by 3.9 tonnes per year, by undertaking energy efficient upgrades – results which led the Government of Canada to announce a \$73 million national Retrofit Incentive Program for homeowners in 2003; and

WHEREAS the Retrofit Incentive Program does not include Canada’s rental housing sector, where 70 percent of Canada’s housing affordability problem exists; and

WHEREAS, the GCA, in partnership with its Montréal member Équiterre, is calling for a national affordable housing energy efficiency program to help low income Canadians cut energy bills, housing costs and pollution; and

WHEREAS the Toronto Community Housing Corporation (TCHC) recently adopted an advanced green plan which is similar in its intention to the Green Communities Association;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto call on the Federation of Canadian Municipalities (FCM) to:

- (1) support Green Communities Association's call for a national affordable housing energy efficiency strategy; and
- (2) agree to work with the GCA to engage stakeholders in developing this strategy."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(7) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

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

Vote:

Motion J(7) was adopted, without amendment.

12.94 **J(8) Request for Public Interest Hearing – Navarone – 268 Dundas Street East**

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS there is a current liquor sales licence issued to the owners of the premises for an establishment known as the ‘Navarone’ located at 268 Dundas Street East; and

WHEREAS the Alcohol and Gaming Commission of Ontario ('AGCO') issued an oral decision at an AGCO disciplinary hearing on September 7, 2004, to suspend the liquor licence of this establishment for 21 days, commencing October 6, 2004, for permitting a person to hold, offer for sale, sell, distribute or consume a controlled substance, as defined in the *Controlled Drugs and Substances Act (Canada)*, on the premises or in the adjacent washrooms, liquor and food preparation areas and storage areas under the exclusive control of the licence holder (a violation of subsection 45(2) of *Liquor Licence Act Regulation 719/90*); and

WHEREAS some time after the AGCO disciplinary hearing on September 7, 2004, the Toronto Police Service attended the licensed establishment, discovered additional violations of the *Liquor Licence Act* and subsequently laid charges against the licence holder and patrons of the establishment for over-service of alcohol, public drunkenness and the assault of a police officer; and

WHEREAS local residents, businesses, the Toronto Police Service and the Councillor's office have significant concerns with respect to the escalating problems of drunkenness, illegal drug consumption and dealing, prostitution and violence inside and outside the licensed premises; and

WHEREAS the past and present conduct of the owner, the occupants and patrons of the licensed establishment affords reasonable grounds to believe that the continued operation of the liquor licence issued for the premises at 268 Dundas Street East, will not be in accordance with law and this, combined with the other concerns noted above, demonstrates that the operation of a liquor licence at these premises is not in the public interest, having regard to the needs and wishes of the municipality in which the premises are located;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes the current operation of the existing liquor licence for these premises and request the Registrar to issue a Notice of Proposal to review the liquor licence of these premises, in light of this Council Resolution, as not being in the public interest, and also the most recent charges laid by the Toronto Police Service and the history of the operations;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor request to the AGCO to provide the City the opportunity to participate in any disciplinary proceedings involving these premises and the City Solicitor and any necessary staff be authorized to participate in any such proceedings to oppose the continued operation of the liquor licence at 268 Dundas Street East."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(8) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(8) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(8) was adopted, without amendment.

12.95 J(9) Support for a Permanent Greenbelt

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

Moved by: Councillor De Baeremaeker

Seconded by: Councillor Jenkins

“WHEREAS the City of Toronto has long expressed its interest in greenspace protection throughout the Golden Horseshoe; and

WHEREAS unless current trends are changed, approximately 1,000 square kilometres of prime agricultural land in southern Ontario will be consumed by urban sprawl over the next 30 years – nearly twice the area of the City of Toronto; and

WHEREAS the dramatically increased protection of headwaters areas is critical to the future health of Toronto’s invaluable rivers; and

WHEREAS greenspace reduces air pollution and, according to the Ontario Medical Association, air pollution is a public health crisis causing thousands of premature deaths every year;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto support the provincial government's initiative to establish a permanent Greenbelt that protects at least 2 million acres of land, including the entire existing Niagara Escarpment Plan Area and Oak Ridges Moraine Area, within the Golden Horseshoe;

AND BE IT FURTHER RESOLVED THAT the City of Toronto support, as part of the Greenbelt, the absolute protection of the headwaters areas affecting Toronto's rivers, even if such headwaters areas are outside of the Greenbelt Study Area, as defined in the Province's *Greenbelt Protection Act*, Bill 27;

AND BE IT FURTHER RESOLVED THAT the City of Toronto support the creation of a permanent and independent Greenbelt Commission to manage the Greenbelt and to ensure its future integrity;

AND BE IT FURTHER RESOLVED THAT the City of Toronto be actively involved in discussions concerning the Golden Horseshoe Greenbelt.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(9) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(9) to the Planning and Transportation Committee Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(9) was adopted, without amendment.

12.96 J(10) Yvonne Public School (Ward 7 – York West) and Melody Public School (Ward 7 - York West)

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

Moved by: Councillor Mammoliti

Seconded by: Councillor Nunziata

“**WHEREAS** City Council at its meeting held on June 22, 23 and 24, 2004, in consideration of Administration Committee Report 4, Clause 18, entitled ‘Requests by the Toronto District School Board for Release of City Interest in: St. Conrad Separate School (Ward 9 – York Centre); Yvonne Public School (Ward 7 – York West); and Melody Public School (Ward 7 – York West)’, determined that the Toronto District School Board was to be advised that the City will not release its rights of first refusal with respect to the Yvonne Public School and Melody Public School sites; and

WHEREAS the communities that surround both Yvonne Public School and Melody Public School have been working with the Toronto Catholic District School Board, over the last five (5) years, in an attempt to make this sale of property possible; and

WHEREAS the sale of the two properties would balance the inadequacies that presently exist for the students of the surrounding communities;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with section 27-49 of the City of Toronto Municipal Code, Administration Committee Report 4, Clause 18, headed ‘Requests by the Toronto District School Board for Release of City Interests in: St. Conrad Separate School (Ward 9 – York Centre); Yvonne Public School (Ward 7 – York West); and Melody Public School (Ward 7 - York West)’, be re-opened for further consideration, only insofar as it pertains to the Yvonne Public School and Melody Public School Sites;

AND BE IT FURTHER RESOLVED THAT Council authorize staff to consent to the conveyance of Yvonne Public School and Melody Public School by the Toronto District School Board to the Toronto Catholic District School Board, subject to the City of Toronto’s existing rights of first refusal.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 190)

Votes:

The first Operative Paragraph contained in Motion J(10) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(10) was adopted, without amendment.

12.97 **J(11) Potential Impact on Participation Levels in Minor Hockey**

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

Moved by: Councillor Grimes

Seconded by: Mayor Miller

“WHEREAS a series of articles recently appeared in local newspapers and has been discussed on local radio programs on minor hockey, and the significant changes that have taken place with respect to minor hockey league operations; and

WHEREAS the articles allege a number of minor hockey teams and leagues are being controlled and managed by one entity, and may no longer be considered ‘not-for-profit’ organizations who do not open their books to the public; and

WHEREAS the articles speak to the potential for a minor hockey monopoly, which could be detrimental to the long-term health of minor hockey in Toronto, potentially driving the already high costs for playing hockey beyond the means of many citizens of Toronto; and

WHEREAS increased costs could typically lead to reduced participation levels; and

WHEREAS the sport of hockey is enjoyed by thousands of boys and girls in organized leagues throughout the City of Toronto and is a healthy form of recreation; and

WHEREAS a number of the leagues operate out of City-owned facilities;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to enter into discussions with Hockey Canada, the OHF (Ontario Hockey Federation), the GTHL (Greater Toronto Hockey League), the OMHA (Ontario Minor Hockey Association) and hockey stakeholders concerning the potential of an ever-growing monopoly in minor hockey and the future impact that profit and not-for-profit organizations have on minor hockey in Toronto;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to review the impact of controlling interests on Minor Hockey Leagues, and its implications for ice allocation in City-owned arenas, and the implications on participation levels in minor hockey;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to report back to the January 10, 2004 Economic Development and Parks Committee on his findings, including the amount of City indoor ice the GTHL Triple 'AAA', Double 'AA' and Single 'A' leagues use as a total ice time, compared to House League teams;

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(11), without amendment:

Yes - 28
Mayor: Miller
Councillors: Augimeri, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Watson
No - 0

Carried unanimously.

12.98 **J(12) Federation of Canadian Municipalities (FCM) Resolution on Child Poverty in Canada**

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

Moved by: Councillor Chow

Seconded by: Councillor Moscoe

“**WHEREAS** fifteen years after the House of Commons unanimously resolved to end child poverty, more than one million children, or nearly one child in six, still live in poverty in Canada; and

WHEREAS Canada’s child poverty rate is up for the first time in six years; and

WHEREAS one third of all children in Canada were exposed to poverty for at least one year since 1996; and

WHEREAS child poverty hits children hardest in Canada’s urban centres, where child poverty rates are higher than the national average; and

WHEREAS Child poverty rates for Aboriginal, immigrant and children in racial groups are more than double the average, while child poverty rates among children with disabilities are 27.7 percent; and

WHEREAS conditions for working poor families are worsening, where almost half of all poor children in Canada have parents who worked all year and one quarter have at least one parent who worked full time for the whole year;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto urge the Federation of Canadian Municipalities (FCM) to join Campaign 2000 in calling on the Federal Government to develop a Social Investment Plan for Children and Families to guide comprehensive action on child poverty over the next five years;

AND BE IT FURTHER RESOLVED THAT the Social Investment Plan focus on creating more good jobs at living wages, investing in an effective child benefit system, making a universal early childhood education and care system a reality, expanding affordable housing and renewing Canada's social safety net through the Canada Social Transfer;

AND BE IT FURTHER RESOLVED THAT this Plan recognize that municipalities can and want to play a larger role in turning back the tide of poverty and social inequality that is undermining civic life in Canada's major cities;

AND BE IT FURTHER RESOLVED THAT the City of Toronto urge FCM to join in a national effort to drive down child poverty to a level not yet seen in this country, making Canada a proud world leader when it comes to caring for its children, and ensuring that no child lives in poverty.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) to the Community Services Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Community Services Committee was taken as follows:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 4	
Councillors:	Ashton, Holyday, Kelly, Milczyn

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

Vote:

Motion J(12) was adopted, without amendment.

12.99 **J(13) 1003 Dundas Street East – Part Lot Control (Toronto-Danforth – Ward 30)**

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

Moved by: Councillor Fletcher

Seconded by: Deputy Mayor Bussin

“WHEREAS an application for Site Plan Approval was issued for a 7-unit project at 1003 Dundas Street East on March 27, 2003; and

WHEREAS the applicant applied for exemption from Part Lot Control; and

WHEREAS City Council recommended enactment of the by-law at its meeting of September 22 to 25, 2003; and

WHEREAS the applicant has indicated that real estate transactions depend on the completion of the project; and

WHEREAS the Part Lot Control by-law will be before City Council at its meeting of October 26 to 28, 2004; and

WHEREAS the Commissioner of Urban Development Services has submitted the attached report dated October 26, 2004, recommending that a maintenance agreement be substituted for a common element condominium;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled ‘1003 Dundas Street East – Part Lot Control, 02-035346, Toronto-Danforth, Ward 30’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(13), a report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled “1003 Dundas Street East – Part Lot Control, 02-035346, Toronto-Danforth, Ward 30”. (See Attachment 4, Page 182)

Vote:

Motion J(13) was adopted, without amendment.

Summary:

In adopting Motion J(13), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled “1003 Dundas Street East – Part Lot Control, 02-035346, Toronto-Danforth, Ward 30”:

“It is recommended that City Council:

- (1) amend Clause 56 of Report No. 9 from Toronto and East York Community Council, September 2003, to delete the requirement for a common element condominium for 1003 Dundas Street East and require a maintenance agreement in its place; and
- (2) require the owner to enter into a maintenance agreement for the rear wall and rear driveway in the form and manner satisfactory to the City Solicitor and registered on title following the passing of the Part Lot Control By-law.”

12.100 J(14) 1555 Jane Street (Ward 12 – York South-Weston)

Deputy Mayor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion:

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Chow

“**WHEREAS** Council granted authority at its meeting of September 22, 23, 24 and 25, 2003, to undertake negotiations for the first 10 affordable housing projects to receive funding commitments under the new Community Rental Housing Program – Pilot Project Component; and

WHEREAS Medallion Properties Inc., the proponent of a project at 1555 Jane Street, was one of the proponents approved for Municipal funding under the Community Rental Housing Program, comprised of a \$849,954.00 CRF loan (to be repaid with interest), a property tax exemption for 20 years and a waiver of development charges, in addition to funding from other levels of government as announced at the Mayor’s Housing Summit on February 26, 2004; and

WHEREAS Council adopted the staff recommendations with respect to completing the transactions with the other pilot project proponents at its meeting on July 20, 21 and 22, 2004, and deferred consideration of 1555 Jane Street, with a request that the Commissioner of Community and Neighbourhood Services resubmit the proposed affordable housing project when requested by the applicant [Reference: Policy and Finance Committee Report 6, Clause 16]; and

WHEREAS Medallion Properties Inc. has received Site Plan approval by order of the Ontario Municipal Board in October 2004, and the project construction start has been

delayed significantly, placing a large financial burden on the proponent, and Medallion has requested that the by-laws required to implement the agreement with the City be presented to Council; and

WHEREAS authority is sought to enact the two by-laws necessary to complete the City's transaction with Medallion for the development of this private affordable rental housing project;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to implement the property tax exemption and development charge waiver, and to execute a municipal housing project facility agreement, through the enactment of Bills in Council pursuant to the City's Municipal Housing Facility By-law No. 282-2002 and Section 110 of the *Municipal Act*, with Medallion Properties Inc. or another entity associated and controlled by Medallion Properties Inc., and acceptable to the Commissioner of Community and Neighbourhood Services, with respect to an affordable housing project at 1555 Jane Street, Toronto (Ward 12);

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bill necessary to give effect thereto.”

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Hall, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz
No - 11	
Councillors:	Cho, Di Giorgio, Grimes, Holyday, Jenkins, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pantalone, Watson

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

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Community Services Committee, [instead of the Etobicoke York Community Council as stated on the Motion], would have to be waived in order to

now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 191)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Community Services Committee was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Hall, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Rae, Shiner, Soknacki, Stintz, Thompson
No - 14	
Councillors:	Bussin, Cho, Di Giorgio, Grimes, Holyday, Jenkins, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Watson

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

As a result of the above decision of Council, Motion J(14) was referred to the Community Services Committee.

Motion to Re-Open:

Councillor Holyday, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(14) be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 16	
Mayor:	Miller
Councillors:	Cowbourne, Davis, Feldman, Fletcher, Hall, Holyday, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Rae, Stintz
No - 12	

Councillors:	Altobello, Augimeri, Di Giorgio, Grimes, Jenkins, Li Preti, Milczyn, Nunziata, Pantalone, Saundercook, Thompson, Watson
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Lost, less than two-thirds of Members present having voted in the affirmative.

12.101 J(15) Notification to Tenants in Multi-Residential Rental Properties Subject to Automatic Rent Reduction Due to Property Tax Decreases for 2004

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“**WHEREAS** City Council on May 18, 19 and 20, 2004, adopted, without amendment, Policy and Finance Committee Report 4, Clause 5, headed ‘List of Multi-Residential Properties that are Subject to Automatic Rent Reduction Due to Property Tax Decreases in 2003’; and

WHEREAS a report dated October 7, 2004, was submitted jointly by the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer to the Policy and Finance Committee at its meeting on October 14, 2004, entitled ‘Notification to Tenants in Multi-Residential Rental Properties Subject to Automatic Rent Reduction Due to Property Tax Decreases for 2004 (All Wards): Recommendation to Withdraw Previous Council Decision’; and

WHEREAS the October 7, 2004 report from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer recommended that Council withdraw its approval of Recommendation (1) in Policy and Finance Committee Report 4, Clause 5, which directed that the form of notification to tenants for 2004, where requested, be drafted co-operatively with the Local Councillor, and further recommended that Council approve the format and content of the notice to tenants for 2004, as presented in Appendix A of the report; and

WHEREAS in its consideration of the report, the Policy and Finance Committee recommended that, should City Council re-open Policy and Finance Committee Report 4, Clause 5, Council adopt the staff recommendations in the Recommendation Section of the report (October 7, 2004) from the Commissioner of Community and Neighbourhood

Services and the Chief Financial Officer and Treasurer [see Policy and Finance Committee Report 8, Clause 5];

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 4, Clause 5, headed ‘List of Multi-Residential Properties that are Subject to Automatic Rent Reduction Due to Property Tax Decreases in 2003’, be re-opened for further consideration, only as it pertains to the recommendation that the form of tax notification to tenants for 2004, where requested, be drafted co-operatively with the Local Councillor; and that Council give consideration to the report dated October 7, 2004, as contained in Policy and Finance Committee Report 8, Clause 5.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Votes:

The first Operative Paragraph contained in Motion J(15) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(15) was adopted, without amendment. (See Minute 12.58, Page 58, for Council’s action on Policy and Finance Committee Report 8, Clause 5.)

12.102 J(16) Madison Avenue – Heritage Conservation District Area Study

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** Madison Avenue, between Bloor Street West and Dupont Street, is significant as a major street within the West Annex, the residential neighbourhood established at the end of the 19th Century on the former Baldwin lands north of Bloor Street; and

WHEREAS Madison Avenue contains an important series of residential buildings that were designed in the major architectural styles of the era by renowned Toronto Architects, including Langley and Langley, F. H. Herbert, and E. J. Lennox (the Architect for Old City Hall); and

WHEREAS the Annex Residents' Association and property owners on Madison Avenue have expressed interest in carrying out the studies required for Council to consider, at some point in the future, designating Madison Avenue as a Heritage Conservation District under the *Ontario Heritage Act*; and

WHEREAS staff are of the opinion that Madison Avenue does qualify as an area that could be studied for a Heritage Conservation District; and

WHEREAS an appeal is currently before the Ontario Municipal Board from a decision of the Committee of Adjustment regarding 90 Madison Avenue that may affect the heritage character of Madison Avenue;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto pass a by-law under Part V of the *Ontario Heritage Act* designating all the properties fronting on both sides of Madison Avenue, from Bloor Street West to Dupont Street, as the West Annex Heritage Conservation District Study Area, and the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(16) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(16) to the Toronto and East York Community Council was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Watson
No - 10	
Councillors:	Ashton, Balkissoon, Del Grande, Feldman, Holyday, Kelly, Ootes, Shiner, Stintz, Thompson

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

Motion:

Councillor Rae moved that Motion J(16) be adopted, subject to deleting the following Recital:

“**WHEREAS** an appeal is currently before the Ontario Municipal Board from a decision of the Committee of Adjustment regarding 90 Madison Avenue that may affect the heritage character of Madison Avenue;”.

Vote:

The motion by Councillor Rae carried.

Motion J(16), as amended, carried.

12.103 J(17) Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs

Due to Council’s decision on Motion J(18), the following Motion was deemed redundant:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Moscoe

“**WHEREAS** City Council at its meeting of September 28, 29, 30 and October 1, 2004, had before it Planning and Transportation Committee Report 6, Clause 3, headed ‘Age of Vehicles Used as Taxicabs’; and

WHEREAS City Council amended the Clause by deleting the recommendations of the Planning and Transportation Committee, and adopting instead the staff recommendations contained in the Recommendations Section of the report dated July 26, 2004, from the Commissioner of Urban Development Services contained in the Clause; and

WHEREAS Recommendation (1)(e) of that report, as adopted by City Council, reads as follows:

‘(1)(e) on a go-forward basis with vehicles acquired after 2004, provide that only factory installed natural gas-fuelled vehicles be given the two-year extension on the life of the vehicle.’; and

WHEREAS the automobile industry no longer builds or supplies ‘factory installed natural gas-fuelled vehicles’; and

WHEREAS pursuant to a Provincial program, a taxicab owner has up to 180 days from the date of purchase to convert his vehicle to a natural gas-fuelled vehicle, in order to qualify for a \$1,000.00 financial incentive; and

WHEREAS it is, therefore, desirable to amend Recommendation (1)(e) to ensure that taxicab owners can benefit from the available incentive program for the use of natural gas-fuelled vehicles;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report 6, Clause 3, headed ‘Age of Vehicles Used as Taxicabs’, be re-opened for further consideration, only as it pertains to Recommendation (1)(e);

AND BE IT FURTHER RESOLVED THAT City Council delete Recommendation (1)(e) as adopted, and substitute instead the following:

‘(1)(e) on a go-forward basis with vehicles acquired after 2004, provide that only natural gas-fuelled vehicles which have been converted within 180 days of purchase be given the two-year extension on the life of the vehicle.’ ”

12.104 J(18) Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs

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

Moved by: Councillor Cho

Seconded by: Councillor Lindsay Luby

“BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report 6, Clause 3, headed ‘Age of Vehicles Used as Taxicabs’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Planning and Transportation Committee recommendations of September 7, 2004, as contained in the Clause, be adopted, in lieu of the recommendations adopted at City Council on September 28, 29, 30 and October 1, 2004;

AND BE IT FURTHER RESOLVED THAT the by-law be further amended to provide that all vehicles purchased for the purpose of taxi use must have been registered in Ontario, at the time of purchase by its original owner, and maintained its continuous registration in Ontario as long as it is in use as a taxi, and that this policy be reviewed after one year.”

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 13	
Councillors:	Bussin, Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, McConnell, Minnan-Wong, Pantalone, Pitfield, Rae, Thompson

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

Vote:

Adoption of the first Operative Paragraph contained in Motion J(18):

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 14	
Councillors:	Bussin, Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, McConnell, Mihevc, Minnan-Wong, Pantalone, Pitfield, Rae, Thompson

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

Summary:

As Council did not re-open Planning and Transportation Committee Report 6, Clause 3, headed "Age of Vehicles Used as Taxicabs", for further consideration, the balance of Motion J(18) could not be considered by Council.

Procedural Motion:

Councillor Shiner moved that the vote on the adoption of the first Operative Paragraph contained in Motion J(18) be taken again.

Ruling by Mayor:

Mayor Miller ruled the procedural motion by Councillor Shiner out of order.

Councillor Shiner challenged the ruling of the Mayor.

Vote to Uphold Ruling of Mayor:

Yes - 18	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Thompson
No - 24	
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Watson

Lost by a majority of 6.

Vote:

Adoption of the first Operative Paragraph contained in Motion J(18):

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz, Watson
No - 13	
Councillors:	Chow, Cowbourne, Davis, Del Grande, Filion, Fletcher, McConnell, Mihevc, Minnan-Wong, Pantalone, Pitfield, Rae, Thompson

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Council also had before it, during consideration of Motion J(18), the following communications which are on file in the City Clerk's Office:

- (a) (October 26, 2004) from Harsh Mehta; and
- (b) (October 27, 2004) from Councillor Altobello, Chair, Planning and Transportation Committee, Councillor Milczyn, Vice-Chair, Planning and Transportation Committee, Councillor Jenkins, Member, Planning and Transportation Committee, Councillor Moscoe, Member, Planning and Transportation Committee, Councillor Palacio, Member, Planning and Transportation Committee, Councillor Saundercook, Member, Planning and Transportation Committee, Councillor Stintz, Member, Planning and Transportation Committee, Councillor Cho, mover of Motion J(18), and Councillor Lindsay Luby, seconder of Motion J(18), advising of their support for the re-opening of Planning and Transportation Committee Report 6, Clause 3, headed “Age of Vehicles Used as Taxicabs”.

Deputy Mayor Bussin in the Chair.

Motion:

- (a) Councillor Hall, seconded by Councillor Nunziata, moved that Motion J(18) be amended by adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** notwithstanding the model year and provided the vehicle is less than two years old, if the vehicle is new when it is registered as a taxicab, its period of use shall be measured from the date of registration.”

Vote Be Now Taken:

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

Yes - 23	
Councillors:	Augimeri, Carroll, Cho, Cowbourne, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Nunziata, Ootes, Palacio, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 14	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Chow, Davis, Del Grande, Filion, Fletcher, Holyday, Kelly, Milczyn, Minnan-Wong, Moscoe

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

Motions:

- (b) Councillor Carroll moved that Motion J(18) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services (Fleet Services) and the Commissioner of Urban Development Services (Municipal Licensing and Standards) be requested to jointly review the first one-year period of City of Toronto in-house taxi inspection, being September 1, 2004, to September 1, 2005, and report to the Planning and Transportation Committee with private and in-house comparisons on:

- (1) vehicle failure; and
- (2) licence removal;

and on any inspection criteria where enhancement of standards is indicated.”

- (c) Councillor Del Grande moved that Motion J(18) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT registration for taxicabs with the City include, in their documentation, the bill of sale.”

- (d) Councillor McConnell moved that Motion J(18) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT:

- (1) the Commissioner of Urban Development Services be requested to investigate and report back to the Planning and Transportation Committee on the persistent concerns reported by standard taxi drivers which suggest that plate owners require that the drivers must purchase the taxi vehicle and turn the legal ownership for that vehicle over to the taxi plate owner as a condition of employment or contract, in contravention of the City of Toronto Municipal Code; and

- (2) an outside legal opinion be sought.”

- (e) Councillor Balkissoon moved that Motion J(18) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services be directed to develop the inspection and data collection processes necessary to move the Taxi Reform Process into the next phase by incorporating, into the age of vehicles, criteria to be inclusive of a mileage component and report to the Planning and Transportation Committee on the necessary amendments when sufficient data has been collected.”

Votes:

Adoption of motion (a) by Councillor Hall, seconded by Councillor Nunziata:

Yes - 5	
Councillors:	Cowbourne, Hall, Lindsay Luby, Nunziata, Palacio
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Ootes, Saundercook, Shiner, Stintz, Thompson, Watson

Lost by a majority of 28.

Motion (b) by Councillor Carroll carried.

Motion (c) by Councillor Del Grande carried.

Motion (d) by Councillor McConnell carried.

Motion (e) by Councillor Balkissoon carried.

Adoption of Motion J(18), as amended:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Watson

No - 1 Councillor: Minnan-Wong

Carried by a majority of 39.

Summary:

In summary, Council adopted Motion J(18), subject to adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT registration for taxicabs with the City include, in their documentation, the bill of sale;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services be directed to develop the inspection and data collection processes necessary to move the Taxi Reform Process into the next phase by incorporating, into the age of vehicles, criteria to be inclusive of a mileage component and report to the Planning and Transportation Committee on the necessary amendments when sufficient data has been collected;

AND BE IT FURTHER RESOLVED THAT:

- (1) the Commissioner of Urban Development Services be requested to investigate and report back to the Planning and Transportation Committee on the persistent concerns reported by standard taxi drivers which suggest that plate owners require that the drivers must purchase the taxi vehicle and turn the legal ownership for that vehicle over to the taxi plate owner as a condition of employment or contract, in contravention of the City of Toronto Municipal Code; and
- (2) an outside legal opinion be sought;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services (Fleet Services) and the Commissioner of Urban Development Services (Municipal Licensing and Standards) be requested to jointly review the first one-year period of City of Toronto in-house taxi inspection, being September 1, 2004, to September 1, 2005, and report to the Planning and Transportation Committee with private and in-house comparisons on:

- (1) vehicle failure; and
- (2) licence removal;

and on any inspection criteria where enhancement of standards is indicated.”

In adopting Motion J(18), as amended, Council adopted, without amendment, the following recommendations of the Planning and Transportation Committee contained in Planning and Transportation Committee Report 6, Clause 3:

“The Planning and Transportation Committee recommends that:

- (I) City Council adopt the staff recommendations in the Recommendations Section of the report (July 26, 2004) from the Commissioner of Urban Development Services, subject to:
 - (i) amending Recommendation (1)(a) by deleting the words ‘and be purchased or leased from a licensed vehicle dealer’, and inserting the words ‘and where the Ministry of Transportation has not identified the vehicle as rebuilt’, and deleting the words ‘new vehicles’;
 - (ii) amending Recommendation (1)(c) by deleting the word ‘new’;
 - (iii) amending Recommendation (1)(e) by deleting the words ‘factory installed’ and adding the following words ‘which have been converted within 180 days of purchase’, after the words ‘gas-fuelled vehicles’, so that the recommendations now read as follows:

‘It is recommended that the Municipal Code be amended to:

- (1) (a) provide that all vehicles used as replacement vehicles for taxicabs that are not currently registered as taxicabs or have not been registered as taxicabs in the 45-day period immediately preceding the date of application to use such vehicles as replacement vehicles, be not more than two model years old, and where the Ministry of Transportation has not identified the vehicle as rebuilt;
- (b) provide that vehicles used as Ambassador taxicabs or owner-operated Standard taxicabs can be no older than six (6) model years;
- (c) provide that taxicab owners required to replace their taxicabs with vehicles in the third inspection period in 2004 be permitted to replace their vehicles in the first inspection period of 2005;

- (d) define a 'new' vehicle as one that has never previously been bought, sold, or leased by a licensed vehicle dealer;
- (e) on a go-forward basis, with vehicles acquired after 2004, provide that only natural gas-fuelled vehicles which have been converted within 180 days of purchase be given the two-year extension on the life of the vehicle;
- (2) provide that new vehicles that were purchased or leased as new or replacement vehicles for taxicabs since January 1999 be permitted to stay on as taxicabs in accordance with the new age of vehicle provisions;
- (3) authorize the appropriate City officials to undertake any necessary action to give effect thereto; and
- (II) an additional one year extension be granted to a maximum of seven years, to Ambassador or owner operated standard plates who elect to place a new vehicle on the road, as defined in Recommendation (1)(d) contained in the report (July 26, 2004) from the Commissioner of Urban Development Services."

Mayor Miller in the Chair.

12.105 J(19) Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs

Due to Council's decision on Motion J(18), the following Motion was deemed redundant:

Moved by: Councillor De Baeremaeker

Seconded by: Councillor Carroll

“WHEREAS the Toronto Board of Health attributes 2,000 premature deaths every year due to smog/poor air quality; and

WHEREAS the Toronto Atmospheric Fund has endorsed cleaner natural gas taxis and provided a \$1,000.00 incentive per vehicle, in 1999, to help kick start the Natural Gas Taxi Program; and

WHEREAS at the 2004 Smog Summit, City officials sited natural gas vehicles as a part of the City's solution to reduce SMOG and emissions harmful to our health; and

WHEREAS a natural gas vehicle emits 25 percent less Carbon Dioxide that causes global warming; and

WHEREAS natural gas vehicles reduce harmful air emissions such as: Nitrogen Oxide (30 percent less), Volatile Organic Compounds (93 percent less), Sulphur Dioxides (63 percent less), Particulate Matter (89 percent less) and Carbon Monoxide (74 percent less); and

WHEREAS these vehicles, using U.S. Environmental Protection Agency accredited equipment, produce superior certified emission results and Environment Canada lab tests for this emission standard is recognized by Natural Resources Canada as part of their new Climate Change Incentive program; and

WHEREAS the City of Toronto is committed to ensuring cleaner air for its citizens;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report 6, Clause 3, headed 'Age of Vehicles Used as Taxicabs', be re-opened for further consideration, only as it pertains to Recommendation (1)(e);

AND BE IT FURTHER RESOLVED THAT Recommendation (1)(e) be amended to provide that a vehicle which is a natural gas vehicle converted to a natural gas vehicle prior to its registration as a taxicab, need not be a new vehicle as provided for in Section G of the by-law."

12.106 J(20) Instructions for Ontario Municipal Board Hearing - Blythwood Heritage Conservation District By-law No. 12-2004 – Don Valley West - Ward 25

Councillor Jenkins moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion, moved by Councillor Jenkins, seconded by Councillor Walker, and, in the absence of Councillor Walker, seconded by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jenkins

Seconded by: Councillor Shiner

“WHEREAS the City Solicitor has prepared a confidential report seeking instructions respecting the Blythwood Heritage Conservation District By-law No. 12-2004; and

WHEREAS consideration of this matter by Council is required, on an urgent basis, to establish a City position in relation to the Ontario Municipal Board hearing scheduled for January 17, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated October 26, 2004, from the City Solicitor, and the staff recommendation contained in the Recommendation Section of the report be adopted.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(20) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(20), a confidential report dated October 26, 2004, from the City Solicitor.

Vote:

Motion J(20) was adopted, without amendment.

Summary:

In adopting Motion J(20), without amendment, Council adopted, without amendment, the staff recommendation contained in the Recommendation Section of the confidential report dated October 26, 2004, from the City Solicitor. The following recommendation contained in the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to solicitor-client privilege:

“It is recommended that City Council authorize the City Solicitor and municipal staff to request the Ontario Municipal Board to delete Nos. 5, 6, 7, 8, 9, 10, 11 and 12 Blythwood Gardens from By-law No. 12-2004.”

12.107 J(21) Repeal of Former City of Toronto Municipal Code, Chapter 9, Arbitrator

Councillor Saundercook moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion, moved by Councillor Walker, seconded by Councillor Davis, and, in the absence of Councillor Walker, moved by Councillor Saundercook, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Saundercook

Seconded by: Councillor Davis

“**WHEREAS** the City Solicitor has prepared a confidential report seeking instructions to repeal former City of Toronto Municipal Code, Chapter 9;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated October 25, 2004, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Administration Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(21), a confidential report dated October 25, 2004, from the City Solicitor.

Vote:

Motion J(21) was adopted, without amendment.

Summary:

In adopting Motion J(21), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated October 25, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information that is subject to solicitor-client privilege:

“It is recommended that:

- (1) the former City of Toronto Municipal Code Chapter 9 be repealed;
- (2) the City commence a Court Application for the determination of the City’s rights under the *Municipal Arbitrations Act* (the MAA); and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

12.108 J(23) 169 John Street Ontario Municipal Board Hearing

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the City Solicitor has prepared a confidential report dated October 26, 2004, seeking instructions respecting the Ontario Municipal Board hearing regarding 169 John Street; and

WHEREAS consideration of this matter by Council is required, on an urgent basis, as the hearing is scheduled for five days, commencing November 22, 2004;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report dated October 26, 2004, from the City Solicitor, and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(23) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(23), a confidential report dated October 26, 2004, from the City Solicitor.

Vote:

Motion J(23) was adopted, without amendment.

Summary:

In adopting Motion J(23), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report dated October 26, 2004, from the City Solicitor. The following recommendations contained in the report are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act*, as it contains information pertaining to litigation or potential litigation:

“In the event that City Council determines that it is appropriate to settle the Appeal on the basis outlined in this report, it is recommended that:

- (1) the City Solicitor and other appropriate staff be authorized to appear at the Ontario Municipal Board in support of the proposal, as revised in accordance with this report, and to take all other steps and execute such agreements as may be required to implement the settlement;

- (2) the applicant be required to provide a Section 37 cash contribution of \$100,000.00 to the City, of which \$50,000.00 shall be paid prior to the issuance of the first Building Permit, other than a demolition permit, and a further \$50,000.00 shall be paid upon the earlier of prior to the first occupancy of the site or registration of any condominium on any portion of the site, such funds to be used toward improvements to Grange Park and streetscape improvements on McCaul Street; and
- (3) City Council authorize the release of the demolition permit respecting the existing building at 169 John Street upon issuance of the Ontario Municipal Board's Order in this matter, finally disposing of the appeals."

12.109 J(24) Proposed Interim Control By-law for Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue

Deputy Mayor Pantalone moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Giambrone

“WHEREAS College Street, between Bathurst Street and Ossington Avenue, is zoned Main Street Commercial Residential (MCR) and is a traditional shopping street characterized by a mix of commercial and retail uses, including restaurants; and

WHEREAS in 1997, a Zoning By-law was passed (By-law No. 1997-0258) which limits the size of new restaurants to 300 square metres and there are City-wide restrictions with respect to entertainment uses in restaurants; and

WHEREAS College Street has continued to attract new restaurants which have collectively contributed to making this portion of College Street a regional draw, attracting people and tourists who do not live in the surrounding residential area; and

WHEREAS these establishments can create noise, garbage and parking congestion, causing conflicts with surrounding residential uses; and

WHEREAS the development pressures generated by the restaurants have impacted the diversity of commercial uses along College Street, because local shopping and retail services uses have been displaced; and

WHEREAS the development pressures generated by the restaurants has added to community concerns that these establishments will locate on flanking residential streets;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report dated October 26, 2004, from the Commissioner of Urban Development Services, and the staff recommendations contained in the Recommendations Section of the report be adopted;

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Council also had before it, during consideration of Motion J(24), a report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled “Proposed Interim Control By-law to Prohibit Restaurants (and similar uses) for Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, South District Application 04 180878 SPS 00 TM, Applicant: City of Toronto, Area of Study: Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, Trinity-Spadina, Ward 19”. (See Attachment 5, Page 184)

Motion:

Councillor Kelly moved that Motion J(24) be adopted, subject to adding the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the report to be submitted to the Community Council following the one-year period of the Interim Control By-law also be submitted to the Planning and Transportation Committee and the Economic Development and Parks Committee, for information.”

Votes:

The motion by Councillor Kelly carried.

Adoption of Motion J(24), as amended:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 1	
Councillor:	Del Grande

Carried by a majority of 29.

Summary:

In adopting Motion J(24), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to Prohibit Restaurants (and similar uses) for Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, South District Application 04 180878 SPS 00 TM, Applicant: City of Toronto, Area of Study: Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, Trinity-Spadina, Ward 19":

"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 lands on and flanking College Street between Bathurst Street and Ossington Avenue (Attachment 1); and

- (2) City Council, after adopting the resolution in Recommendation (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 (1) above, use any lot or erect or use any building, structure or addition thereto for a restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club for a period of one year."

12.110 J(25) Report Request on the Impacts of Implementing Traffic Controls

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

Moved by: Councillor Holyday

Seconded by: Councillor Kelly

“**WHEREAS** Council has, on numerous occasions, passed traffic control and traffic calming matters that do not meet the City’s own criteria and warrants; and

WHEREAS there is a great concern by some pertaining to the long-term ramifications of these actions;

NOW THEREFORE BE IT RESOLVED THAT the Acting Commissioner of Works and Emergency Services, with input from all affected City services, submit a report to Council, through the Works Committee, as soon as possible, on the long-term effects and risks of implementing traffic control in this manner.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

12.111 J(26) Request to Re-open Harmonized City-Wide Private Tree By-law

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

Moved by: Councillor Hall

Seconded by: Councillor Nunziata

“BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 7, Clause 2, headed ‘Harmonized City-Wide Private Tree By-law’, be re-opened for further consideration, only as it pertains to the waiving of permit application fees for seniors;

AND BE IT FURTHER RESOLVED THAT the Clause be amended by rescinding the authority of the Commissioner of Economic Development, Culture and Tourism to waive permit application fees for seniors, and that Council instead authorize the Commissioner of Economic Development, Culture and Tourism to waive the permit application fees in cases of hardship, with hardship defined as residents living below the Low Income Cut Off (LICO).”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 192)

Votes:

The first Operative Paragraph contained in Motion J(26) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(26) was adopted, without amendment.

12.112 J(27) Enhanced Protocol for the City of Toronto’s Response to the Alcohol and Gaming Commission of Ontario (AGCO) Regarding Applications for New and Expanding Liquor Licences

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

Moved by: **Councillor Nunziata**

Seconded by: **Councillor Hall**

“**WHEREAS** City Council at its meeting of April 14, 15 and 16, 2003, adopted Motion J(1) which stated that:

‘Council request the Alcohol and Gaming Commission to routinely notify Members of City Council and the staff inspector of each Division of the Toronto Police Service of applications for liquor licences that are pending.’; and

WHEREAS, in many cases, the Alcohol and Gaming Commission of Ontario (AGCO) has not notified the staff inspector of each Division of the Toronto Police Service of applications for liquor licences that are pending; and

WHEREAS there is no systematic methodology in which the City of Toronto responds to applications for new or expanding liquor licenses which includes comments from all relevant departments; and

WHEREAS it has been noted that there is little sharing of information between City departments, in that they are not advised of positions taken by other departments concerning these applications and, in some cases, not advised of the pending applications at all; and

WHEREAS in specific cases, the City has not taken an official position with respect to applications that are pending, where it would have been necessitated in the public interest;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to submit a report to the Policy and Finance Committee with recommendations for an enhanced protocol for the City’s response to the AGCO regarding applications for new and expanding liquor licences, which would include identifying relevant parties and departments who should be consistently notified of the applications and asked for comments, co-ordination of the various comments into an effective and consistent response format to the AGCO and, further, ensure that the response is provided to all commenting departments, with an opportunity to participate in any further proceedings held by the AGCO.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 193)

Procedural Vote:

The vote to waive referral of Motion J(27) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(27) was adopted, without amendment.

12.113 J(28) Smoking in Legion Halls

Councillor Moscoe gave Notice of the following Motion to permit consideration at the next regular meeting of City Council on November 30, 2004:

Moved by: Councillor Moscoe

Seconded by: Councillor Jenkins

“WHEREAS smoking is now prohibited in all restaurants and taverns; and

WHEREAS private clubs are exempt from the Smoking By-law; and

WHEREAS the City has chosen to grant tax exemption status to Legions and Veterans Clubs; and

WHEREAS these organizations include facilities that serve alcoholic beverages to the ‘Public’; and

WHEREAS restaurant owners have complained that, in escaping the requirement of the Smoking By-law, these facilities are unfairly competing with other venues that provide food and beverages; and

WHEREAS, to make matters worse, the unfair competition is being subsidized by the taxpayers and the very businesses that are impacted because the Legions are exempt from property taxes; and

WHEREAS Veterans and their families and friends are as deserving of protection from

second hand tobacco smoke as everyone else;

NOW THEREFORE BE IT RESOLVED THAT a requirement to prohibit smoking in all areas of private clubs where food and/or beverages are consumed and that receive property tax relief be a condition of the relief from property taxes.”

12.114 **J(29) Development Application - 700 Evans Avenue (Ward 5 Etobicoke-Lakeshore)**

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

Moved by: Councillor Milczyn

Seconded by: Councillor Saundercook

“**WHEREAS** an application for an Official Plan Amendment and Zoning Code Amendment has been filed for 700 Evans Avenue; and

WHEREAS a Statutory Public Meeting under the *Planning Act* has been scheduled for November 16, 2004, at 2:00 p.m.; and

WHEREAS the majority of area residents work during the day and it would cause great hardship and limit some people’s ability to attend the meeting and voice their concerns;

NOW THEREFORE BE IT RESOLVED THAT the Public Meeting of November 16, 2004, be cancelled and that the City Clerk notify the community of this action;

AND BE IT FURTHER RESOLVED THAT a new date for the Statutory Public Meeting be set as January 18, 2005, at 7:00 p.m., and the appropriate notices be mailed to an area to be established in consultation with the Ward Councillor.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(27) to the Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(27) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

12.115 Consideration of the following matters was deferred to the next regular meeting of City Council on November 30, 2004, as they remained on the Order Paper at the conclusion of this meeting of Council:

North York Community Council Report 7

Clause 47a - "Final Report - OPA & Rezoning Application and Site Plan Approval - 03 035054 (TD CMB 2003 0001) - Westdale Construction Co. Ltd. (E.I. Richmond Architects) – 82, 86, 90 Broadway Avenue (Ward 25 - Don Valley West)".

Policy and Finance Committee Report 8

Clause 1 - "Capital Financing Strategy - 2004".

Clause 20 - "Update on the Community Safety Plan".

Administration Committee Report 8

Clause 8 - "Complaint regarding Actions at Committee Meetings".

Works Committee Report 9

Clause 1 - "Elimination of Duplicate/Triplicate Street Names - Completion of Phase 1 - Results of Public Consultation".

North York Community Council Report 8

Clause 27 - "Encroachment Agreement Application - 1 St. Ives Avenue (Ward 25 - Don Valley West)".

Board of Health Report 7

Clause 1 - "Shade Policy and Technical Considerations for the City of Toronto".

BILLS AND BY-LAWS

Mayor Miller in the Chair.

12.116 On October 26, 2004, at 11:46 a.m., Councillor Thompson, seconded by Councillor Del Grande, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 928 By-law No. 879-2004	To authorize the borrowing upon debentures in the principal amount of \$75,000,000.00 for purposes of the City of Toronto.
Bill No. 929 By-law No. 880-2004	To authorize the borrowing upon sinking fund debentures in the principal amount of \$100,000,000.00 for purposes of the City of Toronto,

the vote upon which was taken as follows:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillors:	Pitfield

Carried by a majority of 30.

12.117 On October 26, 2004, at 7:51 p.m., Councillor Augimeri, seconded by Councillor Giambrone, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1002	By-law No. 881-2004	To confirm the proceedings of the Council at its meeting held on the 26th day of October, 2004,
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the vote upon which was taken as follows:

Yes - 26
Mayor: Miller
Councillors: Altobello, Augimeri, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Soknacki, Stintz, Thompson
No - 0

Carried, without dissent.

12.118 On October 27, 2004, at 5:35 p.m., Deputy Mayor Pantalone, seconded by Councillor Rae, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 951 By-law No. 882-2004

To effect interim control on those lands on and flanking College Street between Bathurst Street and Ossington Avenue,

the vote upon which was taken as follows:

Yes - 33
Mayor: Miller
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, Del Grande, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson
No - 0

Carried, without dissent.

Deputy Mayor Bussin in the Chair.

12.119 On October 27, 2004, at 8:05 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bill:

Bill No. 1003

By-law No. 883-2004

To confirm the proceedings of the Council at its meeting held on the 26th and 27th days of October, 2004,

the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Soknacki, Stintz, Thompson
No - 3	
Councillors:	Balkissoon, Pitfield, Watson

Carried by a majority of 25.

Vote upon the question "Shall this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law?":

Yes - 25	
Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Soknacki, Stintz, Thompson
No - 3	
Councillors:	Balkissoon, Pitfield, Watson

Carried by a majority of 22.

12.120 On October 28, 2004, at 4:20 p.m., Councillor Watson, seconded by Councillor Altobello, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 877 By-law No. 884-2004

To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

Bill No. 878 By-law No. 885-2004

To amend Chapter 103, Heritage, Article II, Heritage Toronto, of the City of Toronto Municipal Code to clarify the role of Heritage Toronto.

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| Bill No. 879 By-law No. 886-2004 | To amend By-law No. 31878, as amended, of the former City of North York, regarding Downsview Avenue and Fairlawn Avenue. |
| Bill No. 880 By-law No. 887-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street East, Bloor Street East, Bloor Street West, St. Clair Avenue West and Woodbine Avenue. |
| Bill No. 881 By-law No. 888-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones. |
| Bill No. 882 By-law No. 889-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones. |
| Bill No. 883 By-law No. 890-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Coral Cove Crescent, Evanston Drive and Forthbridge Crescent. |
| Bill No. 884 By-law No. 891-2004 | To amend By-law No. 31001 of the former City of North York, as amended, regarding Broadlands Boulevard/Coral Cove Crescent/ Shaunavon Heights Crescent, Evanston Drive and Cavotti Crescent, Forthbridge Crescent and Tumpane Street. |
| Bill No. 885 By-law No. 892-2004 | To amend further Metropolitan Toronto By-law No. 108-86, designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding Albion Road. |

Bill No. 886 By-law No. 893-2004	To amend By-law No. 31770, as amended, of the former City of North York, regarding Starview Drive.
Bill No. 887 By-law No. 894-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Deerhide Crescent.
Bill No. 888 By-law No. 895-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Bankfield Drive.
Bill No. 889 By-law No. 896-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, with respect to Emerald Crescent.
Bill No. 890 By-law No. 897-2004	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Inverleigh Drive.
Bill No. 891 By-law No. 898-2004	To amend former North York By-law No. 20953, being a by-law “To prohibit the parking or driving of vehicles on boulevards within the Township of North York”, to eliminate the voluntary payment amount for all parking offences.
Bill No. 893 By-law No. 899-2004	To amend former North York By-law No. 30662, being a by-law “To prohibit parking of motor vehicles on all public highways within the jurisdiction of the Corporation of the City of North York”, to eliminate the voluntary payment amount for all parking offences.
Bill No. 894 By-law No. 900-2004	To amend former North York By-law No. 30742, being a by-law “Respecting parking meters on the City of North York Roads”, to eliminate the voluntary payment amount for all parking offences.

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| Bill No. 895 By-law No. 901-2004 | To amend former North York By-law No. 31001, being a by-law “To regulate traffic on North York Roads”, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 896 By-law No. 902-2004 | To amend former North York By-law No. 31770, being a by-law “To regulate parking for Disabled Person Parking Permit holders”, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 897 By-law No. 903-2004 | To amend former City of York By-laws Nos. 1479-88, 1645-89, 169-67, 196-84, 2958-94, 3118-95, and former City of York Municipal Code Chapters 965, 968 and 982, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 898 By-law No. 904-2004 | To amend former Borough of East York By-laws Nos. 34-93, 92-93, 197, 23-89, 1478, 271 and 48-94, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 899 By-law No. 905-2004 | To designate the property at 231-235 McRae Drive (Leaside Municipal Building and Fire Hall) as being of cultural heritage value or interest. |
| Bill No. 900 By-law No. 906-2004 | To amend Chapter 183, Parking, of the Municipal Code of the former City of Etobicoke, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 901 By-law No. 907-2004 | To amend Chapter 187, Parking Meters, of the Municipal Code of the former City of Etobicoke, to eliminate the voluntary payment amount for all parking offences. |
| Bill No. 902 By-law No. 908-2004 | To amend Chapter 240, Traffic, of the |

	Municipal Code of the former City of Etobicoke, to eliminate the voluntary payment amount for all parking offences.
Bill No. 903 By-law No. 909-2004	To amend Chapter 400, Traffic and Parking, of the Municipal Code of the former City of Toronto, to eliminate the voluntary payment amount for all parking offences.
Bill No. 904 By-law No. 910-2004	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to eliminate the voluntary payment amount for all parking offences.
Bill No. 905 By-law No. 911-2004	To amend City of Toronto Municipal Code Chapter 915, Parking on Private or Municipal Property, to eliminate the voluntary payment amount for all parking offences.
Bill No. 906 By-law No. 912-2004	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, to eliminate the voluntary payment amount for all parking offences.
Bill No. 907 By-law No. 913-2004	To amend former Metropolitan By-law No. 107-86, being a by-law “Respecting parking meters on Metropolitan Roads”, to eliminate the voluntary payment amount for all parking offences.
Bill No. 908 By-law No. 914-2004	To amend former Metropolitan By-law No. 1677, being a by-law “To prohibit the parking or driving of vehicles on boulevards on Metropolitan roads within the City of Toronto”, to eliminate the voluntary payment amount for all parking offences.
Bill No. 909 By-law No. 915-2004	To amend former Metropolitan By-law No. 17-87, being a by-law “To prohibit the parking or leaving of motor vehicles on

property owned or occupied by The Municipality of Metropolitan Toronto or any local board thereof without the consent of the Municipality or local board, as the case may be”, to eliminate the voluntary payment amount for all parking offences.

Bill No. 910 By-law No. 916-2004

To amend former Metropolitan By-law No. 32-92, being a by-law “To regulate traffic on Metropolitan Roads”, to eliminate the voluntary payment amount for all parking offences.

Bill No. 911 By-law No. 917-2004

To amend former Scarborough By-law No. 22614, being a by-law “Respecting Parking Meters on Scarborough Roads”, to eliminate the voluntary payment amount for all parking offences.

Bill No. 912 By-law No. 918-2004

To amend former Scarborough By-law No. 23060, being a by-law “To prohibit the parking of vehicles in a parking area reserved for disabled parking permit holders”, to eliminate the voluntary payment amount for all parking offences.

Bill No. 913 By-law No. 919-2004

To amend former Scarborough By-law No. 23503, being a by-law “To regulate traffic on Roads in the City of Scarborough”, to eliminate the voluntary payment amount for all parking offences.

Bill No. 914 By-law No. 920-2004

To amend By-law No. 31001 of the former City of North York, as amended, regarding Muirhead Road.

Bill No. 915 By-law No. 921-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Muirhead Road.
Bill No. 916 By-law No. 922-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Muirhead Road.
Bill No. 917 By-law No. 923-2004	To amend By-law No. 32759, as amended, of the former City of North York, regarding Muirhead Road.
Bill No. 918 By-law No. 924-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ferrand Drive, Seton Park Road, Wilket Creek Road and Windom Road.
Bill No. 919 By-law No. 925-2004	To amend By-law No. 31878, as amended, of the former City of North York, regarding Reiner Road.
Bill No. 920 By-law No. 926-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Radine Road and Stuart Avenue.
Bill No. 921 By-law No. 927-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Radine Road.
Bill No. 922 By-law No. 928-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Jaaney Place.
Bill No. 923 By-law No. 929-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Hillmount Avenue.
Bill No. 924 By-law No. 930-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Englemount Avenue and

	Hillmount Avenue.
Bill No. 925 By-law No. 931-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Dunblaine Avenue.
Bill No. 926 By-law No. 932-2004	To amend By-law No. 32759, as amended, of the former City of North York, regarding Ness Drive.
Bill No. 927 By-law No. 933-2004	To amend By-law No. 31001 of the former City of North York, as amended, regarding Gosford Boulevard.
Bill No. 930 By-law No. 934-2004	To expropriate certain lands for the North York Centre Plan Service Road.
Bill No. 931 By-law No. 935-2004	To adopt Amendment No. 315 to the Official Plan for the former City of Toronto with respect to lands municipally known as 720 Wellington Street West and 17, 19 and 21 Stafford Street.
Bill No. 932 By-law No. 936-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands known municipally as 720 Wellington Street West and 17, 19 and 21 Stafford Street.
Bill No. 933 By-law No. 937-2004	To amend By-law No. 350-2004, being a by-law to provide for the levy and collection of special charges for the year 2004 in respect of certain business improvement areas, so as to levy and collect special charges for the year 2004 for two additional business improvement areas.
Bill No. 934 By-law No. 938-2004	To amend By-law No. 3387-1979 of the former City of York, a by-law with respect to fire routes in the geographic

area of former York.

Bill No. 935 By-law No. 939-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bay Street.
Bill No. 936 By-law No. 940-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Kennedy Road.
Bill No. 937 By-law No. 941-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mackenzie Crescent and Munro Street.
Bill No. 938 By-law No. 942-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Maria Street and Old Weston Road.
Bill No. 939 By-law No. 943-2004	To amend further By-law No. 34-93, a by-law "To provide for disabled person parking permit holders", being a by-law of the former Borough of East York, regarding Kings Park Boulevard.
Bill No. 940 By-law No. 944-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road.
Bill No. 941 By-law No. 945-2004	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Queen Street East.
Bill No. 942 By-law No. 946-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dufferin Street and Gerry Fitzgerald Drive.
Bill No. 943 By-law No. 947-2004	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding

Islington Avenue.

Bill No. 944 By-law No. 948-2004

To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding William R. Allen Road.

Bill No. 945 By-law No. 949-2004

To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street East (southerly leg).

Bill No. 946 By-law No. 950-2004

To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Woodville Avenue.

Bill No. 947 By-law No. 951-2004

To amend further By-law No. 196, entitled "To restrict the speed of motor vehicles", being a By-law of the former Borough of East York, regarding Burley Avenue.

Bill No. 948 By-law No. 952-2004

To define the Island Heritage Conservation District Study Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.

Bill No. 949 By-law No. 953-2004

To define the Harbord Village Heritage Conservation District Study Area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.

Bill No. 950 By-law No. 954-2004

To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Carlaw Avenue.

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| Bill No. 952 By-law No. 955-2004 | To name the public lane located west of Pape Avenue, between Dundas Street East and Badgerow Avenue as "Filmic Lane". |
| Bill No. 953 By-law No. 956-2004 | To name the proposed private lane at 1379 Bloor Street West as "Merchant Lane". |
| Bill No. 954 By-law No. 957-2004 | To name the private lane system at 2264 Lake Shore Boulevard West as "Yachters Lane". |
| Bill No. 955 By-law No. 958-2004 | To name the private lane at 2 and 4 Sand Beach Road as "Nautical Lane". |
| Bill No. 956 By-law No. 959-2004 | To name the private lane at 2 Lightbourn Avenue as "Grogan Mews". |
| Bill No. 957 By-law No. 960-2004 | To amend Municipal Code Chapter 591, Noise, Article III, Railway Whistles, to reflect the prohibition of railway whistles at the Marilyn Avenue crossing at the Agincourt GO Station under the <i>Railway Safety Act</i> . |
| Bill No. 958 By-law No. 961-2004 | To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding William R. Allen Road. |
| Bill No. 959 By-law No. 962-2004 | To further amend By-law No. 132-93, respecting reserved lanes for designated classes of vehicles on certain former Metropolitan Roads, regarding William R. Allen Road. |
| Bill No. 960 By-law No. 963-2004 | To amend Scarborough Zoning By-law No. 12360, as amended, for the Tam O'Shanter Community with respect to lands municipally known as 3717 Sheppard Avenue East. |

Bill No. 961 By-law No. 964-2004	To name the private lanes on the west side of Staines Road, north and south of Seasons Drive as “Cricket Mews” and “Culver Lane”.
Bill No. 962 By-law No. 965-2004	To layout and dedicate certain land extending between The Pond Road and Murray Ross Parkway for public highway purposes to form part of the public highway Sentinel Road.
Bill No. 963 By-law No. 966-2004	To name the proposed public highway on the south side of Lake Shore Boulevard West, west of Palace Pier Court, “Brookers Lane”.
Bill No. 964 By-law No. 967-2004	To change the composition of the Toronto Atmospheric Fund Board by increasing the citizen membership by one.
Bill No. 965 By-law No. 968-2004	To exempt certain lands known municipally as 1003 Dundas Street East from Part Lot Control.
Bill No. 966 By-law No. 969-2004	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Mount Pleasant Road.
Bill No. 967 By-law No. 970-2004	To layout and dedicate certain land on the south side of Raneer Avenue, west of W. R. Allen Road, for public highway purposes to form part of the public highway Raneer Avenue.
Bill No. 968 By-law No. 971-2004	To amend By-law No. 1052-2001 being “A By-law to authorize the alteration of Riverview Gardens south of Halford Avenue by the installation of speed humps” to allow installation of three additional speed humps.

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| Bill No. 969 By-law No. 972-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Yorkville Avenue. |
| Bill No. 970 By-law No. 973-2004 | To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Yorkville Avenue. |
| Bill No. 971 By-law No. 974-2004 | To alter Westona Street at its intersection with Braecrest Avenue by the installation of a temporary Jersey barrier (directional diverter) as a traffic calming measure. |
| Bill No. 972 By-law No. 975-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Wellesley Street East. |
| Bill No. 973 By-law No. 976-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Wellington Street West. |
| Bill No. 974 By-law No. 977-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Niagara Street. |
| Bill No. 975 By-law No. 978-2004 | To amend former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to provide for the sweeping and clearing of sidewalks of debris, including cigarette butts. |
| Bill No. 976 By-law No. 979-2004 | To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Belcourt Road, Bellair Street, Blue Jays Way, Boardwalk Drive, Coady Avenue, Dovercourt Road, Elmsthorpe Avenue, Hallam Street, Noble Street and Sudbury Street. |
| Bill No. 977 By-law No. 980-2004 | To amend By-law No. 21319, as amended, |

	of the former City of Scarborough, to designate a Site Plan Control Area with respect to the lands municipally known as 10 Chichester Place.
Bill No. 978 By-law No. 981-2004	To amend the Employment Districts Zoning By-law No. 24982 (Milliken Employment District), as amended, with respect to the lands municipally known as 2020 McNicoll Avenue.
Bill No. 979 By-law No. 982-2004	To amend By-law No. 21319, as amended, of the former City of Scarborough, to designate a Site Plan Control Area, with respect to lands municipally known as 447 Port Union Road and 67-75 Kirkdene Drive.
Bill No. 980 By-law No. 983-2004	To adopt Amendment No. 317 to the Official Plan for the former City of Toronto with respect to lands municipally known as 510, 518 and 522 St Clair Ave West.
Bill No. 981 By-law No. 984-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 510, 518 and 522 St. Clair Avenue West.
Bill No. 982 By-law No. 985-2004	To repeal former City of Toronto Municipal Code Chapter 9, Arbitrator, respecting the designation of the Ontario Municipal Board as the sole arbitrator of the former City of Toronto.
Bill No. 983 By-law No. 986-2004	To define Madison Avenue between Bloor Street West and Dupont Street as an area of the City of Toronto to be examined for future designation as a heritage conservation district.
Bill No. 984 By-law No. 987-2004	To adopt a new City of Toronto Municipal

Code Chapter 880, Fire Routes.

Bill No. 985 By-law No. 988-2004

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting minimum insurance coverage for drive-self rental vehicles.

Bill No. 986 By-law No. 989-2004

To adopt a new City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to establish retention periods during which the records of the City must be retained and preserved, and to amend Chapter 219, Records, Corporate, to reflect the new chapter.

Bill No. 987 By-law No. 990-2004

To repeal provisions in the former municipalities' records retention by-laws to reflect the enactment of the new records retention schedule in City of Toronto Municipal Code Chapter 217, Records, Corporate (City).

Bill No. 988 By-law No. 991-2004

To adopt Amendment No. 554 to the Official Plan for the former City of North York with respect of lands municipally known as 801, 803 and 807 Sheppard Avenue West.

Bill No. 989 By-law No. 992-2004

To amend former City of North York By-law No. 7625 in respect of lands municipally known as 801, 803 and 807 Sheppard Avenue West.

Bill No. 990 By-law No. 993-2004

To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the proposed fence on the property municipally known as 77 Steeles Avenue East from the maximum height requirements.

Bill No. 991 By-law No. 994-2004	To designate an area that includes the existing St. Clair Gardens Business Improvement Area as an Improvement Area.
Bill No. 992 By-law No. 995-2004	To amend City of Toronto Municipal Code Chapter 19, "Business Improvement Areas", to reflect the expanded boundaries of the St. Clair Gardens Business Improvement Area.
Bill No. 993 By-law No. 996-2004	To adopt Amendment No. 316 to the Official Plan for the former City of Toronto with respect to lands municipally known in the year 2003 as 317 Dundas Street West.
Bill No. 994 By-law No. 997-2004	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2003 as 317 Dundas Street West,

the vote upon which was taken as follows:

Yes - 31	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Fillion, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Balkissoon

Carried by a majority of 30.

12.121 On October 28, 2004, at 4:25 p.m., Councillor Soknacki, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1004	By-law No. 998-2004	To confirm the proceedings of the Council
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at its meeting held on the 26th, 27th and
28th days of October, 2004,

the vote upon which was taken as follows:

Yes - 25
Councillors: Ashton, Augimeri, Bussin, Cho, Chow, Davis, Del Grande, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Soknacki, Thompson, Watson
No - 0

Carried, without dissent.

Councillor Soknacki in the Chair.

12.122 On October 28, 2004, at 6:46 p.m., Councillor Holyday, seconded by Councillor De Baeremaeker, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 995 By-law No. 999-2004

To adopt Amendment No. 33 to the Official Plan of the City of Toronto with respect to the lands known municipally as 4570 Yonge Street.

Bill No. 996 By-law No. 1000-2004

To adopt Amendment No. 119-2004 to the Official Plan of the Etobicoke Planning Area with respect to lands municipally known as 1100 Islington Avenue and 1 and 3 Chauncey Avenue in the former City of Etobicoke.

Bill No. 997 By-law No. 1001-2004

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 1100 Islington Avenue and 1 and 3 Chauncey Avenue in the former City of Etobicoke.

Bill No. 998 By-law No. 1002-2004

To repeal By-laws Nos. 811-2004 and 812-2004 being by-laws "To amend the

Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Allanhurst Drive.”

Bill No. 999 By-law No. 1003-2004

To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Allanhurst Drive.

Bill No. 1000 By-law No. 1004-2004

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting age of vehicle requirements for taxicabs.

Bill No. 1001 By-law No. 1005-2004

To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Allanhurst Drive,

the vote upon which was taken as follows:

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cowbourne, De Baeremaeker, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Mammoliti

Carried by a majority of 22.

12.123 On October 28, 2004, at 6:47 p.m., Councillor Mihevc, seconded by Councillor Augimeri, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 1005 By-law No. 1006-2004

To confirm the proceedings of the Council at its meeting held on the 26th, 27th and 28th days of October, 2004,

the vote upon which was taken as follows:

Yes - 22 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, Davis, De Baeremaeker, Fletcher, Hall, Holyday, Jenkins, Kelly, McConnell, Mihevc, Palacio, Pitfield, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1 Councillors: Minnan-Wong

Carried by a majority of 21.

The following bill was withdrawn:

Bill No. 892 To amend former North York By-law No. 27900, being a by-law “To prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property and on property owned or occupied by the Corporation of the City of North York, or any local board thereof, without the consent of the City or local board, as the case may be”, to eliminate the voluntary payment amount for all parking offences.

OFFICIAL RECOGNITIONS:

Mayor Miller in the Chair.

12.124 Condolence Motions

October 26, 2004:

Councillor Lindsay Luby, seconded by Councillor Kelly, moved that:

“**WHEREAS** John Wimbs passed away peacefully on October 2, 2004; and

WHEREAS he contributed to the City of Toronto in architecture, art, charitable fundraising, sport, and politics; and

WHEREAS John launched the world’s largest annual charitable youth soccer tournament, ‘The Robbie’, which raised more than \$1 million for cystic fibrosis and muscular dystrophy; and

WHEREAS John organized Pope John Paul II’s 1984 visit to Toronto, which he called the

greatest experience of his life; and

WHEREAS John Wimbs served as a Scarborough Alderman and a Metropolitan Toronto Councillor; and

WHEREAS he continued to contribute to Toronto by serving on the amalgamation Transition Team; and

WHEREAS he will be dearly missed by Toronto City Councillors for his insight, consideration and friendliness; and

WHEREAS John Wimbs will be lovingly remembered by his devoted wife Rosalie, daughter Betsy, son John Jr., sister Chrissie and granddaughter Sarah;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Mrs. Rosalie Wimbs and family.”

Deputy Mayor Pantalone, seconded by Mayor Miller, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Kenneth Ezra Lantz on October 15, 2004, at the age of 84; and

WHEREAS Kenneth Lantz had a long and distinguished 36-year career with the Ontario Ministry of Agriculture, starting as an assistant agricultural representative in Middlesex County, in 1945, and rising to the post of Deputy Minister, in 1978; and

WHEREAS in July 1967, Kenneth Lantz was awarded the Centennial Medal of Canada, in recognition of his valuable service to the nation; and

WHEREAS after his retirement, in 1981, Kenneth Lantz continued his volunteer service with numerous agricultural organizations, the Rotary Club of Toronto, the Probus Club and the First United Church in Port Credit; and

WHEREAS from October 17, 1996, until October 15, 1998, Kenneth Lantz served as President of the Canadian National Exhibition Association (C.N.E.A.) and, from October 15, 1998, to October 14, 1999, as Honorary President of the C.N.E.A.; and

WHEREAS as President and Honorary President of the C.N.E.A., he also served as an ex officio member of the Board of Governors of Exhibition Place; and

WHEREAS in 2001, Kenneth Lantz was inducted into the Ontario Agricultural Hall of

Fame, the highest tribute that could be paid to his outstanding service to agriculture and the people of rural Ontario;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Mrs. Lantz and his children Myrna, Murray, Margaret and Michael.”

Councillor Walker, seconded by Councillor Rae, moved that:

“**WHEREAS** Members of Toronto City Council are deeply saddened to learn of the passing of Kevin Edward Hayes on October 19, 2004; and

WHEREAS he was a long-term City of Toronto employee who worked in several departments, most recently as the City Clerk’s Office Senior Budget and Operations Analyst; and

WHEREAS at the age of 45, Kevin had fought a long and courageous battle with cancer over the past six years; and

WHEREAS his strong faith lifted his spirits and motivated him under the most trying of circumstances; and

WHEREAS he continued to work throughout his illness and taught us all how to live, given his zest for life and continued involvement in coaching hockey and baseball, travelling with family, bowling, golfing and playing cards with his buddies; and

WHEREAS he will be lovingly remembered by his wife of 16 years, Dolly, his four children Zachary, Sarah, Lucas and Emily, his mother, Jackie, and his many family and friends;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Dolly Hayes and family.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late John Wimbs, Kenneth Ezra Lantz and Kevin Edward Hayes.

October 27, 2004:

Councillor Pitfield, seconded by Councillor Davis, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Robert Hart on October 8, 2004; and

WHEREAS Bob was known to be a remarkable humanitarian who advocated for and built housing for seniors through the organization he founded ‘Stay at Home in Leaside’, and through ‘Options for Homes’; and

WHEREAS Bob was a long-standing active resident of the Leaside and Wynford/Concord Communities; and

WHEREAS his legacy of good works and his dedication to Leaside will not be forgotten; and

WHEREAS he was the 2002 Recipient of the Agnes McPhail Award; and

WHEREAS Bob was predeceased by his extraordinary wife Margaret, in 1999;

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 children, Moira Hart-Poliquin and Ian Hart, and to his grandchildren Louise, Emile, Sophie, Philippe, Jonathan, Jennifer, Timothy and Anthony.”

Moved by Councillor Fletcher, seconded by Councillor McConnell:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the untimely passing of Cheryl Lajoie at the age of 48; and

WHEREAS after an abusive early childhood, Cheryl began her commitment to the parent/child community in the 1970’s, when she became involved with the collective ‘Snowflake Parent Child Centre’, and during the ensuing years she earned recognition and respect within the networks of family support programs; and

WHEREAS Cheryl had directed the ‘Metro Association of Family Resource Programs’, co-ordinated ‘Early Years Challenge Fund Project’ and supported struggling families and caregivers at the 519 Church Street Community Centre, the South Riverdale Child and Parent Centre and Parent Resources in Regent Park; she also worked with the Canadian Mothercraft Society, Humewood House and the YWCA; and

WHEREAS the death of this warm, optimistic woman ended her work on our common quilt of family and community life; while her warm, optimistic spirit lives on for the many lives she touched and encouraged;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to her husband, Peter Farncombe, her three children who miss her dearly and all of her many friends and

colleagues in the child care community.”

Moved by Deputy Mayor Pantalone, seconded by Councillor Di Giorgio:

“**WHEREAS** the Mayor and Members of City Council are deeply saddened to learn of the passing of Ms. Clara Angela De Angelis on October 22, 2004, at the age of 72; and

WHEREAS Clara De Angelis served the former City of Toronto with loyalty and dedication in the City Clerk’s Department, Translation Services Section for many years; and

WHEREAS Clara De Angelis was not only a strong advocate and talented interpreter for thousands of Toronto residents but also quietly, humbly and consistently worked for the City in the day to day, month in and month out activity that is the integral part of successful public service; and

WHEREAS Clara De Angelis, while working for our City, touched the hearts and minds of the many people she worked and spoke with and will be sorely missed by her colleagues, friends and countless Toronto citizens;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to her husband Angelo Joseph De Angelis, her sons Mark and Alexander and her daughter Anita.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late Robert Hart, Cheryl Lajoie and Clara Angela De Angelis.

12.125 Presentations/Introductions/Announcements:

October 26, 2004:

Councillor Giambrone, during the morning session of the meeting, with the permission of Council, introduced students from the International Language School, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced Grade 5 students from Holy Rosary Catholic School, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced a delegation of national, state and municipal representatives visiting from Germany, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced students from John Ross Robertson Jr. Public School, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced Rocco Curcio, President of the Regional Commission of the Lucani in the World, visiting from Italy, present at the meeting.

October 27, 2004:

Deputy Mayor Pantalone, during the morning session of the meeting, with the permission of Council, addressed Council regarding the success of the Tree Advocacy Program, now in its fifth year. He called the following 2004 Sponsors to the podium and presented them with a token of appreciation for their participation in this Program:

- David Bednar, General Manager, Canadian National Exhibition Association
- David O'Brien, Chief Executive Officer, Toronto Hydro
- Maurice Anderson, President and George Soulis, Chair, Toronto Parking Authority
- David Gray, President, Creative Outdoor Advertising
- Craig Kelly, Toronto Star Newspapers Limited
- Hank Deenen, Hank Deenen Landscaping Limited
- Joe Lombardi, Lomco Landscape Contractors
- Janet McKay, LEAF
- Mike Kern, Toronto Construction Association.

Mayor Miller, during the morning session of the meeting, introduced students from Humewood Community School, present at the meeting.

Councillor Del Grande, during the morning session of the meeting, with the permission of Council, introduced students from Mary Ward School, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced Grade 5 students from Bannockburn School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, wished good luck, on behalf of City Council, to the members of the Toronto Fire Combat Team, a nine person team who will be representing Toronto Fire Services at the World Firefighter Combat Challenge, taking place in Las Vegas from November 8 to 14, 2004.

Mayor Miller, during the afternoon session of the meeting, introduced students from St. Francis de Sales Gifted School and St. Angela School Gifted Centre, present at the meeting.

October 28, 2004:

Mayor Miller, during the morning session of the meeting, introduced students from the Centre for Information and Community Services, present at the meeting.

Deputy Mayor Feldman, during the afternoon session of the meeting, introduced students from Avondale Alternative School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced a delegation visiting Toronto to attend the International Conference of Russian Foreign Media, present at the meeting.

12.126 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

October 26, 2004:

Mayor Miller in the Chair.

- (a) Councillor Mammoliti, at 9:58 a.m., moved that Council vary the order of its proceedings in order to consider those Clauses deferred from the September 28, 29, 30 and October 1, 2004 meeting of City Council that deal with transportation issues, at 2:00 p.m. today.
- (b) Councillor Shiner, at 9:59 a.m., moved that motion (a) by Councillor Mammoliti be amended to provide that should Council's consideration of the transportation items not be completed today, they be held down so that Council can consider those Clauses noted as being time critical, at 9:30 a.m. on October 27, 2004.

Vote:

Motion (b) by Councillor Shiner carried.

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

- (c) Mayor Miller, at 11:32 a.m., with the permission of Council, moved that Council vary the order of its proceeding to now consider Notice of Motion J(1), respecting the Issuance of Debentures, which carried.

Deputy Mayor Feldman in the Chair.

Ruling by Deputy Mayor:

Deputy Mayor Feldman, upon Council's completion of the deferred transportation items, ruled that Council now proceed with its consideration of the remaining deferred items.

Councillor Mammoliti challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 24 Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, Feldman, Fillion, Fletcher, Hall, Holyday, McConnell, Milczyn, Nunziata, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 5 Councillors:	Del Grande, Li Preti, Lindsay Luby, Mammoliti, Moscoe

Carried by a majority of 19.

October 27, 2004:

Deputy Mayor Bussin in the Chair.

- (d) Councillor Shiner, at 11:15 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion I(1), respecting the Use of Toronto's Shelter System, as part of its consideration of Policy and Finance Committee Report 8, Clause 21, headed "Additional Actions Needed to Provide Shelter and Outreach Services to Street Homeless Persons", which carried.

Mayor Miller in the Chair.

- (e) Councillor Saundercook, at 3:01 p.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(18), respecting a Request to Re-open Planning and Transportation Committee Report 6, Clause 3, headed "Age of Vehicles Used as Taxicabs", the upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Watson
No - 4	
Mayor:	Miller
Councillors:	Del Grande, Pantalone, Rae

Carried by a majority of 29.

- (f) Councillor Nunziata, at 3:08 p.m., moved that Council vary the order of its proceedings to give consideration to Works Committee Report 9, Clause 1, headed "Elimination of Duplicate/Triplicate Street Names - Completion of Phase 1 - Results of Public Consultation", at 9:30 a.m., on October 28, 2004, the vote upon which was taken as follows:

Yes - 12	
Councillors:	Cho, Del Grande, Feldman, Hall, Jenkins, Kelly, Nunziata, Ootes, Palacio, Pitfield, Stintz, Watson
No - 23	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Holyday, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Thompson

Lost by a majority of 11.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

October 28, 2004:

Mayor Miller in the Chair.

Deputy Mayor Pantalone, at 4:05 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, in order to complete the in-camera portion of its meeting and any Quick Release items, which carried, more than two-thirds of Members present having voted in the affirmative.

12.127 ATTENDANCE

October 26, 2004	9:35 a.m. to 12:30 p.m.*	Roll Call 10:17 a.m.	2:05 p.m. to 5:28 p.m.*	Roll Call 4:40 p.m.	Ctte. of the Whole in-Camera 5:35 p.m.	7:47 p.m. to 7:52 p.m.*
Miller	x	x	x	-	x	x
Altobello	x	-	x	-	x	x
Ashton	x	x	x	-	x	-
Augimeri	x	x	x	x	x	x
Balkissoon	x	x	x	-	x	-
Bussin	x	x	x	-	x	x
Carroll	x	x	x	x	x	x
Cho	x	x	x	x	x	x
Chow	x	x	x	x	x	x
Cowbourne	x	x	x	x	x	x
Davis	x	x	x	x	x	x
De Baeremaeker	x	x	x	x	x	x
Del Grande	x	x	x	x	x	-
Di Giorgio	x	x	x	-	x	x
Feldman	x	x	x	x	x	x
Filion	x	x	x	-	x	-
Fletcher	x	x	x	x	x	x
Ford	x	-	-	-	-	-
Giambrone	x	x	x	-	x	x
Grimes	x	x	x	-	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x

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October 26, 2004	9:35 a.m. to 12:30 p.m.*	Roll Call 10:17 a.m.	2:05 p.m. to 5:28 p.m.*	Roll Call 4:40 p.m.	Ctte. of the Whole in-Camera 5:35 p.m.	7:47 p.m. to 7:52 p.m.*
Kelly	x	-	x	-	x	x
Li Preti	x	x	x	x	x	-
Lindsay Luby	x	x	x	x	x	-
Mammoliti	x	-	x	x	x	-
McConnell	x	x	x	-	x	x
Mihevc	x	x	x	x	x	x
Milczyn	x	x	x	-	x	x
Minnan-Wong	x	-	x	-	-	-
Moscoe	x	x	x	-	x	x
Nunziata	x	x	x	x	x	x
Ootes	x	-	x	-	x	x
Palacio	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	-	x	x	-	-
Rae	x	x	x	-	x	x
Saundercook	x	x	x	x	x	x
Shiner	x	x	x	x	x	-
Soknacki	x	x	x	-	-	-
Stintz	x	-	x	-	x	x
Thompson	x	x	x	x	x	x
Walker	x	-	x	x	x	-
Watson	x	x	x	x	x	-
Total	45	36	44	26	41	31

* Members were present for some or all of the time period indicated.

October 27, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:43 p.m.*	Ctte. of the Whole in-Camera 5:46 p.m..	8:04 p.m. to 8:09 p.m.*
Miller	x	x	-	-
Altobello	x	x	x	x
Ashton	x	x	-	-
Augimeri	x	x	x	x

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October 27, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:43 p.m.*	Ctte. of the Whole in-Camera 5:46 p.m..	8:04 p.m. to 8:09 p.m.*
Balkissoon	-	x	x	x
Bussin	x	x	x	-
Carroll	x	x	x	x
Cho	x	x	x	x
Chow	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	-	x
De Baeremaeker	x	x	-	x
Del Grande	x	x	x	-
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	-	x	x	x
Fletcher	x	x	x	-
Ford	x	-	-	-
Giambrone	x	x	-	x
Grimes	x	x	-	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	-
Li Preti	-	x	x	-
Lindsay Luby	x	x	x	-
Mammoliti	x	x	x	-
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	x
Moscoe	x	x	-	-
Nunziata	x	x	-	x
Ootes	x	x	x	-
Palacio	x	x	x	x
Pantalone	x	x	-	x

Minutes of the Council of the City of Toronto
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October 27, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:43 p.m.*	Ctte. of the Whole in-Camera 5:46 p.m..	8:04 p.m. to 8:09 p.m.*
Pitfield	x	x	x	x
Rae	x	x	-	-
Saundercook	x	x	x	-
Shiner	x	x	-	-
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	-	-	-	-
Watson	x	x	x	x
Total	41	43	32	28

* Members were present for some or all of the time period indicated.

October 28, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:26 p.m.*	Ctte. of the Whole in-Camera 4:32 p.m.	6:35 p.m. to 6:49 p.m.*
Miller	x	x	-	-
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Bussin	-	x	-	-
Carroll	x	x	x	x
Cho	x	x	-	-
Chow	x	x	-	-
Cowbourne	x	x	x	x
Davis	x	x	x	x
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	-	-	-
Feldman	x	x	x	-
Filion	x	x	x	x
Fletcher	x	x	x	x

Minutes of the Council of the City of Toronto
 October 26, 27 and 28, 2004

October 28, 2004	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 4:26 p.m.*	Ctte. of the Whole in-Camera 4:32 p.m.	6:35 p.m. to 6:49 p.m.*
Ford	x	-	-	-
Giambrone	x	x	x	-
Grimes	x	x	x	-
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	x
Mihevc	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	x
Moscoe	x	x	-	-
Nunziata	x	x	x	-
Ootes	x	x	x	-
Palacio	x	x	x	x
Pantalone	x	x	x	-
Pitfield	x	x	x	x
Rae	x	x	x	-
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	-	-	-	-
Watson	x	x	x	x
Total	43	42	37	30

* Members were present for some or all of the time period indicated.

Council adjourned on October 28, 2004, at 6:49 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 - Enquiry regarding Constituent Matters

Enquiry dated October 14, 2004, from Councillor Giorgio Mammoliti, addressed to the City Clerk (See Minute 12.4, Page 2).

I write this letter to you today in response to a piece of correspondence sent to Mayor David Miller by the City of Toronto's Traffic Department that was copied to my Office dated September 27, 2004. The letter was sent to the Mayor's Office because he took it upon himself to deal with one of my constituents and disregarded the customary practice of having the common courtesy of forwarding the constituent's name and issue to the respective Councillor's Office and allowing his/her own staff to handle the situation at hand.

I must express my disappointment with this, especially because this is certainly not the first time I've received correspondence such as this from the Mayor's Office. The people of Ward 7 have elected me as their local Councillor to represent them at City Hall and I have dedicated my career to ensuring that their needs are met daily. In order to ensure that the needs of constituents are completely looked after, I have very capable staff that are prepared to handle the 200+ phone calls we receive on a daily basis. That being said, I would be more than happy to forward all my casework to the Mayor's Office since it seems that the Mayor's Office has more than enough staff to handle their own casework plus the casework of other Councillors.

I know I don't only speak for myself when I say that City Councillors take great pride in assisting the constituents that contact their offices for help. This is the very reason they have elected us.

Further, my team and I have been dealing with this file for quite some time and had someone taken the time to contact my office to forward this information on to my staff, we could have avoided this duplication in work, which in my opinion is a huge waste of taxpayer's dollars and a waste of time for City staff.

Ms. Watkiss, I am enquiring under Section 27-58 of the City of Toronto Municipal Code, Submission of Enquiries by Members and Answers to Enquiries, regarding any constituents that the Mayor's Office has dealt with, without having consulted the respective Councillor's Office. Further, I am enquiring about what the current practice is when a constituent calls the Mayor's Office regarding a specific matter pertaining to another Councillor's ward.

Thank you.

ATTACHMENT 2 - Answer regarding Constituent Matters

Answer dated October 20, 2004, from Mayor David Miller, addressed to the City Clerk (See Minute 12.4, Page 2).

This letter is in response to the enquiry made by Councillor Giorgio Mammoliti regarding the protocol of responding to phone calls and correspondence directed to my office.

My office receives hundreds of phone calls, e-mails and letters on a daily basis.

If a phone call is ward specific, constituents are encouraged to contact their local Councillor and are given the name and phone number or connected directly to the Councillor's Office. In circumstances where a constituent does not wish to contact their local Councillor, my staff will connect the constituent to the appropriate City staff for attention or request information on the constituent's behalf.

Letters and e-mails addressed to my office are forwarded to the City department responsible for attention and are routinely copied to their local Councillor.

Thank you for your assistance in ensuring the excellent response our constituents deserve is continued.

ATTACHMENT 3 [Notice of Motion J(1)]

Report dated October 22, 2004, from the Chief Financial Officer and Treasurer, entitled "Issuance of Debentures". (See Minute 12.87 , Page 87):

Purpose:

This report requests that the necessary Bills be introduced in Council at its meeting on October 26, 2004, to give effect to the issuance of debentures.

Financial Implications and Impact Statement:

The level of debt issuance undertaken, \$175 million on October 20, 2004 in the Canadian domestic market, is required to finance previously approved capital expenditures. The debt charges associated with this issue have been included in the City's 2004 Operating Budget in non-program and will be included in the 2005 budget on an annualized basis.

Recommendations:

It is recommended that:

- (1) authority be granted for the introduction of the necessary Bills in Council on October 26, 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.

Background:

By-law No. 92-2004, as adopted by Council on January 29, 2004, authorized the Mayor and Treasurer to enter into agreements for the issuance and sale of debentures during the year 2004 to provide an aggregate amount not exceeding \$500,000,000 for purposes of the City and including the purposes of any former municipality, the former municipality of Metropolitan Toronto and a board of education.

Any such agreement must be reported to Council not later than the second regular meeting of Council after the agreement is signed and Council is required to pass all necessary money by-laws required to carry out the agreement.

Comments:

Acting in accordance with the aforementioned authorities and the unanimous advice of our investment syndicate lead managers (CIBC World Markets Inc., Scotia Capital Inc., and RBC Capital Markets Inc.), negotiations were completed on October 20, 2004, for a public issue of debentures in the Canadian domestic market.

This transaction is the City's second debenture issued in 2004 and received an excellent reception in an attractive and stable bond market. The installment debentures were issued with a par value of \$75 million ranging from 1- to 5-year terms-to-maturity with interest rates between 2.90 percent to 4.10 percent per annum. Sinking fund debentures in the amount of \$100 million were issued with a ten-year maturity at an interest rate of 4.90 percent per annum. The overall net average cost of financing the \$175 million issue is 4.79 percent which is the lowest cost of funding incurred over the last thirty years. The issue's maturity structure blends current capital market conditions with the matching of the economic life of the capital expenditure to its financing term.

During 2004, the City has issued a total of \$375 million in debentures consisting of this \$175 million and \$200 million that was issued on May 23, 2004.

The structure and pricing of the transaction achieved the lowest cost of funds available relative to other potential structures, markets and currencies as permitted by provincial legislation.

Delivery of the debentures and the receipt of proceeds will occur on October 29, 2004. The issue will be book-based with no physical certificates as were previous debenture issues. This process continues to generate savings for the City related to the printing, registration and distribution of the securities since the Canadian Depository for Securities (CDS) administers the interest and principal payments to the debenture holders at no cost to the City.

Conclusion:

The City issued \$175 million in debentures on October 20, 2004 as authorized under By-law No. 92-2004 as adopted by Council on January 29, 2004. As the capital projects to be financed with the proceeds of this issue were previously approved and are either completed or in the process of being completed, it is now appropriate to approve the issuance of debentures to permanently finance these undertakings, given current favourable capital market conditions.

Contact Names and Telephone Numbers:

Len Brittain, Director, Corporate Finance
Tel: 416-392-5380, Fax: 416-397-4555, E-mail: lbrittai@toronto.ca

Martin Willschick, Manager, Treasury Services
Tel: 416-392-8072, Fax: 416-397-4555, E-mail: mwillsch@toronto.ca

ATTACHMENT 4 [Notice of Motion J(13)]

Report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled "1003 Dundas Street East – Part Lot Control, 02-035346, Toronto-Danforth, Ward 30". (See Minute 12.99 , Page 110):

Purpose:

To recommend deletion of the requirement for a common element condominium and substitution of a maintenance agreement covering the rear wall feature and the shared driveway at 1003 Dundas Street East. The By-law for Part Lot Control will be before this Council meeting. This report recommends modification to the previous requirements to ensure the application is dealt with expeditiously.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend Clause 56 of Report No. 9 from Toronto and East York Community Council, September 2003, to delete the requirement for a common element condominium for 1003 Dundas Street East and require a maintenance agreement in its place; and
- (2) require the owner to enter into a maintenance agreement for the rear wall and rear driveway in the form and manner satisfactory to the City Solicitor and registered on title following the passing of the Part Lot Control By-law.

Background:

A Site Plan application for this project was approved on March 27, 2003, and signed on April 1, 2003. At its meeting held on September 22-25, 2003, the Council of the City of Toronto gave consideration to Clause No. 56 contained in Report No. 9 of the Toronto East York Community Council, headed "Exemption from Part Lot Control - 1003 Dundas Street East". Council adopted the Clause without amendment. Recommendation (6) directed that "the owner shall submit an application for common elements condominium to ensure that the private right-of-way abutting the integral parking garages is jointly maintained including winter maintenance". The owner has requested that this recommendation be deleted and a maintenance agreement, registered on title, be substituted.

Comments:

The proposal is to build 7 townhouse units and sever the land into lots fronting Dundas Street East. The lots will contain one dwelling unit each with a shared rear lane to gain access to each parking space. There is a wall on the rear property line that remains from the former industrial building on the property retained as a decorative detail and to screen the site from the adjacent residential properties to the south.

As a condition of the Site Plan Approval, the Commissioner of Works and Emergency Services has required the owner to register a covenant against the title that all future owners of the severed lots will be granted rights-of-way as required for the purposes of providing vehicular access to the respective integral parking garages, over the private right-of-way abutting this site and be held jointly responsible for the maintenance of the private right-of-way, including winter maintenance.

Planning staff have consulted with the City Solicitor who has advised that the substitution of a maintenance agreement is acceptable in this case. Notice of the agreement can be registered on title prior to the creation of the lots and their sale to individual owners. This will ensure that the City's interest in ensuring appropriate access to the site and maintenance of the wall is secured.

The lawyer for the project, has indicated that in his opinion it is essential to his client that the exemption by-law be passed at this Council meeting. Once the Part Lot Control By-law is passed, the City Solicitor will ensure that the conveyances and agreement are entered into the right sequence. Planning staff have been assured by City Legal staff that full control of this matter is in the hands of the City through the Section 118 Restriction. This restriction prevents the conveyance of the affected lands without the written approval of the City.

The units are now constructed and the owner is moving to close on the sales of the properties. Given that the Part Lot Control By-law will be before this City Council, it is important to the applicant that this matter be dealt with expeditiously.

Conclusions:

The project proposed for 1003 Dundas Street East has been approved as part of a Site Plan application and is now before Council for a Part Lot Control by-law. The applicant has requested exemption from Council's previous requirement to create a common element condominium and in exchange to enter into a maintenance agreement for the rear wall and driveway component of the project. Staff have no objection to this approach at this location. Given the Part Lot Control By-law is before Council, it is timely to deal with the proposed change now.

Contact:

Denise Graham, Senior Planner, East Section

Telephone: 416-392-0871 Fax: 416-392-1330 E-mail: dgraham1@toronto.ca

ATTACHMENT 5 [Notice of Motion J(24)]

Report dated October 26, 2004, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to Prohibit Restaurants (and similar uses) for Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, South District Application 04 180878 SPS 00 TM, Applicant: City of Toronto, Area of Study: Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue, Trinity-Spadina, Ward 19". (See Minute 12.109 , Page 134)

Purpose:

To propose an Interim Control By-law to prohibit restaurants (and similar uses) for lands on and flanking the area of College Street, between Bathurst Street and Ossington Avenue for a period of one year. The by-law will enable the Commissioner of Urban Development Services to review the impact of restaurants (and similar uses) and recommend appropriate zoning standards.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council adopt the following resolution:

Whereas Section 38 of the 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 lands on and flanking College Street between Bathurst Street and Ossington Avenue (Attachment 1); and

- (2) City Council, after adopting the resolution in Recommendation (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 (1) above, use any lot or erect or use any building, structure or addition thereto for a restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club for a period of one year.

Background:

College Street between Bathurst Street and Ossington Avenue is a traditional Main Street with a mix of commercial and retail uses, including restaurants. To the north and south of College Street are typical low density residence areas.

College Street is zoned MCR T3.0 C3.0 R3.0 from Bathurst Street to Manning Avenue. Between Manning Avenue and Ossington Avenue, College Street is zoned MCR T3.0 C1.0 R2.5. This MCR zoning classification permits retail and service shop uses, including restaurants.

In 1995, City Council directed Planning staff to undertake a study of land use planning policies and regulations related to restaurant (and similar) uses in the MCR zone along College Street between Bathurst Street and Grace Street. To allow for the study, an Interim Control By-law (By-law 1995-0644) was enacted along the MCR zone on College Street between Bathurst Street and Grace Street. The by-law prohibited, for a period of one year, any new restaurant, take-out restaurant, patio, bake shop, place of assembly, place of amusement or club, unless the gross floor area used for that purpose or for a combination of two or more of those purposes on the same lot did not exceed 250 m².

The 1995 Interim Control By-law was subsequently amended in 1996 (By-law 1996-0115) to extend the lands included within the interim control area on College Street westward from Grace Street to Ossington Avenue. The 1995 Interim Control By-law was further amended in 1996 and again in 1997, resulting in an extension of the period of interim control.

As a result of that College Street study, a Zoning By-law was passed in 1997 (By-law No. 1997-0258) to provide a size limit for uses including restaurants, take-out restaurants, bake shops, places of amusement, places of assembly, and clubs. The total non-residential gross floor area (above and below grade) used for any one or a combination of these uses cannot exceed 300 m². The size restriction of 300 m² was implemented to address the combined effects of the growing number of establishments, the potential for larger restaurants, and the increased seating capacity of these establishments. By restricting the size of restaurants, the intensity of the use is intended to be reduced and thus the impacts on the surrounding community minimized.

In addition to this size restriction of restaurants on College Street, there are restrictions with respect to entertainment uses for restaurants located in the former City of Toronto. The Zoning By-law for the former City of Toronto defines a restaurant as “a building or a portion of a building used for the preparation of cooking of meals and the sale of food and beverages for the public while they are seated, for consumption on the premises”. The Zoning By-law also limits the floor area (above or below grade) that may be used for entertainment-type purposes (dance floor, stage, sound room, etc.) to a maximum of 47 m² or 6 percent of the non-residential gross floor area, whatever is less. However, for a restaurant that has a non-residential gross floor area of 350 m² or less, the by-law specifies that up to 21 m² of the floor area is permitted for entertainment uses. As such, new restaurants on College Street since 1995 have been restricted to 300 m² in size of which not more than 21 m² of that floor area may be for entertainment-type uses.

Comments:

Since 1997, College Street has continued to attract new restaurants and despite their smaller size, these restaurants have collectively contributed to making this portion of College Street a regional draw. As a result, land use conflicts between the restaurants and the adjacent residential area have continued:

- restaurants are pushing out the retail and service shop uses which have traditionally located on Main Streets such as College Street;
- there is a concern that some restaurants are operating like lounges and bars where entertainment and alcohol service is the primary activity and not the serving of food; and
- noise, garbage and traffic congestion (often late at night).

Given the development pressures generated by the restaurants, local residents have also expressed concerns that these establishments may locate on the flanking residential street. The boundary line for the MCR zone tends to follow the existing system of rear lanes as the separation provided by the lane provides a clear boundary between the MCR zone and the residential (R) zone.

On the flanking residential streets along College Street there are situations where there are existing houseform dwellings between a commercial property with frontage on College Street and the rear lane. As a result, the MCR zone already infiltrates the flanking residential street and incorporates existing houseform dwellings and other retail and commercial properties which have their main entrances on the flanking residential street. The incorporation of existing houseform dwellings or other commercial properties into the MCR zone allow for the creation of lots that have a sufficient depth to be redeveloped for Main Street type buildings.

However, the primary character of the flanking residential streets from Bathurst Street to Ossington Avenue is residential. The effect of this infiltration of the MCR zone into the flanking residential street is that there may be permitted uses such as restaurants and other commercial uses which are not compatible with the adjacent low density residence area.

Rationale for an Interim Control By-law

Section 38 of the *Planning Act* authorizes City Council to pass resolutions directing that a review or study be undertaken in respect of land use policies. Interim Control By-laws enable Council to temporarily restrict the land use while the City reviews the land use policies for the affected properties.

It has been seven years since the City's passing of 1997-0258 restricting restaurant sizes on College Street. Given the continued popularity of College Street as a regional draw, there is merit in reviewing the collective impact of restaurants and similar uses. The study can review:

- conflicts with other residential uses;
- whether current zoning provisions are sufficient;
- the precise type of conflict and source; and
- new enforcement strategies.

In the interim, the establishment of these uses should be prohibited.

City Planning staff will work with Municipal Licensing and Standards, area residents, property owners and their tenants and the local councillor to review these issues.

Conclusions:

College Street has continued to remain a popular draw with respect to restaurants and similar uses. This has resulted in land use conflicts with the adjacent residential area. It is appropriate to review the land use policies for the area and to determine whether current development standards and other regulations remain appropriate.

Contact:

SoMei Quan, Planner, West Section

Ph: (416) 392-1812

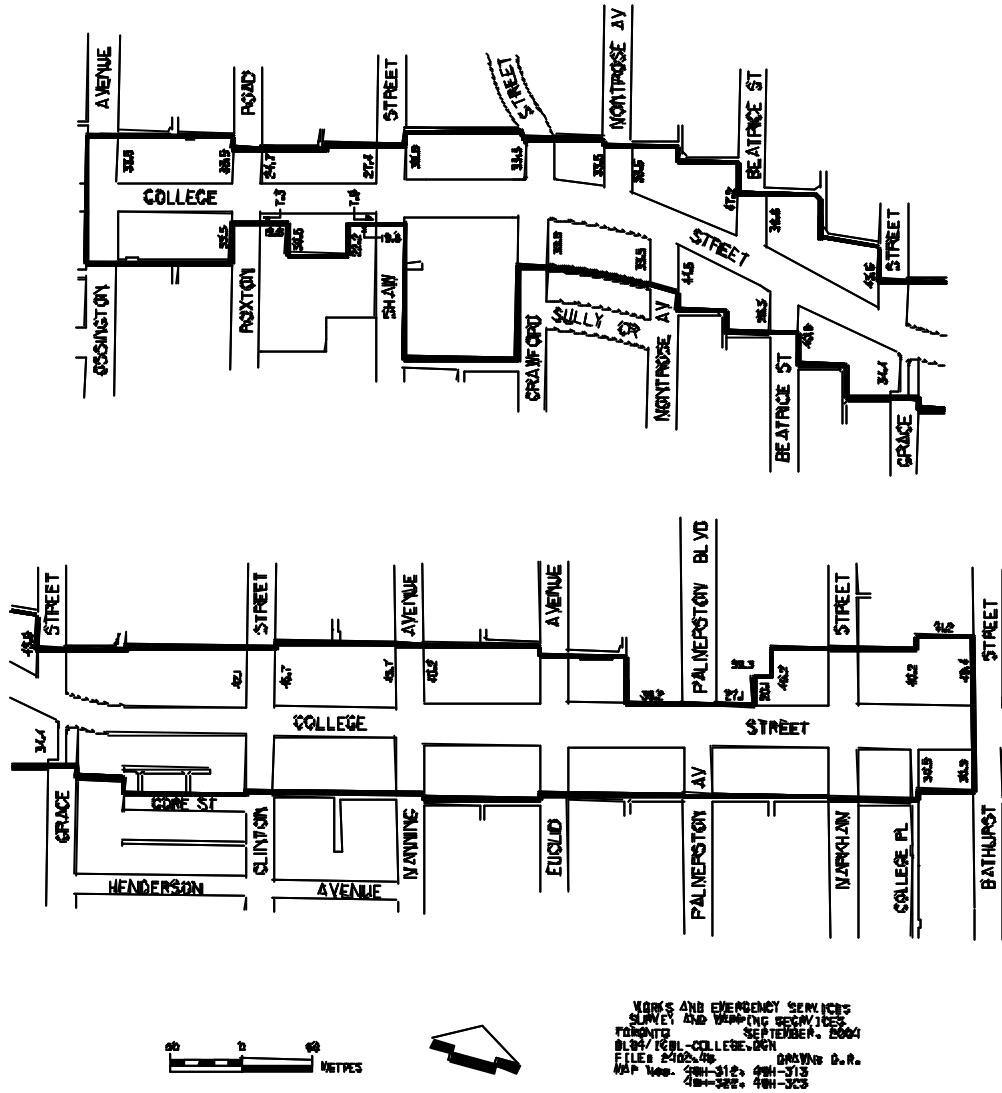
Fax: (416) 392-1330

Email: squan0@toronto.ca

List of Attachments:

Attachment 1: Proposed Interim Control By-law Study Area

Attachment 1: Proposed Interim Control By-law Study Area



Date: September 29, 2004

Date: October 27, 2004

Date: Wednesday, October 27, 2004

Fiscal Impact Statement Summary
Council Meeting – October 26, 27 and 28, 2004
Submitted by the Chief Financial Officer and Treasurer

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(2)	Appeal of Committee of Adjustment Decision – 90 Madison Avenue	\$ 0	\$ 0	Consider.
J(3)	Property Tax Exemption for Toronto Transit Commission Properties	\$ 0	\$ 0	Consider.
J(4)	Request for Fence Exemption - 7 Fifeshire Road (Ward 25 - Don Valley West)	\$ 0	\$ 0	Consider.
J(5)	2195 Yonge Street – Minto Construction Activity	\$ 0	\$ 0	Consider.
J(6)	Reconstitution of the Toronto City Centre Airport Advisory Committee	\$ 0	\$ 0	Consider.
J(7)	Support for a National Affordable Housing Energy Efficiency Strategy	\$ 0	\$ 0	Consider.
J(8)	Request for Public Interest Hearing – Navarone – 268 Dundas Street East	\$ 0	\$ 0	Consider.
J(9)	Support for a Permanent Greenbelt	\$ 0	\$ 0	Consider.
J(10)	Yvonne Public School (Ward 7 – York West) and Melody Public School (Ward - York West)	\$ 26-40 K	\$ 25-50 K	See FIS. Refer to Standing Committee.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments

J(11)	Potential Impact on Participation Levels in Minor Hockey	\$ 0	\$ 0	Consider.
J(12)	Federation of Canadian Municipalities (FCM) Resolution on Child Poverty in Canada	\$ 0	\$ 0	Consider.
J(13)	1003 Dundas Street East – Part Lot Control (Toronto-Danforth – Ward 30)	\$ 0	\$ 0	Consider.
J(14)	1555 Jane Street (Ward 12 – York South-Weston)			See FIS. Consider.
J(15)	Notification to Tenants in Multi-Residential Rental Properties Subject to Automatic Rent Reduction Due to Property Tax Decreases for 2004	\$ 0	\$ 0	Consider.
J(16)	Madison Avenue – Heritage Conservation District Area Study	\$ 0	\$ 0	Consider.
J(17)	Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs	\$ 0	\$ 0	Consider.
J(18)	Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs	\$ 0	\$ 0	Consider.

J(19)	Request to Re-open Planning and Transportation Committee Report 6, Clause 3 - Age of Vehicles Used as Taxicabs	\$ 0	\$ 0	Consider.
J(20)	Instructions for Ontario Municipal Board Hearing - Blythwood Heritage Conservation District By-law No. 12-2004 – Don Valley West - Ward 25			<i>Confidential. See FIS.</i>
J(21)	Repeal of Former City of Toronto Municipal Code, Chapter 9			<i>Confidential. See FIS.</i>
J(22)	Settlement of Legal Action relating to a Personnel Matter			<i>Confidential. See FIS.</i>
J(23)	169 John Street Ontario Municipal Board Hearing			<i>Confidential. See FIS</i>
J(24)	Proposed Interim Control By-law for Lands on and Flanking College Street Between Bathurst Street and Ossington Avenue	\$ 0	\$ 0	Consider.
J(25)	Report Request on the Impacts of Implementing Traffic Controls	\$ 0	\$ 0	Consider.
J(26)	Request to Re-open Harmonized City-Wide Private Tree By-law	\$ 50 K	\$ 0	See FIS. Consider.

J(27)	Enhanced Protocol for the City of Toronto's Response to the Alcohol and Gaming Commission of Ontario (AGCO) Regarding Applications for New and Expanding Liquor Licences	\$ 0	\$ 0	Consider.
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