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These Minutes were confirmed by City Council on May 17, 2005

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

**TUESDAY, APRIL 12, 2005,
WEDNESDAY, APRIL 13, 2005, AND
THURSDAY, APRIL 14, 2005**

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with O Canada.

4.2 **CONFIRMATION OF MINUTES**

Councillor Carroll, seconded by Councillor Del Grande, moved that the Minutes of Council from its regular meetings on February 1, 2 and 3, 2005, and February 16, 2005, and its special meetings of February 21, 22, 23, 24, 25, 28 and March 1, 2005, be confirmed in the form supplied to the Members, which carried.

4.3 **PETITIONS**

- (a) Councillor Thompson submitted a Petition (November 15, 2004) from George Peck Public School, containing approximately 113 signatures in support of a stop sign at the northwest corner of Wayne Avenue and Lingarde Drive.

The above Petition was received and considered with Scarborough Community Council

Report 3, Clause 8, headed “Request for All-Way Stop Controls on Wayne Avenue at Lancefield Avenue and at Lingarde Drive (Ward 37 - Scarborough Centre)”.

- (b) Deputy Mayor Pantalone submitted a Petition (April 4, 2005) from the tenants of Doversquare Apartments, containing approximately 325 signatures in opposition to an application to construct a new highrise building on the grounds of Doversquare Apartments.

The above Petition was received.

- (c) Councillor Walker submitted a Petition (April 13, 2005) from John Zhang, Secretary General, Falun Dafa Association of Canada, forwarding approximately 22 form letters from individuals and organizations in support of Motion J(5).

The above Petition was received and considered with Motion J(5), moved by Councillor Walker, seconded by Councillor Balkissoon, entitled “Proclamation of Falun Dafa Week: May 9 – 15, 2005”.

- (d) Councillor Pitfield submitted a Petition (undated) containing approximately 504 signatures in support of the further study within the Don Valley Corridor Master Plan.

The above petition was received and considered with Planning and Transportation Committee and Works Committee Joint Report 1, Clause 1, headed “Don Valley Corridor Transportation Master Plan (Beaches-East York, Don Valley East, Don Valley West, Toronto-Danforth, Willowdale)”.

PRESENTATION OF REPORTS

- 4.4 Councillor Davis presented the following Reports for consideration by Council:

Deferred Clauses from October 26, 27 and 28, 2004:

Policy and Finance Committee Report 8, Clause 1e
Administration Committee Report 8, Clause 8e
Board of Health Report 7, Clause 1e

Deferred Clauses from November 30, December 1 and 2, 2004:

Scarborough Community Council Report 8, Clause 7d
Toronto and East York Community Council Report 9, Clause 58b

Deferred Clauses from December 6, 2004:

Policy and Finance Committee Report 9, Clause 41d
Audit Committee Report 6, Clause 6d
Etobicoke York Community Council Report 9, Clauses 1d and 2d

Deferred Clauses from February 1, 2 and 3, 2005:

Policy and Finance Committee Report 2, Clauses 6b and 24b
Audit Committee Report 1, Clause 1b
Community Services Committee Report 2, Clause 1b
Economic Development and Parks Committee Report 1, Clause 9b
North York Community Council Report 1, Clauses 10b, 30b and 35b
Toronto and East York Community Council Report 1, Clauses 27b, 28b, 31b, 41b, 42b, 43b, 45b and 46b

Deferred Clauses from February 16, 2005:

Etobicoke York Community Council Report 2, Clauses 10a, 14a and 18a
North York Community Council Report 2, Clauses 5a, 6a, 7a, 8a and 16a
Toronto and East York Community Council Report 2, Clauses 1a, 25a, 26a and 27a

New Committee Reports:

Policy and Finance Committee Report 4
Administration Committee Report 3
Audit Report 2
Board of Health Report 3
Community Services Committee Report 3
Economic Development and Parks Committee Report 3
Economic Development and Parks Committee Report 4
Planning and Transportation Committee Report 3
Works Committee Report 3

New Community Council Reports:

Etobicoke York Community Council Report 3
North York Community Council Report 3
Scarborough Community Council Report 3
Toronto and East York Community Council Report 3

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

- 4.5 Councillor Davis, with the permission of Council, presented the following Report for the consideration of Council:

Planning and Transportation Committee and Works Committee, Joint Report 1,

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

4.6 **DECLARATIONS OF INTEREST**

Councillor Ashton declared his interest in Motion J(40), moved by Councillor De Baeremaeker, seconded by Councillor Mihevc, respecting an update on the acquisition of the Toronto District School Board's Wanita Road Site, in that his principal residence is in the vicinity of the subject lands.

Councillor Cowbourne declared her interest in Motion J(40), moved by Councillor De Baeremaeker, seconded by Councillor Mihevc, respecting an update on the acquisition of the Toronto District School Board's Wanita Road Site, in that her principal residence is in the vicinity of the subject lands.

Councillor Jenkins declared his interest in Motion F(5), moved by Councillor Milczyn, seconded by Councillor Del Grande, respecting the disclosure of Proponents' responses to certain sections of Request for Proposal (RFP) 3401 04-3216 - Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services, in that he is a former employee of one of the proponents.

Councillor McConnell declared her interest in Policy and Finance Committee Report 4, Clause 11, headed "Increase to Ministry of Community and Social Services Funding for Housing and Homelessness Programs", in that her husband is the Executive Director of the Riverdale Action Group, a housing provider for women at risk.

Councillor Moscoe declared his interest in North York Community Council Report 3, Clause 26, headed "Final Report - Application to Amend the Official Plan and Zoning By-law and Draft Plan of Subdivision - 03 201751 NNY 08 OZ and 04 138822 NNY 08 SB - 1530787 Ontario Inc. (George Popper Architect) - 102-134 Hucknall Road (Ward 8 - York West)", in that his principal residence is in the vicinity of the subject development.

Councillor Shiner declared his interest in North York Community Council Report 3, Clause 26, headed "Final Report - Application to Amend the Official Plan and Zoning By-law and Draft Plan

of Subdivision – 03 201751 NNY 08 OZ and 04 138822 NNY 08 SB - 1530787 Ontario Inc. (George Popper Architect) - 102-134 Hucknall Road (Ward 8 - York West)”, in that his brother represented one of the parties interested in this application; and in Motion J(14), moved by Councillor Rae, seconded by Councillor Pitfield, respecting Bill 60, an *Act to Amend the Ontario Heritage Act*, in that his family owns property that is being considered for designation as a heritage property.

CONSIDERATION OF REPORTS
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

4.7 The following Clauses were held by Council for further consideration:

Policy and Finance Committee Report 8, Clause 1e.

Administration Committee Report 8, Clause 8e.

Board of Health Report 7, Clause 1e.

Scarborough Community Council Report 8, Clause 7d.

Toronto and East York Community Council Report 9, Clause 58b.

Policy and Finance Committee Report 9, Clause 41d.

Audit Committee Report 6, Clause 6d.

Etobicoke York Community Council Report 9, Clauses 1d and 2d.

Policy and Finance Committee Report 2, Clauses 6b and 24b.

Audit Committee Report 1, Clause 1b.

Community Services Committee Report 2, Clause 1b.

Economic Development and Parks Committee Report 1, Clause 9b.

North York Community Council Report 1, Clauses 10b, 30b and 35b.

Toronto and East York Community Council Report 1, Clauses 27b, 28b, 31b, 41b, 42b, 43b, 45b and 46b.

Etobicoke York Community Council Report 2, Clauses 10a, 14a and 18a.

North York Community Council Report 2, Clauses 5a, 6a, 7a, 8a and 16a.

Toronto and East York Community Council Report 2, Clauses 1a, 25a, 26a and 27a.

Policy and Finance Committee Report 4, Clauses 1, 3, 4, 10, 15, 16, 18, 19, 21, 22, 25, 33, 34, 36, 37, 39, 41 and 42.

Administration Committee Report 3, Clauses 4, 8, 10, 12, 13, 14, 15 and 17.

Community Services Committee Report 3, Clauses 1 and 4.

Economic Development and Parks Committee Report 3, Clauses 9 and 11.

Economic Development and Parks Committee Report 4, Clause 1.

Planning and Transportation Committee Report 3, Clauses 1, 2, 8, 11, 13, 14, 15 and 16.

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

Planning and Transportation Committee and Works Committee Joint Report 1, Clause 1.

Etobicoke York Community Council Report 3, Clauses 8, 11, 19, 47, 52, 53, 55, 58 and 59.

North York Community Council Report 3, Clauses 6, 25, 26, 31 and 34.

Scarborough Community Council Report 3, Clause 8.

Toronto and East York Community Council Report 3, Clauses 1, 4, 17, 19, 20, 22, 28, 33, 34, 37, 38, 41, 49, 50 and 61.

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

Toronto and East York Community Council Report 9, Clause 58b.

Policy and Finance Committee Report 9, Clause 41d.

Policy and Finance Committee Report 4, Clauses 10, 21, 33, 36 and 39.

Administration Committee Report 3, Clauses 8 and 12.

Planning and Transportation Committee Report 3, Clauses 11 and 16.

Works Committee Report 3, Clauses 4, 5, 8 and 9.

Etobicoke York Community Council Report 3, Clauses 47 and 59.

North York Community Council Report 3, Clauses 6 and 34.

Toronto and East York Community Council Report 3, Clauses 1, 4, 41, 50 and 61.

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.

The following Clause was re-opened for further consideration and subsequently adopted, without amendment:

North York Community Council Report 3, Clause 19. (See Minute 4.51, Page 41).

The following Clauses were re-opened for further consideration and subsequently amended:

Planning and Transportation Committee Report 3, Clause 6. (See Minute 4.50, Page 40).

Scarborough Community Council Report 3, Clause 17. (See Minute 4.76, Page 64).

Toronto and East York Community Council Report 3, Clause 36. (See Minute 4.70, Page 60).

Toronto and East York Community Council Report 3, Clause 72. (See Minute 4.57, Page 63).

CONSIDERATION OF REPORTS CLAUSES WITH MOTIONS, VOTES, ETC.

- 4.8 **Etobicoke York Community Council Report 2, Deferred Clause 18a, headed “Application for Exemption to Toronto Municipal Code Chapter 447, Fences at 3699 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Milczyn moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (February 16, 2005) from the Commissioner of Urban Development Services:

“It is recommended that the application for Fence Exemption be granted, subject to the modification of the proposal and submission of a site plan for staff approval, which shall have regard for the following matters to the satisfaction of the Commissioner of Urban Development Services or her designate:

- (1) that a mix of coniferous and deciduous trees be planted at 6 metres (20 feet) on-centre;
- (2) that lower underplanting consisting of shrubs and vines be used;
- (3) any fencing to be erected should be decorative and include a masonry element to break up the monotony of a board-on-board fence;
- (4) no fencing be included in front of a main building, thereby providing for ‘eyes on the street’ surveillance;
- (5) at the west end of the property, new fencing should more closely align with the front wall of the existing building to allow landscaping between the fence and the sidewalk; and
- (6) the fence and gate on the east side of the main building be relocated approximately 5 to 6 metres easterly.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

4.9 **North York Community Council Report 2, Deferred Clause 16a, headed “Café Demetre - Boulevard Café - 518 Eglinton Avenue West (Ward 16 - Eglinton-Lawrence)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Stintz moved that Council adopt the following:

“That the application for a boulevard café licence at 518 Eglinton Avenue West be denied.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

4.10 Toronto and East York Community Council Report 2, Deferred Clause 1a, headed “Final Report - Rezoning Application - 301 Cedarvale Avenue (Beaches-East York, Ward 31)”.

Motion:

Councillor Davis moved that the Clause be amended by amending the report (January 19, 2005) from the Director, Community Planning, South District, by:

- (1) adding to Recommendation (4)(e) the words “snow removal and” after the word “private”, so that Recommendation (4)(e) now reads as follows:

“(e) provide and maintain private snow removal and refuse collection services for this residential development;”; and

- (2) adding to Recommendation (4)(g) the words “and the snow removal services for the private driveway” after the words “by this development”, so that Recommendation (4)(g) now reads as follows:

“(g) include a clause in all offers of purchase and sale and in the common element condominium declaration advising all future owners that the refuse and recycling material generated by this development, and the snow removal services for the private driveway, will be carried out by a private refuse collection firm and such clause to be subject to the review and approval of the Commissioner of Works and Emergency Services;”.

Votes:

The motion by Councillor Davis carried.

Councillor Thompson requested that his opposition to the motion by Councillor Davis be noted in the Minutes of this meeting.

The Clause, as amended, carried.

4.11 Policy and Finance Committee Report 4, Clause 16, headed “Human Rights 2004 Annual Report”.

Motion:

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

“That a copy of this Clause be forwarded to the Roundtable on Access, Equity and Human Rights for information.”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

4.12 Policy and Finance Committee Report 4, Clause 18, headed “Legislation to Prohibit the Sale of Knives to Minors”.

Vote:

Adoption of Clause, without amendment:

Yes - 38 Mayor: Miller Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3 Councillors: Feldman, Moscoe, Ootes

Carried by a majority of 35.

4.13 Policy and Finance Committee Report 4, Clause 42, headed “Financial Transaction with Toronto Port Authority”.

Motion:

Councillor Moscoe moved that the Clause be referred back to the Policy and Finance Committee for further consideration at its meeting on May 5, 2005.

Vote:

The motion by Councillor Moscoe carried.

4.14 **Economic Development and Parks Committee Report 3, Clause 11, headed “Hodgson Senior Public School - Greening Proposal 282 Davisville Avenue (Ward 22 - St. Paul’s)”.**

Motion:

Councillor Walker 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 (April 5, 2005) from the Commissioner of Economic Development, Culture and Tourism:

“It is recommended that:

- (1) the General Manager of Parks, Forestry and Recreation submit a report to the Economic Development and Parks Committee, requesting an adjustment to the Parks and Recreation budget in the amount of \$80,000.00 gross, \$0 net, or an amount equal to the amount secured under the Section 37 agreement, at such time as a source for this funding is formally identified and the funds are received by the City;
- (2) prior to expending any funds received for this project, an agreement be signed with the Toronto District School Board which stipulates the cost sharing arrangement between the Board and the City, along with the requirement that the Board provide evidence of its financial commitment to the project and the ongoing maintenance of assets funded in part by the City;
- (3) this project not commence until such time as sufficient total funds are in place to undertake the work required to complete the project; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

4.15 Etobicoke York Community Council Report 3, Clause 58, headed “1555 Jane Street, Section 37 Agreement, Committee of Adjustment Decision and Application to Amend the Official Plan and Zoning By-law No. 7625 (Ward 12 - York South-Weston)”.

Ruling by Mayor:

Mayor Miller ruled this Clause out of order because City Council, during the last twelve-month period, had considered this matter several times and had made decisions and, therefore, this matter should not have been considered by the Etobicoke York Community Council. Mayor Miller further advised that, to have this matter properly before Council, a Notice of Motion for reconsideration would have to be submitted by a Member voting with the majority on the previous decision of City Council.

Vote to Uphold Ruling of Mayor:

Yes - 19	
Mayor:	Miller
Councillors:	Bussin, Cho, Chow, Cowbourne, Davis, Feldman, Fletcher, Giambrone, Hall, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Shiner, Soknacki, Thompson
No - 22	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, De Baeremaeker, Del Grande, Di Giorgio, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Stintz, Walker, Watson

Lost by a majority of 3.

Disposition:

As Council did not conclude consideration of this Clause prior to the end of the meeting, consideration of this Clause was deferred to the Special meeting of Council on May 4, 2005.

4.16 North York Community Council Report 3, Clause 25, headed “Final Report - Context Plan for Bayview Avenue/Sheppard Avenue East - Northwest Quadrant (“Clairtrell Area Context Plan”) - 04 200060 TM (Ward 23 - Willowdale)”.

Vote:

The Clause was adopted, without amendment.

Councillor Shiner requested that his opposition to this Clause be noted in the Minutes of this meeting.

4.17 **North York Community Council Report 3, Clause 31, headed “Ontario Municipal Board Hearing - Committee of Adjustment Application - A0080/05NY - 8 Winton Road (Ward 25 - Don Valley West)”.**

Motion:

Councillor Jenkins moved that the Clause be amended by deleting from the Operating Paragraph contained in the Resolution by Councillor Jenkins, the words “City Planning and Legal staff”, and inserting instead the words “appropriate City staff”, so that the Operative Paragraph now reads as follows:

“THEREFORE BE IT RESOLVED THAT appropriate City staff be authorized to attend at the Ontario Municipal Board hearing to uphold the Committee of Adjustment refusal decisions of June 10, 2004 and March 3, 2005.”

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

4.18 **Toronto and East York Community Council Report 3, Clause 28, headed “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 55 Mill Street (Toronto Centre-Rosedale, Ward 28)”.**

Motion:

Councillor McConnell moved that consideration of the Clause be deferred to the next regular meeting of Council on May 17, 2005.

Vote:

The motion by Councillor McConnell carried.

- 4.19 **Toronto and East York Community Council Report 1, Deferred Clause 41b, headed “Installation of Speed Humps – Bank Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)”.**

Vote:

The Clause was adopted, without amendment.

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

- 4.20 **Toronto and East York Community Council Report 1, Deferred Clause 42b, headed “Installation of Speed Humps – Waterloo Avenue, between Dufferin Street and Gladstone Avenue (Davenport, Ward 18)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker
No - 10	
Councillors:	Ashton, Augimeri, Carroll, Del Grande, Feldman, Filion, Holyday, Shiner, Soknacki, Watson

Carried by a majority of 19.

- 4.21 **Toronto and East York Community Council Report 1, Deferred Clause 43b, headed “Installation of Speed Humps – Gordon Street, between Dufferin Street and Sheridan Avenue (Davenport, Ward 18)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 29	Miller
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Mayor:	
Councillors:	Altobello, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker
No - 9	
Councillors:	Ashton, Augimeri, Carroll, Del Grande, Feldman, Holyday, Shiner, Soknacki, Watson

Carried by a majority of 20

Deputy Mayor Pantalone in the Chair.

4.22 **Policy and Finance Committee Report 8, Deferred Clause 1e, headed “Capital Financing Strategy - 2004”.**

Motions:

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

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on:

- (1) a five-year listing, by priority, of Capital projects which have been:

- (a) approved; and
(b) contemplated; and

- (2) the City maintaining its 8.3 percent ratio for debt.”

- (b) Councillor Soknacki moved that the Clause be amended by amending Recommendation (I) of the Policy and Finance Committee by inserting the words “in principle”, after the word “adopt”, so that Recommendation (I) now reads as follow:

“(I) adopt, in principle, the recommendations of the Ad Hoc Committee on the Development of a Long-term Fiscal Plan in the communication (July 14, 2004) from the Ad Hoc Committee subject to amending Recommendation (1) in the report (July 12, 2004) from the Chief Financial Officer and Treasurer by adding the words ‘or, on an exceptional basis, to support Council’s adopted priorities’, so that the recommendations now read as follows:”.

Permission to Withdraw Motion:

Councillor Del Grande, with the permission of Council, withdrew Part (2) of his motion (a).

Votes:

Adoption of motion (b) by Councillor Soknacki:

Yes - 29	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Pantalone, Saundercook, Soknacki, Watson
No - 7	
Councillors:	Del Grande, Feldman, Ootes, Shiner, Stintz, Thompson, Walker

Carried by a majority of 22.

Adoption of Part (1) of motion (a) by Councillor Del Grande:

Yes - 36	
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Bussin, Moscoe

Carried by a majority of 34.

The Clause, as amended, carried.

In summary, City Council amended this Clause by:

- (1) amending Recommendation (I) of the Policy and Finance Committee by inserting the words “in principle”, after the word “adopt”, so that Recommendation (I) now reads as follows:

“(I) adopt, in principle, the recommendations of the Ad Hoc Committee on the Development of a Long-term Fiscal Plan in the communication (July 14, 2004) from the Ad Hoc Committee subject to amending Recommendation (1) in the report (July 12, 2004) from the Chief Financial Officer and Treasurer by adding the words ‘or, on an exceptional basis, to support Council’s adopted priorities’, so that the recommendations now read as follows:”; and

- (2) adding the following:

“That the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on a five-year listing, by priority, of Capital projects which have been:

- (a) approved; and
(b) contemplated.”

4.23 Policy and Finance Committee Report 2, Deferred Clause 6b, headed “Comprehensive Report on the City’s Long-Term Fiscal Plan”.

Motion:

Councillor Jenkins moved that the Clause be amended by:

- (1) amending Appendix C1, attached to the communication (April 11, 2005) from the Chief Financial Officer and Treasurer, by adding the following strategy to Section 2:

“The City request the Province of Ontario to amend the *Development Charges Act*:

- (a) so that no municipal services are excluded from the development charge calculation;
- (b) to allow municipalities to adopt service levels that are in keeping with Council-approved long-term service plans, for the purposes of calculating development charges, instead of the average service levels during the 10-year period immediately preceding the preparation of the background study, as allowed under existing legislation; and

- (c) so that the 10 percent service discounts are removed.”; and
- (2) adding the following:
- “That the Deputy City Manager and Chief Financial Officer report to the Policy and Finance Committee on a review of the City’s Development Charges By-law to determine:
- (a) the actual amounts of additional revenue which would be available to finance infrastructure, if the by-law were amended to provide for increased development charges to the maximum permitted by provincial statutes; and
- (b) the potential amount of additional revenue that would be available to finance infrastructure if the Development Charges Act was amended as indicated in Recommendation (1), above.”

Vote:

Adoption of motion by Councillor Jenkins and Clause, as amended:

Yes - 37
Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

4.24 **Administration Committee Report 8, Deferred Clause 8e, headed “Complaint Regarding Actions at Committee Meetings”.**

Motion:

Councillor Watson moved that the Clause be amended by deleting the recommendation of the Administration Committee and inserting instead the following:

“That the report (September 22, 2004) from the City Solicitor, as contained in the Clause, be adopted”.

Mayor Miller in the Chair.

Votes:

Adoption of Clause, without amendment (receipt of the matter):

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker
No - 7	
Councillors:	Altobello, Del Grande, Giambrone, Grimes, Holyday, Ootes, Watson

Carried by a majority of 20.

Due to the above decision of Council, the motion by Councillor Watson was not put to a vote.

In summary, Council received the Clause.

4.25 **Planning and Transportation Committee Report 3, Clause 14, headed “Draft Growth Plan for the Greater Golden Horseshoe”.**

The Clause was submitted without recommendation.

Motion:

Councillor Altobello moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (March 29, 2005) from the Commissioner of Urban Development Services:

“It is recommended that the Mayor write to the Minister of Public Infrastructure Renewal to:

- (1) commend the Minister for:
 - (a) undertaking regional growth management as represented by the Draft Growth Plan for the Greater Golden Horseshoe as a starting point for curbing urban sprawl and providing a basis for sound infrastructure planning and management; and

- (b) explicitly linking the practices and consequences of urban growth with conservation, water quality and air quality, and stating the intent to limit urban sprawl, and encourage growth in existing Centres;
- (2) indicate Council's general support for the overall direction of the Draft Growth Plan, contingent upon the plan being modified as recommended in this report, and upon transit improvements and adequate sources of funding for infrastructure priorities being identified in the promised 10 Year Infrastructure Strategy for the Greater Golden Horseshoe;
 - (3) request that the Minister include in the final Growth Plan policies:
 - (a) disallowing the possibility of expansion of settlement areas into lands south of the Greenbelt Plan area prior to 2026;
 - (b) directing population and employment growth and commensurate infrastructure investments to major cities in general, in addition to designated Centres and corridors and away from areas beyond the built boundary of all municipalities in the GGH as of the date the *Places to Grow Act* comes into force;
 - (c) requiring that concentrations of office employment be distinguished from other forms of employment as means of prioritizing transit infrastructure investments; and
 - (d) addressing the social infrastructure needs and funding that will come with substantial population growth generally, and the specific needs that will be more pronounced within the City of Toronto in particular;
 - (4) request that the Minister revise the proposed employment forecast for the City of Toronto to 1,835,000 jobs for the year 2031;
 - (5) request that the Minister clarify within the final Growth Plan the intent, force and effect of the population, household and employment forecasts for the Greater Golden Horseshoe, as amended by Recommendation (4), and, further, that the forecasts be regarded as targets providing guidance for infrastructure and other planning purposes;
 - (6) request that the Minister strengthen the natural system and conservation policies and in particular revise them to:

- (a) explicitly recognize the invaluable role that natural heritage plays in contributing to human health and well being, strong communities and a competitive economy;
 - (b) require planning authorities to adopt policies to protect and enhance the natural system within their jurisdiction;
 - (c) state that the criteria for identifying natural heritage features and areas, groundwater features and surface water features include the contribution that these features make to the local and regional landscape and require policies for protecting the natural system to be incorporated into municipal Official Plans;
 - (d) state that the natural system will recognize and include where possible the linkages between and among natural heritage features and areas; and
 - (e) encourage municipalities to consider the design of new urban developments for energy conservation and waste diversion as well as for water conservation;
- (7) advise the Minister that:
- (a) the forecasted growth in population and households for the City of Toronto is consistent with the Official Plan and can be accommodated in areas designated for growth; and
 - (b) Council urges the Province to recognize local differences, provide municipalities with appropriate powers and tools to implement the Growth Plan, and ensure municipal compliance with the Growth Plan across the GGH;
- (8) request the Minister of Public Infrastructure Renewal to co ordinate with other Ministries to introduce other planning tools to facilitate implementation, including:
- (a) revisions to the *Development Charges Act* to enable municipalities to recover the full cost of growth related infrastructure and to charge for all municipal services required to support complete communities; and
 - (b) at minimum, further revisions to the *Planning Act* to:

- (i) provide that there is no appeal to the OMB of a council decision to refuse an application to convert employment lands to non-employment purposes; and
- (ii) give municipalities greater authority to protect and enhance natural heritage features and functions within their jurisdictions;
- (c) fiscal policies and tools to direct market demand to achieve the objectives of the GGH Growth Plan;
- (d) revisions to the *Environmental Assessment Act* to significantly streamline approval for transit projects designed to implement the growth objectives of the GGH Growth Plan; and
- (e) inclusionary zoning powers to assist in implementing the affordable housing targets that will be part of the sub-area growth strategies;

and, further, that:

- (9) this report be sent to the Minister to support the Mayor's letter;
- (10) this report and Council's action be communicated to the Minister of Transportation as an input to the preparation of a GTA Transportation Strategy and to the Minister of Finance; and
- (11) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

4.26 **Economic Development and Parks Committee Report 3, Clause 9, headed "International Alliance Program - Summary Report for 2004 (All Wards)".**

Motion:

Deputy Mayor Pantalone 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 (April 7, 2005) from the Commissioner of Economic Development, Culture and Tourism:

‘It is recommended that:

- (1) the City be authorized to accept private donations in support of the Princes’ Gates Commemorative Open Space Design Competition and hold the funds in the Public Art Reserve Fund (XR 4002);
- (2) the Chief Financial Officer and Treasurer be directed to issue receipts for income tax purposes for the donations received;
- (3) the Commissioner of Economic Development, Culture and Tourism be authorized to pay for competition expenses from the donations received;
- (4) the Commissioner of Economic Development, Culture and Tourism be directed to include the Princes’ Gates Commemorative Open Space project for consideration as part of the 2006 Capital Budget submission of the Culture Division; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

4.27 **Community Services Committee Report 3, Clause 4, headed “Policy of Donating Retired Fire Fighting Vehicles and Equipment to Developing Countries”.**

Motion:

Councillor Mihevc moved that the Clause be referred to the City Manager for a report to the Administration Committee on a policy and protocol for all surplus City equipment and vehicles which are appropriate for donation consideration, such report to include:

- (1) a mechanism for annual reporting out; and

- (2) giving donation priority to Cities and countries that have twinning/partnership/ co-operation arrangements with the City of Toronto.

Vote:

The motion by Councillor Mihevc carried.

4.28 Etobicoke York Community Council Report 3, Clause 11, headed “Payment-In-Lieu of Parking - 3329 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Milczyn moved that the Clause be amended by deleting Recommendations (1) and (2) of the Etobicoke York Community Council, and inserting instead the following:

- “(1) recognize an existing two stall parking shortfall under the Etobicoke Zoning Code parking standards for the commercial office uses that previously occupied the basement of the building at 3329 Bloor Street West, and that the payment-in-lieu of parking shall apply only to the holistic centre currently proposed in the basement of the building; and
- (2) exempt the applicant at 3329 Bloor Street West from the Etobicoke Zoning Code parking requirement of two parking stalls required for the proposed holistic centre, subject to a \$5,000.00 payment-in-lieu of parking.”

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

4.29 Policy and Finance Committee Report 4, Clause 37, headed “Participation in Ontario Ministry of Energy Renewable Energy, Clean Generation and Demand-Side Initiatives”.

Motion:

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

“That appropriate City officials be directed to submit the following projects to Toronto Hydro Energy Services for consideration, to allow these projects to be assessed for their eligibility for Conservation and Demand Management financial incentives to be allocated to the City:

- (1) Humber Treatment Plant Cogeneration Facility;

- (2) City Facilities Retrofit Program;
- (3) Transmission Operations Optimizer;
- (4) Traffic Signal Lamps LED Conversion;
- (5) Ashbridges Bay Treatment Plant Cogeneration Plant;
- (6) Dufferin Transfer Station Green Bin Initiative; and
- (7) other City projects deemed to be economical.”

Votes:

The motion by Councillor Cowbourne carried.

The Clause, as amended, carried.

4.30 **Audit Committee Report 1, Deferred Clause 1b, headed “Toronto Emergency Medical Services Operational Support Review - Works and Emergency Services Department”.**

Extension to Question:

Councillor Minnan-Wong asked questions for a period of five minutes. Councillor Shiner, seconded by Councillor Holyday, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Minnan-Wong be granted a further period of five minutes to ask questions, which carried, more than two thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Minnan-Wong moved that the Clause be amended by adding the following:

“That the City Manager be requested to provide a confidential report to the Audit Committee, for its meeting in July 2005, on those individuals responsible for the issues identified in the report dated November 29, 2004, from the Auditor General, whether the actions were deliberate or incompetent, and on any disciplinary action which would be appropriate.”

Votes:

The motion by Councillor Minnan-Wong carried.

The Clause, as amended, carried.

4.31 **Community Services Committee Report 2, Deferred Clause 1b, headed “Toronto EMS Hospital Offload Delays”.**

Motion:

Councillor Moscoe moved that the Clause be referred back to the Community Services Committee for further consideration, and the Chief and General Manager, Emergency Medical Services, be requested to report to the Committee on the progress on this matter and on discussions held with staff of the Ministry of Health and Long Term Care.

Vote:

The motion by Councillor Moscoe carried.

4.32 **Economic Development and Parks Committee Report 1, Deferred Clause 9b, headed “Tourism Action Plan: Year One Implementation and Year Two Directions (All Wards)”.**

Motion:

Councillor Holyday moved that the Clause be amended by deleting the recommendation of the Economic Development and Parks Committee and inserting instead the following:

“That Council adopt the staff recommendations contained in the Recommendations Section of the report (November 29, 2004) from the Commissioner of Economic Development, Culture and Tourism, as contained in the Clause.”

Deputy Mayor Pantalone in the Chair.

Votes:

Adoption of motion by Councillor Holyday:

Yes - 4	
Councillors:	Cho, Del Grande, Holyday, Nunziata
No - 30	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 26.

Adoption of Clause, without amendment:

Yes - 28 Councillors:	Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Fillion, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 6 Councillors:	Altobello, Cho, Del Grande, Holyday, Nunziata, Palacio

Carried by a majority of 22.

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

Motion:

Councillor Cho moved that the Clause be amended in accordance with the following motion:

Moved by: Councillor Cho

Seconded by: Councillor Pitfield

“**WHEREAS** the installation of sidewalks on Boulderbrook Drive (Hepatica Street to west end) and Starry Crescent, through the development of new subdivisions within the Morningside Heights community of Ward 42, was brought before Scarborough Community Council at its meeting on October 12, 2004; and

WHEREAS, after hearing deputations from residents requesting that planned sidewalks on these two streets not be constructed, Scarborough Community Council recommended to City Council that the staff recommendation from the Director of Development Engineering, in a report dated September 28, 2004, calling for the sidewalks to be constructed in accordance with the Subdivision Agreement, be adopted; and

WHEREAS City Council at its meeting on October 26, 27 and 28, 2004, deferred consideration of this matter to its next regular meeting on November 30, 2004;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) Council receive Scarborough Community Council Report 8, Clause 7d; and
- (2) the developer be required to provide a cash-in-lieu payment to the City of Toronto equivalent to the construction value of the aforementioned sidewalks, that such funds be placed in the Transportation Services Capital Budget account for New Sidewalk installation, that No Parking Anytime restrictions be enacted on the side of the street where sidewalks would have been installed, and that staff be authorized to take the necessary steps to give effect thereto.”

Votes:

Adoption of motion by Councillor Cho:

Yes - 11	Councillors: Cho, De Baeremaeker, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Palacio, Walker
No - 19	Councillors: Ashton, Balkissoon, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Feldman, Hall, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 8.

Adoption of Clause, without amendment:

Yes - 26	Councillors: Ashton, Balkissoon, Bussin, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	Councillors: Cho, Jenkins, Mammoliti, Mihevc

Carried by a majority of 22.

- 4.34 **Toronto and East York Community Council Report 1, Deferred Clause 27b, headed “Request for an Exemption from Chapter 400 of the former City of Toronto Municipal Code to Permit Front Yard Parking - 533 St. Clarens Avenue (Davenport, Ward 18)”.**

Motions:

- (a) Councillor Giambrone moved that the Clause be amended by deleting the Recommendations of the Toronto and East York Community Council and inserting instead the following:

“That Council adopt staff Recommendation (2) contained in the Recommendations Section of the report (December 22, 2004) from the Manager, Right of Way Management, Transportation Services, South District, subject to the following conditions:

- (1) that, at the applicant’s expense, an opening of 1.2m x 1.2m minimum, be created in the City street allowance portion of the current interlocked paving area, located to the south of the proposed parking pad; and
- (2) that, in this opening, the applicant provide proper soil conditions and plant a minimum 60 mm diameter Ball-and Burlap tree, to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Urban Forestry Section.”

- (b) Councillor Shiner moved that the Clause be amended by deleting the Recommendations of the Toronto and East York Community Council and inserting instead the following:

“That City Council deny the application for front yard parking at 533 St. Clarens Avenue.”

Votes:

Adoption of motion (b) by Councillor Shiner:

Yes - 11 Councillors:	Balkissoon, Carroll, Cowbourne, Del Grande, Feldman, Fletcher, Holyday, McConnell, Minnan-Wong, Saundercook, Shiner
No - 20 Councillors:	Ashton, Bussin, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Pantalone, Rae, Soknacki, Thompson, Walker, Watson

Lost by a majority of 9.

Adoption of motion (a) by Councillor Giambrone:

Yes - 22	
Councillors:	Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Nunziata, Pantalone, Rae, Thompson, Walker, Watson
No - 9	
Councillors:	Balkissoon, Del Grande, Fletcher, Holyday, McConnell, Minnan-Wong, Saundercook, Shiner, Soknacki

Carried by a majority of 13.

The Clause, as amended, carried.

In summary, City Council amended this Clause by deleting the Recommendations of the Toronto and East York Community Council and inserting instead the following:

“That Council adopt staff Recommendation (2) contained in the Recommendations Section of the report (December 22, 2004) from the Manager, Right of Way Management, Transportation Services, South District, subject to the following conditions:

- (1) that, at the applicant’s expense, an opening of 1.2m x 1.2m minimum, be created in the City street allowance portion of the current interlocked paving area, located to the south of the proposed parking pad; and
- (2) that, in this opening, the applicant provide proper soil conditions and plant a minimum 60 mm diameter Ball-and Burlap tree, to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Urban Forestry Section.”

4.35 Toronto and East York Community Council Report 1, Deferred Clause 28b, headed “Request for Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Driveway Widening for Two Vehicles - 319 Glenayr Road (St. Paul’s, Ward 21)”.

Motion:

Councillor Mihevc moved that the Clause be referred back to the Toronto and East York Community Council for further consideration.

Vote:

The motion by Councillor Mihevc carried.

4.36 Toronto and East York Community Council Report 1, Deferred Clause 31b, headed “Request for Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening - 26 Marlton Road (St. Paul's, Ward 22)”.

Motion:

Councillor Walker moved that the Clause be amended by deleting the recommendation of the Toronto and East York Community Council and inserting instead the following:

“That Council adopt staff Recommendation (2) contained in the report (December 22, 2004) from the Manager, Right of Way Management, Transportation Services, South District, subject to adding a condition that the applicant be required to plant an additional full shade canopy tree at the applicant’s expense, to the satisfaction of the General Manager, Parks, Forestry and Recreation.”

Votes:

Adoption of motion by Councillor Walker:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, , Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 6	
Councillors:	Chow, Del Grande, Filion, Fletcher, Holyday, McConnell

Carried by a majority of 22.

The Clause, as amended, carried.

4.37 Toronto and East York Community Council Report 1, Deferred Clause 45b, headed “Installation of Speed Humps – Poplar Plains Road, between Cottingham Street and Poplar Plains Crescent and Russell Hill Road, between Clarendon Avenue and Boulton Drive (St. Paul’s, Ward 22)”.

Vote:

Adoption of Clause, without amendment:

Yes - 28	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Saundercook, Stintz, Walker, Watson
No - 5	
Councillors:	Carroll, Del Grande, Filion, Holyday, Thompson

Carried by a majority of 23.

4.38 Toronto and East York Community Council Report 1, Deferred Clause 46b, headed “Speed Hump Poll Results – Laing Street, between Queen Street East and Eastern Avenue (Beaches-East York, Ward 32)”.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Saundercook, Stintz, Thompson, Walker
No - 7	
Councillors:	Ashton, Balkissoon, Carroll, Del Grande, Filion, Holyday, Watson

Carried by a majority of 19.

4.39 Etobicoke York Community Council Report 2, Deferred Clause 14a, headed “Request for Traffic Calming (Speed Humps) on Bankfield Drive (Ward 1 - Etobicoke North)”.

Vote:

Adoption of Clause, without amendment:

Yes - 24	
Mayor:	Miller
Councillors:	Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Stintz, Walker
No - 8	
Councillors:	Ashton, Balkissoon, Carroll, Del Grande, Filion, Holyday, Thompson, Watson

Carried by a majority of 16.

- 4.40 **North York Community Council Report 2, Deferred Clause 5a, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 94 Wanless Avenue (Ward 25 - Don Valley West)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Saundercook, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Balkissoon, Del Grande, Filion, Fletcher, Holyday, McConnell, Rae

Carried by a majority of 19.

- 4.41 **North York Community Council Report 2, Deferred Clause 6a, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 96 Wanless Avenue (Ward 25 - Don Valley West)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Saundercook, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Balkissoon, Del Grande, Filion, Fletcher, Holyday, McConnell, Rae

Carried by a majority of 19.

- 4.42 **North York Community Council Report 2, Deferred Clause 7a, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 98 Wanless Avenue (Ward 25 - Don Valley West)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 27	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Saundercook, Stintz, Thompson, Walker, Watson
No - 6	
Councillors:	Balkissoon, Del Grande, Fletcher, Holyday, McConnell, Rae

Carried by a majority of 21.

- 4.43 **North York Community Council Report 2, Deferred Clause 8a, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to Permit Angled Driveway Widening at 100 Wanless Avenue (Ward 25 - Don Valley West)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 28 Mayor: Miller Councillors: Ashton, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Saundercook, Stintz, Thompson, Walker, Watson
No - 5 Councillors: Balkissoon, Del Grande, Holyday, McConnell, Rae

Carried by a majority of 23.

- 4.44 **Toronto and East York Community Council Report 2, Deferred Clause 25a, headed “Installation of Speed Humps - Edwin Avenue, between Ruskin Avenue and a point 119 metres north of Edith Avenue (Davenport, Ward 18)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 25 Mayor: Miller Councillors: Ashton, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Saundercook, Stintz, Walker
No - 8 Councillors: Balkissoon, Carroll, Del Grande, Feldman, Filion, Holyday, Thompson, Watson

Carried by a majority of 17.

- 4.45 **Toronto and East York Community Council Report 2, Deferred Clause 26a, headed “Installation of Traffic Control Signals and Speed Humps - Spadina Road and Kilbarry Road/Burton Road, Kilbarry Road and Burton Road, between Vesta Drive and Dunloe Road (St. Paul’s, Ward 21 and St. Paul’s, Ward 22)”.**

Votes:

Adoption of Recommendation (2) of the Toronto and East York Community Council, without amendment:

Yes - 24	
Mayor:	Miller
Councillors:	Ashton, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Rae, Saundercook, Walker
No - 10	
Councillors:	Balkissoon, Carroll, Del Grande, Feldman, Filion, Holyday, Minnan-Wong, Stintz, Thompson, Watson

Carried by a majority of 14.

The balance of the Clause carried, without amendment.

4.46 **Toronto and East York Community Council Report 2, Deferred Clause 27a, headed “Proposed Installation of Speed Bumps in Public Lane first east of Church Street, between Charles Street East and Isabella Street (Toronto Centre-Rosedale, Ward 27)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Ford, 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.

Vote:

Adoption of Clause, without amendment:

Yes - 28	
Councillors:	Altobello, Ashton, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker
No - 1	

Councillor: Ford

Carried by a majority of 27.

4.47 **Scarborough Community Council Report 3, Clause 8, headed “Request for All-Way Stop Controls on Wayne Avenue at Lancefield Avenue and at Lingarde Drive (Ward 37 - Scarborough Centre)”.**

Motions:

- (a) Councillor Holyday moved that the Clause be amended by deleting the Recommendations of the Scarborough Community Council and inserting instead the following:

“That the staff recommendations contained in the Recommendations Section of the report (March 2, 2005) from the Director, Transportation Services, East District, as contained in the Clause, be adopted.”

Deputy Mayor Bussin in the Chair.

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

“That there also be demarcation of the crossing area and it be developed in conjunction with the local Ward Councillor and George Peck School.”

Votes:

Adoption of motion (a) by Councillor Holyday:

Yes - 2	
Councillors:	Cho, Holyday
No - 29	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 27.

Adoption of motion (b) by Councillor Fletcher:

Yes - 28	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Rae, Soknacki, Thompson, Walker
No - 4	
Councillors:	Holyday, Saundercook, Stintz, Watson

Carried by a majority of 24.

Adoption of Clause, as amended:

Yes - 30	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Cho, Holyday

Carried by a majority of 28.

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

“That there also be demarcation of the crossing area and it be developed in conjunction with the local Ward Councillor and George Peck School.”

4.48 Etobicoke York Community Council Report 3, Clause 8, headed “Final Report - Commercial Outdoor Roof Top Patio Study (Ward 5 - Etobicoke Lakeshore)”.

Motion:

Councillor Hall moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (April 12, 2005) from the Commissioner of Urban Development Services:

“It is recommended that City Council:

- (1) delete Attachment 2 to the report from the Acting Director of Community Planning, West District dated March 11, 2005, and insert Attachment 2 to this report in its place; and
- (2) deem that no further notice of public meeting pursuant to Section 34(17) of the *Planning Act* be required with respect to the proposed by-law.”

Votes:

The motion by Councillor Hall carried.

The Clause, as amended, carried.

4.49 **Planning and Transportation Committee Report 3, Clause 15, headed “Development Infrastructure Policy and Standards Review”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be amended in accordance with the following Recommendation (b) of the Works Committee contained in the communication (March 8, 2005) from the Committee:

“The Works Committee recommended that:

- (b) Recommendation (4) of the Planning and Transportation Committee be amended to read as follows:
 - ‘(4) all streets in new townhouse developments and subdivisions be designed to permit curbside garbage collection by City vehicles, as well as other City services, such as snow removal, street repair and maintenance, water and sewage maintenance, and Fire Services, etc.;.’”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

Motion to Re-Open:

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

Motion:

Councillor Balkissoon moved that the Clause be further amended by adding to Recommendation (2) contained in the report (March 1, 2005) from the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, the words “by December 2005”, so that Recommendation (2) now reads as follows:

- “(2) staff be directed to consult with stakeholders, including the development industry; residents in existing infill developments; the Toronto Public Utilities Coordinating Committee, and the Roundtable on a Beautiful City on the work to be undertaken in Recommendation (1) above, and report back to the Planning and Transportation Committee and the Works Committee, preferably at a joint meeting, by December 2005;”.

Votes:

The motion by Councillor Balkissoon carried.

The Clause, as further amended, carried.

In summary, City Council amended this Clause:

- (1) in accordance with the following Recommendation (b) of the Works Committee contained in the communication (March 8, 2005) from the Committee:

“The Works Committee recommended that:

- (b) Recommendation (4) of the Planning and Transportation Committee be amended to read as follows:

“(4) all streets in new townhouse developments and subdivisions be designed to permit curbside garbage collection by City vehicles, as well as other City services, such as snow removal, street repair and maintenance, water and sewage maintenance, and Fire Services, etc.;” and

- (2) by adding to Recommendation (2) contained in the report (March 1, 2005) from the Acting Commissioner of Works and Emergency Services and the Commissioner of Urban

Development Services, the words “by December 2005”, so that Recommendation (2) now reads as follows:

“(2) staff be directed to consult with stakeholders, including the development industry; residents in existing infill developments; the Toronto Public Utilities Coordinating Committee, and the Roundtable on a Beautiful City on the work to be undertaken in Recommendation (1) above, and report back to the Planning and Transportation Committee and the Works Committee, preferably at a joint meeting, by December 2005;”.

4.50 **Planning and Transportation Committee Report 3, Clause 6, headed “Amendment to Toronto Municipal Code, Chapter 548, Litter and Dumping of Refuse, to Authorize the Enforcement of Littering and Dumping on Private Property by other than City Employee”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor Giambrone moved that the Clause be amended by adding to the end of staff Recommendation (3) contained in the Recommendations Section of the report (February 7, 2005) from the Commissioner of Urban Development Services, the words “to enforce the by-law on their respective properties only”, so that Recommendation (3) now reads as follows:

“(3) upon Ministry authorization of class designation, the Toronto Parking Authority and the Toronto Zoo be added to Schedule D of Toronto Municipal Code, Chapter 548, to enforce the by-law on their respective properties only; and”.

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

4.51 **North York Community Council Report 3, Clause 19, headed “40 km/h Speed Limit – Langholm Drive (Ward 9 – York Centre)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Augimeri, 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.

Vote:

The Clause was adopted, without amendment.

4.52 **Administration Committee Report 3, Clause 13, headed “1652 Keele Street - Leases for City Space Provided at Below Market Rent with Six Non-Profit Organizations (Ward 12 - York South-Weston)”.**

The Clause was submitted without recommendation.

Motions:

(a) Councillor Di Giorgio moved that Council adopt the following:

“That:

- (1) the General Manager, Shelter, Support and Housing Administration be directed to accommodate St. Clair West Services for Seniors at 1652 Keele Street with space that is consistent with their needs, recognizing that St. Clair West Services for Seniors is prepared to negotiate a lease that is fair and equitable; and
- (2) the following staff recommendations contained in the Recommendations Section of the report (April 7, 2005) from the Commissioner of Corporate Services, be adopted:

‘It is recommended that:

- (1) a lease agreement with each of the York Tenants for their respective portions of the first floor and basement at 1652 Keele Street, be approved in accordance with the terms and conditions set out in the body of the report (February 18, 2005) from Commissioner of Corporate Services and in a form acceptable to the City Solicitor;
- (2) the 2005 property tax attributable to the leased premises be absorbed within the Facilities and Real Estate's 2005 Approved Operating Budget and that funding for property taxes for years 2006 to 2010 be included in the respective year's Community Partnership and Investment Program Budget submission;
- (3) subject to Council's approval of Recommendations (1) and (2), the terms and conditions of the lease be amended as follows:
 - (a) delete subsection (ii) of Clause (4) Rent, and insert the new subsection (ii) which will read as follows:

“(ii) Additional Rent:

The Tenant shall, at their expense, pay their proportionate share of all applicable taxes (including but not limited to Realty and Business taxes, G.S.T.) and its proportionate share of all operating expenses, including but not limited to: cost of all utilities and services, security, maintenance, repair and/or replacement of any components in relation to the Leased Premises and the Property throughout the entire term. The Landlord may, acting reasonably, amortize any capital expenditure(s) of the Leased Premises and the Property and apply to the operating expenses accordingly. The estimated Additional Rent for 2005 is approximately \$5.82 per square foot per annum (being \$3.20 per square foot per annum of estimated operating expenses and \$2.62 per square foot per annum of estimated realty taxes).

The amount of the taxes operating costs payable by the Tenant may be estimated by the Landlord for such period as the Landlord determines from time to time, and the Tenant agrees to pay to the Landlord such estimated amounts in monthly instalments in advance during such period as Additional Rent. Notwithstanding the foregoing,

as soon as bills for all or any portion of the said amounts so estimated are received, the Landlord may bill the Tenant for the Tenant's share or proportionate share thereof and the Tenant shall pay the Landlord such amounts so billed as Additional Rent on demand. At the end of each Fiscal Year or as soon as practical thereafter, upon invoiced by the Landlord, the Tenant shall pay within 30 days any deficiency to the Landlord if the amount paid by the Tenant on account is less than the actual amount payable.”;

(b) insert into Clause (4) Rent, the following subsections:

“(iii) Notwithstanding Clause 4 (ii), the City shall pay the 2005 property tax portion attributable to the leased premises for the 2005 year. The Tenant expressly acknowledges that commencing in 2006, the Tenant will be responsible for all additional rent costs, including property taxes.

(iv) If the Tenant receives any rebate from the City for 2005 property taxes, the Tenant shall send to the City an amount equal to the rebate within 10 business days of receiving a property tax rebate. This obligation on the Tenant shall only be for 2005 property tax rebates and no other future year.”;

(c) delete subsection (v) of Clause (8) Use, and insert the new subsection (v) which will read as follows:

“(v) In the event of any meeting/activities outside of the regular business hours, Monday through Friday, 8:30 a.m. to 9:30 p.m. and Saturday and Sunday, 10:00 a.m. to 6:30 p.m., City security must be notified at least 15 business days before the meeting/activity and a list of attendees sent via facsimile to Director of Real Estate Services at least 10 days in advance of the meeting/activity.”;

(4) the Commissioner of Corporate Services shall administer and manage these lease agreements including the provision of any consents, approvals, notices and notices of termination provided that the Commissioner may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction; and

- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

(b) Councillor Nunziata moved that Council adopt the following:

“That the Executive Director, Facilities and Real Estate be directed to ensure that the office furniture currently at 1652 Keele Street remains in the building for distribution to the six non-profit groups relocating from 2696 Eglinton Avenue West.”

Votes:

Motion (a) by Councillor Di Giorgio carried.

Motion (b) by Councillor Nunziata carried.

The Clause, as amended, carried.

4.53 Etobicoke York Community Council Report 3, Clause 55, headed “Parking Adjustments Fronting Regal Road Public School (Ward 17 - Davenport)”.

Motion:

Councillor Palacio moved that the Clause be amended by amending the staff recommendations contained in the Recommendations Section of the report (March 24, 2005) from the Director, Transportation Services, West District, by:

- (1) deleting from Recommendation (3) the time “11:25 a.m.”, and inserting instead the time “11:00 a.m.”, and deleting the time “12:01 p.m.”, and inserting instead the time “12:00 p.m.”; and
- (2) deleting from Recommendation (4) the time “11:25 a.m.”, and inserting instead the time “11:00 a.m.”, deleting the time “12:01 a.m.”, and inserting instead the time “12:00 a.m.”, and deleting the time “12:01 p.m.”, and inserting instead the time “12:00 p.m.”,

so that Recommendations (3) and (4) now read as follows:

- “(3) the existing ten-minute maximum parking limit in operation from 8:30 a.m. to 9:00 a.m., from 11:00 a.m. to 12:00 p.m. and from 3:00 p.m. to 3:30 p.m., Monday to Friday, on the south side of Regal Road from a point 22 metres east of Dufferin Street to a point 22 metres further east, be rescinded;

- (4) the parking prohibition from 12:00 a.m. to 8:30 a.m., from 9:00 a.m. to 11:00 a.m., from 12:00 p.m. to 3:00 p.m. and from 3:30 p.m. to 12:00 a.m., Monday to Friday and at all times on Saturday and Sunday, on the south side of Regal Road from a point 22 metres east of Dufferin Street to a point 22 metres further east, be rescinded;”.

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

- 4.54 **Toronto and East York Community Council Report 3, Clause 33, headed “Speed Hump Poll Results - Sterling Road, between Perth Avenue and Bloor Street West (Davenport, Ward 18)”.**

Mayor Miller in the Chair.

Deputy Mayor Feldman in the Chair.

Vote:

Adoption of Clause, without amendment:

Yes - 23	
Councillors:	Altobello, Bussin, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Rae, Soknacki, Thompson, Walker
No - 5	
Councillors:	Ashton, Ford, Holyday, Saundercook, Shiner

Carried by a majority of 18.

- 4.55 **Etobicoke York Community Council Report 9, Deferred Clause 1d, headed “Request for Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 22 Nairn Avenue (Ward 17 - Davenport)”.**

Motion:

Councillor Fletcher moved that:

- (1) the Clause be received; and
- (2) the application for front yard parking at 22 Nairn Avenue be denied.

Votes:

Adoption of motion by Councillor Fletcher:

Yes - 13 Councillors:	Ashton, Bussin, Cowbourne, Davis, Del Grande, Filion, Fletcher, Giambrone, Holyday, McConnell, Mihevc, Moscoe, Rae
No - 18 Councillors:	Altobello, De Baeremaeker, Di Giorgio, Feldman, Ford, Jenkins, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Walker

Lost by a majority of 5.

Adoption of Clause, without amendment:

Yes - 21 Councillors:	Altobello, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Ford, Grimes, Jenkins, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Walker
No - 13 Councillors:	Ashton, Bussin, Davis, Del Grande, Filion, Fletcher, Giambrone, Holyday, McConnell, Mihevc, Moscoe, Rae, Saundercook

Carried by a majority of 8.

- 4.56 **Etobicoke York Community Council Report 9, Deferred Clause 2d, headed “Request for an Exemption to Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking at 24 Nairn Avenue (Ward 17 - Davenport)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Councillors:	Altobello, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Ford, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker, Watson
No - 12	
Councillors:	Ashton, Bussin, Davis, Del Grande, Filion, Fletcher, Giambrone, Holyday, McConnell, Mihevc, Moscoe, Saundercook

Carried by a majority of 13.

4.57 North York Community Council Report 1, Deferred Clause 30b, headed “All Way Stop Control - Brentcliffe Road at Fairland Road (Ward 26 - Don Valley West)”.

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Councillors:	Altobello, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker
No - 3	
Councillors:	Ashton, Ford, Holyday

Carried by a majority of 26.

4.58 North York Community Council Report 1, Deferred Clause 35b, headed “Request for Poll - Speed Hump Plan - Hillhurst Blvd., west of Bathurst Street (Ward 15 - Eglinton-Lawrence)”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 4 Councillors: Cho, Ford, Grimes, Holyday
No - 20 Councillors: Altobello, Ashton, Bussin, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Giambrone, Li Preti, Lindsay Luby, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Walker

Lost by a majority of 16.

Adoption of Clause, without amendment:

Yes - 25 Councillors: Altobello, Ashton, Bussin, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Walker
No - 2 Councillors: Ford, Holyday

Carried by a majority of 23.

4.59 **Etobicoke York Community Council Report 3, Clause 19, headed “Proposed Installation of Traffic Control Signals Queens Plate Drive, Janda Court and Woodbine Centre Driveway (Ward 2 - Etobicoke North)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 33 Councillors: Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc,
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Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Walker, Watson	
No - 1	
Councillor:	Filion

Carried by a majority of 32.

4.60 **Toronto and East York Community Council Report 3, Clause 17, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit Driveway Widening for Three Vehicles 87 Lonsdale Road (St. Paul’s, Ward 22)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Walker, Watson
No - 6	
Councillors:	Ashton, Del Grande, Feldman, Holyday, McConnell, Saundercook

Carried by a majority of 23.

4.61 **Toronto and East York Community Council Report 3, Clause 19, headed “Request for an Exemption for Chapter 248 of the former City of Toronto Municipal Code to permit Driveway Widening for a Second Vehicle 89 Hillsdale Avenue (St. Paul’s, Ward 22)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Ford, Grimes, Hall, Jenkins, Li Preti, Mammoliti, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Soknacki, Walker, Watson
No - 8	

Councillors: Ashton, Del Grande, Feldman, Fletcher, Holyday, Lindsay Luby, McConnell, Saundercook
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Carried by a majority of 17.

4.62 **Toronto and East York Community Council Report 3, Clause 20, headed “Request for an Exemption from Chapter 248 of the former City of Toronto Municipal Code to permit Driveway Widening for Two Vehicles - 53 Duncannon Drive (St. Paul’s, Ward 22)”.**

Motion:

Councillor Walker moved that the Clause be amended by adding the following new Recommendations (5) and (6) to the recommendations of the Toronto and East York Community Council:

- “(5) the required landscaping and green-fill of the paved excess in the right of way not to be used for parking [referred to in Recommendation (2)] being completed to the standards of the Manager, Right of Way Management, Transportation Services South District, no later than June 30, 2005; and
- (6) City staff narrowing the double curb-cut of this property to reflect the new narrowing of the driveway demarcated by the required landscaping, as soon as possible, at the City’s cost.”

Votes:

Adoption of motion by Councillor Walker and Clause, as amended:

Yes - 29 Councillors: Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 6 Councillors: Ashton, Del Grande, Fletcher, Holyday, McConnell, Saundercook

Carried by a majority of 23.

4.63 Toronto and East York Community Council Report 3, Clause 34, headed “Request for Installation of Speed Humps - Afton Avenue, between Northcote Avenue and Lisgar Street (east junction) (Davenport, Ward 18)”.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Soknacki, Walker
No - 7	
Councillors:	Del Grande, Ford, Holyday, Shiner, Stintz, Thompson, Watson

Carried by a majority of 19.

4.64 Toronto and East York Community Council Report 3, Clause 37, headed “Installation of Speed Humps - Blake Street, between Strathcona Avenue and Boulton Avenue (Toronto-Danforth, Ward 30)”.

Vote:

Adoption of Clause, without amendment:

Yes - 27	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Walker
No - 7	
Councillors:	Del Grande, Ford, Holyday, Shiner, Stintz, Thompson, Watson

Carried by a majority of 20.

- 4.65 **Toronto and East York Community Council Report 3, Clause 38, headed “Installation of Speed Humps - Riverdale Avenue, between Broadview Avenue and Carlaw Avenue (Toronto-Danforth, Ward 30)”.**

Motion:

Councillor Moscoe moved that the Clause be referred back to the Toronto and East York Community Council for further consideration.

Vote:

The motion by Councillor Moscoe carried.

- 4.66 **Toronto and East York Community Council Report 3, Clause 49, headed “Speed Hump Poll Results - Mayfair Avenue/Shallmar Boulevard, between Eglinton Avenue West and Bathurst Street (St. Paul’s, Ward 22)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 30 Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Walker
No - 8 Councillors:	Ashton, Del Grande, Ford, Holyday, Shiner, Stintz, Thompson, Watson

Carried by a majority of 22.

- 4.67 **Toronto and East York Community Council Report 3, Clause 22, headed “Request for an Exemption from Chapter 313 of the former City of Toronto Municipal Code to permit Residential Boulevard Parking for Two Vehicles - 2 Dunbar Road (Toronto Centre-Rosedale, Ward 27)”.**

Motion:

Councillor Rae moved that the Clause be referred back to the Toronto and East York Community Council for further consideration.

Vote:

The motion by Councillor Rae carried.

4.68 Economic Development and Parks Committee Report 4, Clause 1, headed “Toronto 2015 World Expo Feasibility Study (All Wards)”.

Deputy Mayor Bussin in the Chair.

Deputy Mayor Feldman in the Chair.

Motion:

(a) Councillor Chow moved that:

- (1) the Clause be referred back to the Economic Development and Parks Committee to hear comments from the public on the proposed Toronto 2015 World Expo, and the City Clerk be directed to advise all interested parties well in advance of the Committee meeting at which the matter will be considered; and
- (2) in the event Part (1) fails, staff Recommendation (5) contained in the report dated March 31, 2005, from the Commissioner of Economic Development, Culture and Tourism be amended by adding the following words:

“on the condition that the Province of Ontario provides an additional \$1.1 million for the Phase I-Pre-Bid”.

Vote on Referral:

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

Yes - 7	
Councillors:	Chow, Cowbourne, Davis, De Baeremaeker, Ford, Jenkins, McConnell
No - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday,

Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
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Lost by a majority of 21.

Motions:

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

“That the Toronto 2015 World Expo Steering Committee be requested to conduct a comprehensive consultation with the waterfront community residents groups and coalitions.”

- (c) Mayor Miller moved that the Clause be amended by adding the following:

“That as part of the next phase of the study, the City specifically undertake a visioning charette with the local community, Architects and designers with respect to the split proposal and potential future use of the Toronto Island Airport site.”

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

“That the Mayor establish the Toronto Mayor’s 2015 World Expo Task Force at an appropriate stage in the process and the Mayor, or his designate, serve as the Chair of this Task Force.”

Deputy Mayor Bussin in the Chair.

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

“That the concept of a future mixed-use development for the Toronto Island Airport site, as set out on page 58 of the Feasibility Study of a World’s Fair in Toronto in 2015 - Final Report dated March 22, 2005, of Consortium 2015, not be pursued and that it maintain its ‘G’ Open Space Zoning designation, and, in addition, plans to fill in the Western Gap be rejected.”

- (f) Councillor Holyday moved that the Clause be amended to provide that the Toronto Island Airport be deleted as a possible site for the Toronto 2015 World Expo.

- (g) Councillor Fletcher moved that the Clause be amended by adding the following:

“That:

- (1) in order not to prejudice the evaluation of the Portlands only site, Council request the provincial government to give no further consideration to the power generating plant on Cherry Beach; and
- (2) the evaluation consider an ‘on land’ comprehensive transit plan across the Waterfront.”
- (h) Councillor De Baeremaeker moved that the Clause be amended by adding the following:
- “That the Toronto 2015 World Expo bid include a City Beautification Fund that would invest a minimum of \$2.0 million, per Ward, for local beautification and improvement projects.”

Votes:

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

Yes - 17	
Councillors:	Ashton, Augimeri, Bussin, Chow, Davis, De Baeremaeker, Fletcher, Hall, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio
No - 22	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Li Preti, Lindsay Luby, Mammoliti, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 5.

Adoption of motion (f) by Councillor Holyday:

Yes - 6 Councillors:	Chow, Del Grande, Hall, Holyday, Lindsay Luby, Ootes
No - 34 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 28.

Adoption of motion (b) by Councillor McConnell:

Yes - 40 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (c) by Mayor Miller:

Yes - 40 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (d) by Councillor Cho:

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

Carried by a majority of 20.

Adoption of motion (e) by Councillor Rae:

Yes - 24	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Nunziata, Palacio, Pitfield, Rae, Walker
No - 16	
Councillors:	Cho, Di Giorgio, Feldman, Ford, Grimes, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Saundercook, Shiner, Stintz, Watson

Carried by a majority of 8.

Adoption of Part (1) of motion (g) by Councillor Fletcher:

Yes - 15	
Councillors:	Ashton, Bussin, Cho, Chow, Davis, De Baeremaeker, Di Giorgio, Fletcher, Giambrone, Grimes, McConnell, Mihevc, Moscoe, Pantalone, Rae
No - 25	
Mayor:	Miller

Councillors:	Altobello, Augimeri, Balkissoon, Cowbourne, Del Grande, Feldman, Ford, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Walker, Watson
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Lost by a majority of 10.

Adoption of Part (2) of motion (g) by Councillor Fletcher:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

No - 3	
Councillors:	Augimeri, Ford, Holyday

Carried by a majority of 35.

Adoption of motion (h) by Councillor De Baeremaeker:

Yes - 17	
Councillors:	Altobello, Augimeri, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fletcher, Jenkins, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio

No - 23	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Cho, Del Grande, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson

Lost by a majority of 6.

Adoption of Clause, as amended:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 9	
Councillors:	Chow, Davis, De Baeremaeker, Fletcher, Ford, Holyday, Jenkins, McConnell, Moscoe

Carried by a majority of 22.

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

“That:

- (1) the concept of a future mixed-use development for the Toronto Island Airport site, as set out on page 58 of the Feasibility Study of a World’s Fair in Toronto in 2015 - Final Report dated March 22, 2005, of Consortium 2015, not be pursued and that it maintain its ‘G’ Open Space Zoning designation, and, in addition, plans to fill in the Western Gap be rejected;
- (2) as part of the next phase of the study, the City specifically undertake a visioning charette with the local community, Architects and designers with respect to the split proposal and potential future use of the Toronto Island Airport site;
- (3) the evaluation consider an ‘on land’ comprehensive transit plan across the Waterfront;
- (4) the Toronto 2015 World Expo Steering Committee be requested to conduct a comprehensive consultation with the waterfront community residents groups and coalitions; and
- (5) the Mayor establish the Toronto Mayor’s 2015 World Expo Task Force at an appropriate stage in the process and the Mayor, or his designate, serve as the Chair of this Task Force.”

Mayor Miller in the Chair.

4.69 **Etobicoke York Community Council Report 3, Clause 52, headed “52 Cliff Street - Request to Remove One City-Owned Tree (Ward 11 - York South-Weston)”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be amended by amending Recommendation (3) of the Etobicoke York Community Council to now read as follows:

- “(3) the owner agreeing to the satisfaction of the General Manager of Parks, Forestry and Recreation, to plant and ensure the survival of three full shade canopy replacement trees at 50, 52 and 56 Cliff Street.”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

4.70 **Toronto and East York Community Council Report 3, Clause 36, headed “Installation of Speed Humps - Plains Road, Between Greenwood Avenue and Woodbine Avenue (Beaches-East York, Ward 31 and Toronto-Danforth, Ward 29)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

Councillor Ootes moved that the Clause be amended to provide that the speed hump plan be extended to include the section of Plains Road between Donlands Avenue and Greenwood Avenue, so that the entire section of Plains Road, between Donlands Avenue and Woodbine Avenue, would be included in the speed hump plan.

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

4.71 **Administration Committee Report 3, Clause 17, headed “Swansea Town Hall - Amendment of Purchase Order 6012609, Previously Awarded to KaRy Construction (Ward 13 - Parkdale-High Park)”.**

Motion:

Councillor Saundercook moved that consideration of the Clause be deferred to the next regular meeting of City Council on May 17, 2005.

Vote:

The motion by Councillor Saundercook carried.

4.72 **Etobicoke York Community Council Report 3, Clause 53, headed “Status Report - Site Plan Approval Application Applicant: Glen J. Wellings, MHBC Planning Ltd., 207 New Toronto Street (Ward 6 - Etobicoke-Lakeshore)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Grimes moved that Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (April 13, 2005) from the Commissioner, Urban Development Services:

“It is recommended that City Council:

- (1) authorize the City Solicitor, City staff and any necessary consultants to attend at a future Ontario Municipal Board hearing to support the application, subject to the conditions contained in this report as Attachment 1;
- (2) require the applicant to provide in writing, a commitment to not object to a future rezoning of the undeveloped portion of the site to a lighter industrial or alternate employment use category, to the satisfaction of the City Solicitor; and
- (3) request the applicant to submit the necessary revisions together with any supporting information that addresses the issues identified in this report.”

Votes:

The motion by Councillor Grimes carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

4.73 Administration Committee Report 3, Clause 10, headed “Procurement of Used Printing Equipment through Auction, Liquidation Sales or Trade Publication Ad”.

Motion:

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

“That the City Manager be requested to report to the Administration Committee on the procurement of equipment through auction, liquidation sales or trade publications in other City divisions as a way of saving money.”

Votes:

The motion by Councillor Giambrone carried.

The Clause, as amended, carried.

4.74 North York Community Council Report 3, Clause 26, headed “Final Report - Application to Amend the Official Plan and Zoning By-law and Draft Plan of Subdivision – 03 201751 NNY 08 OZ and 04 138822 NNY 08 SB - 1530787 Ontario Inc. (George Popper Architect) - 102-134 Hucknall Road (Ward 8 - York West)”.

Vote:

Adoption of Clause, without amendment:

Yes - 23	
Councillors:	Augimeri, Bussin, Cho, Cowbourne, Davis, Del Grande, Fletcher, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 6	
Councillors:	De Baeremaeker, Ford, Giambrone, McConnell, Milczyn, Pantalone

Carried by a majority of 17.

- 4.75 **Toronto and East York Community Council Report 3, Clause 72, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Davenport, Ward 18; Trinity-Spadina, Wards 19 and 20; St. Paul’s, Ward 21; Toronto Centre-Rosedale, Wards 27 and 28; and Beaches-East York, Ward 31)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Giambrone, 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.

Motions:

- (a) Councillor Giambrone, seconded by Councillor Rae, moved that the Clause be amended by adding the following Part (o) to Recommendation (1) of the Toronto and East York Community Council:
- “(o) Annual Festival-Festa Do Imigrante to be held on June 25 and 26, 2005, in Dovercourt Park (located between Bartlett Avenue and Westmoreland Avenue, south of Hallam Street and north of Bloor Street).”
- (b) Councillor Rae moved that the Clause be amended by amending Recommendation (2) of the Toronto and East York Community Council by adding the Courthouse Market Grill & Chamber Lounge, 57 Adelaide Street East, to the list of establishments.

Votes:

Motion (a) by Councillor Giambrone, seconded by Councillor Rae, carried.

Motion (b) by Councillor Rae carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by amending the recommendations of the Toronto and East York Community Council by:

- (1) adding the following Part (o) to Recommendation (1):
 - “(o) Annual Festival-Festa Do Imigrante to be held on June 25 and 26, 2005, in Dovercourt Park (located between Bartlett Avenue and Westmoreland Avenue, south of Hallam Street and north of Bloor Street).”; and
- (2) adding the Courthouse Market Grill & Chamber Lounge, 57 Adelaide Street East, to the list of establishments in Recommendation (2).

Mayor Miller in the Chair.

4.76 **Scarborough Community Council Report 3, Clause 17, headed “Request for Direction OPA and Rezoning Application 03 154613 ESC 35 OZ Georgian Clairlea Inc., 1151 Victoria Park Avenue Clairlea Community (Ward 35 - Scarborough Southwest)”.**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

Motion:

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

“That Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (April 14, 2005) from the City Solicitor. The following recommendations are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

‘It is recommended that:

- (1) the City Solicitor be instructed to appear at the OMB with appropriate staff and prepare any necessary documentation and agreements, in support of the proposed development for the subject site for 142 residential units, based upon the applicant's revised proposal as generally illustrated by Attachments 1, 2 and 3 and also including specific terms outlined in Schedule A attached hereto;
- (2) the City Solicitor be instructed, in consultation with City Planning staff, to draft and make such stylistic and technical changes to an Official Plan Amendment and Zoning By-law Amendment as may be required to implement the proposal and any OMB decision;
- (3) Council authorize execution of any agreement that may be required to secure matters outlined in this report or to implement any OMB decision;
and
- (4) Council instruct the City Solicitor to request, if necessary, that the OMB:
 - (a) withhold its final Order on the Official Plan and Zoning By-law Amendments pending completion of any outstanding matter, including: review of the waste management plan; the submission of a Record of Site Condition acknowledged by the Ministry of the Environment and if the City requires a peer review that such a review is completed satisfactorily; and, the execution of a Section 37 Agreement; and
 - (b) withhold its Order on the Site Plan pending: the completion of any site plan issues that may be required to be addressed; approval of consent applications to secure the pedestrian access from the subject development to St. Clair Avenue East and for vehicular access from St. Clair Avenue East to the parking area on the adjacent church property accessed through the subject lands; the receipt of monies as security for the new access driveway and potential damage to the existing driveway; and the execution of a Site Plan Control Agreement all to the satisfaction of Director of Community Planning, East District, Urban Development Services.'
”

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

4.77 **Policy and Finance Committee Report 4, Clause 34, headed “National Trade Centre - Naming Rights”.**

Motion:

Deputy Mayor Pantalone moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary confidential report (April 11, 2005) from the General Manager and Chief Executive Officer, Exhibition Place. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.

Votes:

The motion by Deputy Mayor Pantalone carried.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Watson
No - 2	
Councillors:	Davis, Walker

Carried by a majority of 26.

4.78 **North York Community Council Report 1, Deferred Clause 10b, headed “Feasibility to Extend the Concrete Median - Keele Street North of Highway 401 (Ward 9 - York Centre)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Augimeri moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (April 13, 2005) from the City Solicitor. The

following recommendations and Attachment 1 are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor client privilege:

“It is recommended that City Council:

- (1) receive North York Community Council Report 1, Clause 10b;
- (2) authorize execution of a tri-partite agreement with Canadian Tire Corporation and Independence Way Inc. to implement an interim driveway connecting Keele Street to Wilson Avenue, including a revised median design for Keele Street, on terms and conditions satisfactory to the Acting Commissioner of Works and Emergency Services as outlined in the body of this report;
- (3) approve the extension of the median on Keele Street, as detailed in Attachment 1, for construction in 2005 as part of the Capital Works Program already underway for Keele Street;
- (4) direct the appropriate City officials to introduce in Council the appropriate Road Alterations By-law to permit the construction; and
- (5) authorize and direct the appropriate City officials to take all other necessary action to give effect thereto.”

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

4.79 **Audit Committee Report 6, Deferred Clause 6d, headed “Hostel Operations Review - Community and Neighbourhood Services”.**

Vote:

The Clause was adopted, without amendment.

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

4.80 **Planning and Transportation Committee Report 3, Clause 2, headed “Harmonization of the Sign By-law Concerning Posters on Utility Poles”.**

Motion:

Councillor Minnan-Wong moved that consideration of the Clause be deferred to the next regular meeting of City Council on May 17, 2005, and that it be considered as a time specific matter.

Vote:

The motion by Councillor Minnan-Wong carried.

4.81 **Planning and Transportation Committee Report 3, Clause 1, headed “Principles and Proposed By-law Provisions for a City-Wide A-Frame and Mobile Signs By-law”.**

Motion:

Councillor Minnan-Wong moved that consideration of this Clause be deferred to the next regular meeting of City Council on May 17, 2005, and that it be considered immediately following consideration of Planning and Transportation Committee Report 3, Clause 2, headed “Harmonization of the Sign By-Law Concerning Posters on Utility Poles”.

Vote:

The motion by Councillor Minnan-Wong carried.

4.82 **Planning and Transportation Committee Report 3, Clause 13, headed “Proposed Graffiti Abatement Strategy – Summer ‘Clean Team’ ”.**

Motions:

(a) Councillor Giambrone moved that the Clause be amended by amending the report (February 17, 2005) from the Commissioner of Urban Development Services, by:

(1) deleting from Recommendation (1), the word “summer”, so that Recommendation (1) now reads as follows:

“(1) City Council adopt the establishment of a proposed ‘Clean Team’ made up of eight staff and related equipment and materials for 2005;” and

(2) adding to Recommendation (2), the words “on a year-round basis”, after the word “programme”, so that Recommendation (2) now reads as follows:

“(2) staff report on the continued operation of the programme on a year-round basis into 2006 and beyond within 2006 Operating Budget submissions.”

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

“That the Executive Director, Municipal Licensing and Standards, be requested to report to the Planning and Transportation Committee on the paint that is being used in other jurisdictions for graffiti abatement.”

Votes:

Motion (a) by Councillor Giambrone carried.

Motion (b) by Councillor Minnan-Wong carried.

The Clause, as amended, carried.

4.83 **Policy and Finance Committee Report 4, Clause 3, headed “Inter-City Bus Terminal”.**

Motion:

Councillor Moscoe moved that the Clause be amended by:

- (1) deleting Part (i) of Recommendation (I) of the Policy and Finance Committee;
- (2) amending Part (ii) of Recommendation (I) of the Policy and Finance Committee to provide that the Chair of the Toronto Coach Terminal be added as a member of the Bus Terminal Coordinating Committee;
- (3) further amending the staff recommendations contained in the Recommendations Section of the report (March 21, 2005) from the Commissioner of Urban Development Services, by:
 - (a) inserting in staff Recommendation (1), the words “Toronto Coach Terminal Board, the Toronto Transit Commission,”, before the words “the TEDCO Board”;
 - (b) deleting staff Recommendation (3) and replacing it with the following new Recommendation (3):

“(3) the evaluation of potential sites include, but not be limited to, the current terminal location, intermodal opportunities and any other potential sites;”;

- (c) adding a new staff Recommendation (5) to read as follows:
 - “(5) that Planning staff, in conjunction with the Inter-City Bus Terminal Coordinating Committee, review the proposed site(s) in full consultation with all appropriate stakeholders and provide an independent report to the Planning and Transportation Committee on the proposed new terminal;”;
and
- (d) renumbering staff Recommendations (5) and (6) to Recommendations (6) and (7), accordingly,

so that the recommendations adopted by City Council now read as follows:

“That:

- (I) City Council adopt the staff recommendations in the Recommendations Section of the report (March 21, 2005) from the Commissioner of Urban Development Services, amended to read as follows:

‘It is recommended that City Council endorse the following principles and the establishment of the Inter-City Bus Terminal Coordinating Committee:

- (1) TEDCO be instructed to coordinate its analysis of the feasibility of relocating the Bus Terminal through the Inter-City Bus Terminal Coordinating Committee and report back to the Toronto Coach Terminal Board, the Toronto Transit Commission, the TEDCO Board and the Policy and Finance Committee on the outcome of the analysis no later than the fall of 2005;
- (2) a relocated Inter-City Bus Terminal should be publicly owned;
- (3) the evaluation of potential sites include, but not be limited to, the current terminal location, intermodal opportunities and any other potential sites;
- (4) TEDCO should continue to lead the process in full consultation with all appropriate stakeholders;
- (5) that Planning staff, in conjunction with the Inter-City Bus Terminal Coordinating Committee, review the proposed site(s) in full consultation with all appropriate stakeholders and provide an independent report to the Planning and Transportation Committee on the proposed new terminal;
- (6) an informal Coordinating Committee is being established to ensure the process is coordinated; and

- (7) the Committee is to be chaired by Councillor Altobello and will be comprised of Councillor Moscoe and staff from the Mayor's office, the CAO's office, TEDCO, City Planning, the TTC GO Transit, and the Chair of the Toronto Coach Terminal. Appropriate input will also be presented to the Committee from other stakeholder groups and interested local Councillors. The first meeting of the Committee will occur in the next couple of weeks.'; and
- (II) the proposed Inter-City Bus Terminal Co-ordinating Committee be requested to consider if a relocated Inter-City Bus Terminal should be publicly owned although the project can be a public-private partnership if it is in the public interest."

Votes:

Adoption of motion by Councillor Moscoe, with the exception of the following Recommendation (I)(2):

“(2) a relocated Inter-City Bus Terminal should be publicly owned;”:

Yes - 32	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz
No - 3	
Councillors:	Ford, Thompson, Walker

Carried by a majority of 29.

Adoption of Recommendation (I)(2), without amendment:

Yes - 34	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio,

	Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2 Councillors:	Ford, Holyday

Carried by a majority of 32.

Adoption of Clause, as amended:

Yes - 33 Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fillion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Watson
No - 3 Councillors:	Ford, Holyday, Walker

Carried by a majority of 30.

4.84 **Planning and Transportation Committee and Works Committee Joint Report 1, Clause 1, headed “Don Valley Corridor Transportation Master Plan (Beaches-East York, Don Valley East, Don Valley West, Toronto-Danforth, Willowdale)”.**

Motion:

Councillor Pitfield moved that consideration of the Clause be deferred to the next regular meeting of City Council on May 17, 2005.

Vote:

The motion by Councillor Pitfield carried.

4.85 **Works Committee Report 3, Clause 3, headed “Implementation of Source Separated Organic Programs in Multi-Residential Buildings”.**

Motion:

Councillor Chow moved that consideration of this Clause be deferred to the next regular meeting of City Council on May 17, 2005.

Vote:

The motion by Councillor Chow carried.

4.86 Policy and Finance Committee Report 4, Clause 25, headed “2005 Education Levy By-law and Other Tax Related Matters”.

Motion:

Councillor Mihevc 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 (April 13, 2005) from the Chief Financial Officer and Treasurer:

‘It is recommended that:

- (1) tax decreases for the 2005 taxation year on properties in the commercial, industrial and multi-residential property classes be reduced by the percentage of the tax decrease set out in Column II in order to recover the revenues foregone as a result of capping:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	89.285836%	10.714164%
Industrial	80.942170%	19.057830%
Multi-residential	96.523117%	3.476883%; and

- (2) authority be granted for the introduction of the necessary bills in Council and the appropriate City officials be authorized to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

4.87 Works Committee Report 3, Clause 6, headed ‘SSO Public Facility Business Plan - Preliminary Evaluation of the Dufferin Organics Processing Facility’.

Motions:

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

“That a feasibility study for the collection of biogas at the Dufferin SSO processing facility and its conversion into energy, be implemented as part of the consideration of the long-term planning for the Dufferin facility and the process be put into place in an expedited manner.”

- (b) Councillor Balkissoon moved that the Clause be amended to provide that the Dufferin Organics Processing Facility be expanded immediately, and not be included in the consultant’s study for long-term SSO processing capacity.

Permission to Withdraw Motion:

Councillor Balkissoon, with the permission of Council, withdrew his motion (b).

Votes:

Motion (a) by Councillor Hall carried.

The Clause, as amended, carried.

4.88 Policy and Finance Committee Report 4, Clause 1, headed “Recommendations for Mid-Term Changes to the Council-Committee Structure and Process”.

Mayor Miller in the Chair.

Motions:

- (a) Councillor Mammoliti moved that the Clause be amended:

(1) in accordance with the following Recommendation (1) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

“(1) that Recommendation (1) of the communication of March 23, 2005 from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-

term Changes to the Council-Committee Structure, be amended so that the special Rapid Housing Committee be approved in principle pending the report requested of the CAO on its terms of reference, and that it be composed of five members of Council to allow the Striking Committee to make recommendations on its membership in time for mid-term implementation.”;

- (2) in accordance with the following Recommendation (2) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

“(2) that Recommendation (3) of the communication of March 23, 2005 from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure be deleted and replaced with the following:

‘that the Economic Development and Parks Committee functions be split; and that economic development, culture, and tourism matters be considered by an independent, stand-alone Economic Development Committee; and that parks, forestry and recreation matters become part of the Community Services Committee mandate; and that heritage matters become part of the Planning and Transportation Committee mandate.’ ”;

- (3) in accordance with the following Recommendation (3) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

“(3) that Recommendation (5)(a) of the communication of March 23, 2005, from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure be amended by changing the pilot basis for the Question Period to three Council meetings (June, July, and October, 2005) to test the concept and its implementation, and that the City Clerk be asked to report back to the Policy and Finance Committee on October 27, 2005 on an evaluation of the pilot and the merits of continuing the Question Period to the end of the term.”; and

- (4) in accordance with the following Recommendation (4) contained in the Recommendations Section of the communication dated April 7, 2005, from Councillor Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council Committee Structure:

“(4) that Recommendation (12) of the communication from Councillor Giorgio Mammoliti, Chair, Council Reference Group on Mid-term Changes to the Council-Committee Structure, as amended by the Policy and Finance Committee, be further amended to remove the words “deliberation and”, and that the recommendation now read:

‘(12) Improve the budget deliberation process at Council by adopting an interim procedure allotting 30 minutes for each Member to speak at the beginning of the Council meeting, to ask questions of the Mayor, Budget Chair, Standing Committee Chair, Community Council Chair, or staff, and to speak and place motions; and follow the speaking period with voting on the budget by program with capital and operating budgets considered together; and an additional three minutes to move amendments or ask questions of a speaker.’ ”

Deputy Mayor Feldman in the Chair.

(b) Councillor Hall moved that:

(1) consideration of the Clause, with the exception of Recommendations (A)(1), (A)(3), (A)(4), (B)(7), (B)(9) and B(10), be deferred until after the New *City of Toronto Act* has been passed into law by the Province of Ontario and the City Manager reports further through the Policy and Finance Committee;

(2) Part (1) of motion (a) by Councillor Mammoliti be amended by adding the following words:

“subject to a provision that all issues to be considered by the Rapid Affordable Housing Committee be first submitted to the respective Community Council for community meetings, the hearing of public deputations and to provide an opportunity for the Community Councils to make recommendations to the Rapid Affordable Housing Committee”;

(3) the Clause be amended by:

(a) amending the communication dated March 23, 2005, from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, by:

(i) deleting the following Recommendation (B)(9):

- “(9) a commentator role be established for the new Rapid Affordable Housing Committee on a pilot basis until October 2005, and the Mayor appoint a Member of Council to carry out this role; and the City Clerk report to the Policy and Finance Committee recommending interim procedural rules required during the pilot period.

This commentator will provide an additional view, or a differing view, to that being recommended by the Committee. This will ensure that all sides of an issue are raised at Council, especially on important or controversial matters, and it will provide a meaningful role to more Members of Council. During the pilot period, speaking order for Rapid Affordable Housing Committee issues will be:

- (i) Committee Chair;
- (ii) commentator; and
- (iii) item holder. No final amendments to the Council Procedures will be made until the success of the pilot is assessed.”; and

- (ii) deleting Part (ix) from Recommendation (B)(10)(a), as follows:

“(ix) The Chair of the Film Board;”; and

- (b) adding the following:

“That the Council Reference Group on Mid-Term Changes to the Council-Committee Structure continue to actively consult with Members of Council and prepare a final report in consultation with the Mayor’s Office and the City Manager’s Office upon reviewing the new *City of Toronto Act*.”

Deputy Mayor Bussin in the Chair.

Extension to Question:

Councillor Watson asked questions for a period of five minutes. Councillor Del Grande, seconded by Councillor Ootes, moved that §27-28E, Questioning to Obtain Facts, of Chapter 27, Council Procedures, of the City of Toronto Municipal Code be waived and that Councillor Watson be granted a further period of five minutes to ask questions, the vote upon which was taken as follows:

Yes - 22 Councillors: Ashton, Balkissoon, Bussin, Davis, De Baeremaeker, Del Grande, Di Giorgio, Holyday, Jenkins, Li Preti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Thompson, Walker, Watson
No - 6 Mayor: Miller Councillors: Chow, Cowbourne, Grimes, Mammoliti, Mihevc

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

Motions:

(c) Councillor Cowbourne moved that:

- (1) Part (1) of motion (a) by Councillor Mammoliti be referred to the Planning and Transportation Committee to allow for citizen engagement on the proposed Rapid Affordable Housing Committee; and
- (2) the Clause be amended by referring the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, to the Planning and Transportation Committee to allow for citizen engagement on the proposed Rapid Affordable Housing Committee:
 - (a) Recommendation (A)(1);
 - (b) Recommendation (A)(2); and
 - (c) Recommendation (B)(9).

(d) Councillor Giambrone moved that:

- (1) Parts (3) and (4) of motion (a) by Councillor Mammoliti be referred to the Council Reference Group on Mid-Term Changes to the Council-Committee Structure for further consideration and report back to Council through the Policy and Finance Committee; and
- (2) the Clause be amended by referring the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, relating to: question period, speaking times, use of the microphones, commentator, and budget question

period, back to the Council Reference Group on Mid-Term Changes to the Council-Committee Structure for further consideration and report back to Council through the Policy and Finance Committee:

- (a) Recommendation (B)(5);
- (b) Recommendation (B)(6);
- (c) Recommendation (B)(7);
- (d) Recommendation (B)(8);
- (e) Recommendation (B)(9); and
- (f) Recommendation (B)(12).

(e) Councillor Ootes moved that:

(1) the Clause be referred back to the Policy and Finance Committee for further consideration;

(2) Parts (1) and (4) of motion (a) by Councillor Mammoliti, be received;

(3) the Clause be amended:

(a) to provide that the following recommendations contained in the communication (March 23, 2005) from the Chair, Council Reference Group on Mid-Term Changes to the Council Committee Structure, be received:

- (i) Recommendation (A)(1);
- (ii) Recommendation (A)(2);
- (iii) Recommendation (B)(5), with the exception of Parts (b), (v) and (vi);
- (iv) Recommendation (B)(9);
- (v) Recommendation (B)(10)(a)(i);
- (vi) Recommendation (B)(10)(a)(x); and
- (vii) Recommendation (B)(12); and

(b) by adding the following:

“That:

- (1) with the exception of development applications, Community Council items can only be held by Members of the Community Council that made the recommendation;

- (2) only members of the Community Council that made the recommendation can speak to the item (all Members of Council can vote on the item); and
- (3) time specific items have to be time-sensitive and non-time sensitive items can be made time specific by a two-thirds majority vote of Council.”

Procedural Motion:

Mayor Miller moved the following procedural motion:

“That:

- (1) all motions moved at the April 12-14, 2005 meeting of City Council on Policy and Finance Committee Report 4, Clause 1, be forwarded to the Special meeting of Council on May 4, 2005, and these motions be deemed to be moved; and
- (2) the speaker’s list from the April 12-14, 2005 meeting of City Council on Policy and Finance Committee Report 4, Clause 1, be carried forwarded to the Special meeting on May 4, 2005, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on the speaker’s list to add their names.”

Vote on Procedural Motion:

Yes - 30	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Soknacki, Stintz, Thompson, Watson
No - 3	
Councillors:	Balkissoon, Ford, Holyday

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

Disposition of Clause:

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 Special meeting of City Council on May 4, 2005.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the April 12-14, 2005 meeting of City Council on Policy and Finance Committee Report 4, Clause 1, be forwarded to the Special meeting of Council on May 4, 2005, and these motions be deemed to be moved; and
- (2) the speaker’s list from the April 12-14, 2005 meeting of City Council on Policy and Finance Committee Report 4, Clause 1, be carried forwarded to the Special meeting on May 4, 2005, and be adopted for continuing the debate on this matter at that meeting, and that a provision be allowed for any Members who were not on the speaker’s list to add their names.”

Procedural Motions:

April 12, 2005:

Mayor Miller 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 Notices of Motions, which carried:

- (a) Motion J(6), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, respecting the appointment of Deputy City Managers; and
- (b) Motion J(7), moved by Mayor Miller, seconded by Deputy Mayor Feldman, respecting the appointment of the Deputy City Manager/Chief Financial Officer.

April 13, 2005:

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

- J(27) Purchase of Property to Replace Tapscott Garage - Status Report and Approval for Initial Negotiations, moved by Councillor Ashton, seconded by Councillor Balkissoon, related to the proposed or pending acquisition of land for Municipal or local board purposes.

Advice by Deputy 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 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(27), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(27) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

4.89 IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE

April 12, 2005:

Procedural Motion:

Mayor Miller, at 2:20 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(6), moved by Mayor Miller, seconded by Deputy Mayor Pantalone, respecting the appointment of Deputy City Managers, as the confidential report dated April 8, 2005, from the Mayor and the Chief Administrative Officer, attached to Motion J(6), contains personal information about identifiable individuals; and
- (b) Motion J(7), moved by Mayor Miller, seconded by Deputy Mayor Feldman, respecting the appointment of the Deputy City Manager/Chief Financial Officer, as the confidential report dated April 11, 2005, from the Chief Administrative Officer, attached to Motion J(7), contains personal information about identifiable individuals.

Vote:

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:25 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 3:25 p.m., and met in public session in the Council Chamber.

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

4.90 **J(6) Appointment of Deputy City Managers (2 positions)**

Mayor Miller called upon Motion J(6), as follows:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Feldman

“**WHEREAS** Council, at its meeting of November 30, December 1 and 2, 2004, as part of its decision on the Mayor’s report on the new Administrative structure, directed that recommendations on the outcome of the Deputy City Manager competition be submitted to City Council; and

WHEREAS the Mayor and the Chief Administrative Officer have submitted a confidential report dated April 8, 2005, with respect to a personnel matter pertaining to the appointment of two (2) Deputy City Managers;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations contained in the Recommendations Section of the confidential report dated April 8, 2005, from the Mayor and the Chief Administrative Officer.”

Council had before it, during consideration of Motion J(6), a confidential report dated April 8, 2005, from the Mayor and the Chief Administrative Officer.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(6).

Vote:

Adoption of Motion J(6), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Walker

Carried by a majority of 36.

In adopting Motion J(6), without amendment, Council adopted, without amendment, the following recommendations contained in the Recommendations Section of the confidential report (April 8, 2005) from Mayor Miller and the Chief Administrative Officer. This report is now public, with the exception of the Attachments, which remain confidential in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals:

“It is recommended that:

- (1) Fareed Amin and Sue Corke be appointed to the positions of Deputy City Manager, Citizen Focused Services for the City of Toronto, with such appointments to be effective following written acceptance by each candidate of terms and conditions of employment offered by the City;
- (2) the City Manager be authorized to negotiate terms and conditions of employment and Start Date with the approved candidates; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto including the introduction in Council of any necessary bills.”

4.91 **J(7) Appointment of Deputy City Manager/Chief Financial Officer**

Mayor Miller called upon Motion J(7), as follows:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Feldman

“**WHEREAS** Council, at its meeting of November 30, December 1 and 2, 2004, as part of its decision on the Mayor’s report on the new Administrative structure, directed that recommendations on the outcome of the Deputy City Manager competition be submitted to City Council; and

WHEREAS Council also established the position of Deputy City Manager/Chief Financial Officer; and

WHEREAS the Chief Administrative Officer has submitted a confidential report dated April 11, 2005, with respect to a personnel matter pertaining to the appointment of a Deputy City Manager/Chief Financial Officer;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report dated April 11, 2005, from the Chief Administrative Officer.”

Council had before it, during consideration of Motion J(7), a confidential report dated April 11, 2005, from the Chief Administrative Officer.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(7).

Vote:

Adoption of Motion J(7), without amendment:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	

Councillor: Walker

Carried by a majority of 36.

In adopting Motion J(7), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the confidential report (April 11, 2005) from the Chief Administrative Officer. This report is now public in its entirety:

“It is recommended that:

- (1) Joseph P. Pennachetti be appointed to the position of Deputy City Manager and Chief Financial Officer for the City of Toronto and as a treasurer under the *Municipal Act, 2001*, and that such appointment be effective April 15, 2005, and be made permanent upon the execution of an employment agreement with terms and conditions of employment negotiated by the Chief Administrative Officer consistent with the City’s approved policies for senior staff; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto including the introduction in Council of any necessary bills.”

April 14, 2005:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Councillor Lindsay Luby, at 11:20 a.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Motion J(27), moved by Councillor Ashton, seconded by Councillor Balkissoon, respecting the purchase of property to replace Tapscott Garage - Status Report and approval for initial negotiations, in accordance with the provisions of the *Municipal Act, 2001*, as the confidential communication dated April 7, 2005, from the General Secretary, Toronto Transit Commission, and the confidential report dated April 6, 2005, from the Chief General Manager, Toronto Transit Commission, attached to Motion J(27), contain information related to the proposed or pending acquisition of land for Municipal or local board purposes.

Vote:

The motion by Councillor Lindsay Luby carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 11:40 a.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 12:05 p.m., and met in public session in the Council Chamber.

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

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that Committee of the Whole had not concluded its consideration of Motion J(27).

April 14, 2005:

Mayor Miller in the Chair.

Procedural Motion:

Mayor Miller, at 2:20 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters remaining on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion J(27), moved by Councillor Ashton, seconded by Councillor Balkissoon, respecting the purchase of property to replace Tapscott Garage - Status Report and approval for initial negotiations, in accordance with the provisions of the *Municipal Act, 2001*, as the confidential communication dated April 7, 2005, from the General Secretary, Toronto Transit Commission, and the confidential report dated April 6, 2005, from the Chief General Manager, Toronto Transit Commission, attached to Motion J(27), contain information related to the proposed or pending acquisition of land for Municipal or local board purposes; and
- (b) Policy and Finance Committee Report 4, Clause 41, headed "City Hall Tower and Hydraulic Elevator Renewal 100 Queen Street West, Tender Call 302-2004 (Ward 27 - City Hall, Toronto)", as discussion related to this Clause was subject to solicitor-client privilege.

Vote:

The motion by Mayor Miller carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:25 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 3:25 p.m., and met in public session in the Council Chamber.

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

4.92 **J(27) Purchase of Property to Replace Tapscott Garage – Status Report and Approval for Initial Negotiations**

Mayor Miller called upon Motion J(27), as follows:

Moved by: Councillor Ashton

Seconded by: Councillor Balkissoon

“WHEREAS at its meeting of April 6, 2005, the Toronto Transit Commission Committee of the Whole approved a staff report on the purchase of property to replace Tapscott Garage; and

WHEREAS the preferred property to replace the Tapscott Garage property is currently being offered on the open market for sale; and

WHEREAS the potential sale of the Tapscott Garage property to the Tapscott Landowners Group as a storm water retention pond/road extension would facilitate development of the Tapscott Industrial District; and

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

NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission, entitled ‘Purchase of Property to Replace Tapscott Garage Property – Status Report and Approval for Initial Negotiations’, be adopted;

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

Council had before it, during consideration of Motion J(27), the following:

- confidential communication (April 7, 2005) from the General Secretary, Toronto Transit Commission, forwarding the recommendations contained in the confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission. The recommendations contained in the communication are now public, and the balance of the communication remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the proposed or pending acquisition of land for Municipal or local board purposes; and
- confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(27):

- (a) Councillor Del Grande moved that consideration of Motion J(27) be deferred to the next meeting of City Council on May 17, 2005.
- (b) Councillor Moscoe moved that Motion J(27) be adopted, subject to adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Toronto Transit Commission be requested, in the design of a bus garage on the Kennedy Road/McNicoll Avenue property, to use the entire 19-acre site, in order to buffer the potential impacts of the bus garage on the long term care facility to the west of the property.”

- (c) Councillor Soknacki moved that Motion J(27) be amended by adding to the first Operative Paragraph, the words “and that this expenditure be included within the approved TTC 2005 Capital Plan”, so that the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission, entitled ‘Purchase of Property to Replace Tapscott Garage Property – Status Report and Approval for Initial Negotiations’, be adopted, and that this expenditure be included within the approved TTC 2005 Capital Plan;”.

Votes:

Adoption of motion (a) by Councillor Del Grande:

Yes - 11	
Councillors:	Del Grande, Di Giorgio, Feldman, Mammoliti, Minnan-Wong, Nunziata, Palacio, Saundercook, Stintz, Walker, Watson
No - 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Davis, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Shiner

Lost by a majority of 8.

Adoption of motion (b) by Councillor Moscoe:

Yes - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz
No - 3	
Councillors:	Ford, Walker, Watson

Carried by a majority of 30.

Motion (c) by Councillor Shiner carried.

Motion J(27), as amended, carried.

Summary:

Council adopted Motion J(27), subject to:

- (1) adding to the first Operative Paragraph, the words “and that this expenditure be included within the approved TTC 2005 Capital Plan”, so that the Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the staff recommendations contained in the Recommendations Section of the attached confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission, entitled ‘Purchase of Property to Replace Tapscott Garage Property – Status Report and Approval for Initial Negotiations’, be adopted, and that this expenditure be included within the approved TTC 2005 Capital Plan;” and

- (2) adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Toronto Transit Commission be requested, in the design of a bus garage on the Kennedy Road/McNicoll Avenue property, to use the entire 19-acre site, in order to buffer the potential impacts of the bus garage on the long-term care facility to the west of the property.”

In adopting Motion J(27), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the confidential report (April 6, 2005) from the Chief General Manager, Toronto Transit Commission. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the proposed or pending acquisition of land for Municipal or local board purposes:

“It is recommended that the Commission, recognizing that the 2005-2009 TTC Capital Budget provides for the purchase of property in 2008 for the post-Mount Dennis garage scheduled to open in 2012, considering the lead time and complexity of obtaining suitable property and noting that the TTC has been approached by developers about the possible sale of the Tapscott Garage property:

- (1) request City Real Estate staff to expedite a formal search through a Commercial Real Estate Broker for an alternative garage property to the Tapscott Garage site by April 15, 2005;
- (2) note that City of Toronto Real Estate staff submitted a non-binding letter of interest with respect to a 19-acre parcel of land at Kennedy Road and McNicoll Avenue, owned by R.G. Dibble Company Ltd., prior to the March 1, 2005 deadline for initial offer, that as a result of the letter of interest, the TTC/City is on the short list of organizations to submit a second submission by March 25, 2005 and that, due to the cancellation of the March 16, 2005 Commission Meeting, a second submission (i.e., an offer to purchase) could not be submitted by the March 25, 2005 deadline;
- (3) authorize staff to initiate further negotiations with the owner of the Kennedy Road/McNicoll Avenue property for the possible acquisition of the 19-

acre property in 2005;

- (4) request staff to submit a report to the May 11, 2005, meeting of the COTW on the estimated final costs to acquire the Kennedy Road/McNicoll Avenue property, including confirmation of potential funding sources for such an acquisition in 2005 and the results of property appraisals;
- (5) request that in accordance with the City's policy governing the proceeds from sale of surplus property, the net proceeds from the sale of the Tapscott site be utilized to offset the anticipated cost to acquire a replacement garage property; and
- (6) forward this report directly to City Council for consideration at the April 12, 13 and 14, 2005 meeting of Council."

4.93 **Policy and Finance Committee Report 4, Clause 41, headed "City Hall Tower and Hydraulic Elevator Renewal 100 Queen Street West, Tender Call 302-2004 (Ward 27 - City Hall, Toronto)".**

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motion (a) by Councillor Shiner, which had been moved in public session, had been discussed by Committee of the Whole in-camera, and the following motion (b) by Councillor Balkissoon had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Shiner moved that:
 - (1) the Clause not be adopted;
 - (2) Tender 302-2004 for the City Hall Tower and Hydraulic Elevator Renewal be cancelled and the Director, Purchasing and Materials Management, be directed to notify the bidders of Council's action; and
 - (3) the Executive Director of Facilities and Real Estate be requested to report to the Administration Committee on options for dealing with elevator upgrades and maintenance."
- (b) Councillor Balkissoon moved that motion (a) by Councillor Shiner be amended by adding the following:

"the Director, Purchasing and Materials Management, be directed to re scope and re-tender the project to include other elevators that require this type of maintenance,

and the Elevator Capital project be excluded from the Facilities and Real Estate year-end completion rate for year-end 2005, such that the budgeted funds are encumbered for this project if the project goes into 2006”.

Votes:

Motion (b) by Councillor Balkissoon carried.

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

Yes - 26	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Grimes, Holyday, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson
No - 11	
Councillors:	Bussin, Chow, Cowbourne, Filion, Ford, Giambrone, Hall, Jenkins, Mihevc, Pantalone, Rae

Carried by a majority of 15.

Disposition:

In summary, City Council did not adopt this Clause.

Council took the following action:

“That:

- (1) Tender 302-2004 for the City Hall Tower and Hydraulic Elevator Renewal be cancelled and the Director, Purchasing and Materials Management, be directed to notify the bidders of Council’s action;
- (2) the Director, Purchasing and Materials Management, be directed to re scope and re-tender the project to include other elevators that require this type of maintenance, and the Elevator Capital project be excluded from the Facilities and Real Estate year-end completion rate for year-end 2005, such that the budgeted funds are encumbered for this project if the project goes into 2006; and

- (3) the Executive Director of Facilities and Real Estate be requested to report to the Administration Committee on options for dealing with elevator upgrades and maintenance.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

4.94 **F(1) Consolidating the Naming of the Community Council Boundaries with the Service Districts of the City of Toronto**

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

Moved by: Councillor Milczyn

Seconded by: Councillor Holyday

“**WHEREAS** City Council at its special meeting on July 30, 31 and August 1, 2002, adopted, as amended, Administration Committee Report 10, Clause 2, headed ‘Four District Model for City Public Services (All Wards)’; and

WHEREAS Council amended Recommendation (2) contained in the report dated June 17, 2002, from the Chief Administrative Officer and, in so doing, adopted the recommendations of the Administration Committee to implement the four new service district boundaries; and

WHEREAS these service districts were named North, South, East and West Districts; and

WHEREAS City Council at its meeting on May 18, 19 and 20, 2004, adopted Policy and Finance Committee Report 1, Clause 2b, headed ‘Naming of Community Councils’, and renamed the Toronto West Community Council, the ‘Etobicoke York Community Council’; and

WHEREAS the Toronto South Community Council was renamed the ‘Toronto and East York Community Council’; and

WHEREAS the Toronto East Community Council was renamed the ‘Scarborough Community Council’; and

WHEREAS the Toronto North Community Council was renamed the ‘North York Community Council’; and

WHEREAS citizens of Toronto have raised a number of concerns about the confusion that exists by having two different names for identical City boundaries, one political and one

bureaucratic; and

WHEREAS further consideration of this matter is warranted in order to simplify and clarify the City of Toronto's administration to the citizens of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council rename the four service districts to align with the four Community Council boundary names that have been approved by Council, so that the names of the service districts shall be as follows:

Etobicoke York District;
North York District;
Scarborough District; and
Toronto and East York District;

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 256)

Vote:

Motion F(1) was adopted, without amendment.

4.95 **F(2) Request to Renew the Facade Program for the York Eglinton Business Improvement Area**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Palacio

“**WHEREAS** the City of Toronto has, for a considerable period of time, operated a Facade Program to encourage businesses to renovate the fronts of their properties; and

WHEREAS by way of establishing the Clean and Beautiful City Program the City has made a commitment to improving its public face; and

WHEREAS the Facade Program has, in the past, improved the appearance of our retail strips and has proved its value;

NOW THEREFORE BE IT RESOLVED THAT the City renew the Facade Program to apply to the York Eglinton Business Improvement Area.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 260)

Motion:

Councillor Mihevc moved that Motion F(2) be adopted, subject to adding to the Operative Paragraph, the words “conditional upon staff finding the resources from within their Department and without it negatively impacting on existing areas where the Facade Program is being implemented”, so that the Operative Paragraph now reads as follows:

“**NOW THEREFORE BE IT RESOLVED THAT** the City renew the Facade Program to apply to the York Eglinton Business Improvement Area, conditional upon staff finding the resources from within their Department and without it negatively impacting on existing areas where the Facade Program is being implemented.”

Votes:

The motion by Councillor Mihevc carried.

Motion F(2), as amended, carried.

4.96 **F(3) Waiving of fees for Community Festivals on St. Clair Avenue West**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“**WHEREAS** City Council at its meeting on September 28, 29, 30 and October 1, 2004, approved Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’; and

WHEREAS the report resolved that ‘City departments waive fees related to hosting community festivals on St. Clair Avenue West from 2005 to 2007 (the construction period and immediately thereafter)’; and

WHEREAS City staff interpretation of the wording contained in the aforementioned report limits the waiving of fees and charges to City departments; and

WHEREAS the revitalization of St. Clair Avenue West and the strengthening of the local small business community, including supporting community events and festivals on the street, remain high priorities of the City of Toronto; and

WHEREAS City staff have been consulted in writing this Motion;

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 7, Clause 1, headed ‘St. Clair Avenue West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, be re-opened for further consideration, only as it pertains to the waiving of fees for Community Festivals on St. Clair Avenue West;

AND BE IT FURTHER RESOLVED THAT City Council clarify the intent of Policy and Finance Committee Report 7, Clause 1, headed ‘St. Clair West Transit Improvements Environmental Assessment – Yonge Street to Gunns Road (just west of Keele Street) (St. Paul’s, Davenport, York South-Weston)’, only as it pertains to the waiving of fees and costs for community festivals on St. Clair West from 2005 to 2007, by approving that all necessary barricades, non-departmental permit fees for community festivals on St. Clair Avenue West from 2005 to 2007 are to paid for by the City;

AND BE IT FURTHER RESOLVED THAT City Council request that the Toronto Transit Commission and the Toronto Police Service waive costs for Community Festivals on St. Clair Avenue West, from 2005 to 2007;

AND BE IT FURTHER RESOLVED THAT this Resolution be forwarded to the Toronto Transit Commission and Toronto Police Services Board for their consideration and endorsement.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(3), 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 261)

Disposition:

As Council did not conclude its consideration of Motion F(3) prior to the end of this meeting, consideration of the Motion was deferred to the Special meeting of City Council on May 4, 2005.

4.97 **F(4) Support for International Car Free Day**

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

Moved by: Councillor Giambrone

Seconded by: Councillor Fletcher

“WHEREAS International Car Free Day is an annual event celebrated by 100 million people on every continent and supported by the European Union, the United Nations, the Government of Canada and the leaders of 1,500 Cities around the world; and

WHEREAS Car Free Day street events and forums highlight the many problems caused by our dependence on the private automobile, including air pollution, global warming, stress and safety issues; and

WHEREAS it emphasizes the rights of pedestrians and cyclists, the need for more and better public transit, and helps people rediscover their local community, outside the confines of their vehicle; and

WHEREAS Car Free Day began in Canada on September 22, 2001, when Toronto became the first Canadian and North American City to officially host a Car Free Day; and

WHEREAS in July 2004, Dr. Barbara Yaffe, Toronto’s Acting Medical Officer of Health, released a study estimating that five common air pollutants contribute to about 1,700 premature deaths and 6,000 hospital admissions in Toronto each year;

NOW THEREFORE BE IT RESOLVED THAT City Council express its support for International Car Free Day;

AND BE IT FURTHER RESOLVED THAT City Council strongly affirm its support for Car Free Day festivities in Toronto.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(4), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Vote:

Motion F(4) was adopted, without amendment.

4.98 **F(5) Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401 04-3216 - Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services**

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

Moved by: Councillor Milczyn

Seconded by: Councillor Del Grande

“WHEREAS the e-City Committee on February 14, 2005, considered a report dated February 2, 2005, from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services responding to the e-City Committee’s request to provide copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12; and

WHEREAS the e-City Committee on February 14, 2005, requested that Council direct that the documents referred to in the staff report dated February 2, 2005, from the Chief Financial Officer and Treasurer and Commissioner of Corporate Services, be made available to the April 4, 2005 meeting of the e-City Committee, and that the documents will only be available during the in-camera session; and

WHEREAS the Administration Committee will meet on March 8, 2005, for subsequent report to City Council on April 12, 13 and 14, 2005; and

WHEREAS in order to comply with the e-City Committee’s request for the information to be available at its April 4, 2005 meeting, it is necessary for City Council to consider this request at its February 16, 2005 meeting;

NOW THEREFORE BE IT RESOLVED THAT City Council direct that the documents referred to in the attached staff report dated February 2, 2005, from the Chief

Financial Officer and Treasurer and Commissioner of Corporate Services, be made available to the April 4, 2005 meeting of the e-City Committee, and that the documents will only be available during the in camera session.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion F(5), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Council also had before it, for consideration with Motion F(5), a report (February 2, 2005) from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, entitled “Disclosure of Proponents’ Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216”. (See Attachment 1, Page 203).

Motion:

Councillor Davis moved that Motion F(5) be referred to the Administration Committee for consideration at its meeting on April 26, 2005.

Vote on Referral:

The motion by Councillor Davis carried.

4.99 **I(1) New City of Toronto Act – Governance Changes**

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

Moved by: Councillor Holyday

Seconded by: Councillor Ford

“**WHEREAS** it is generally accepted that the City of Toronto budget process is flawed; and

WHEREAS it is abundantly clear that it cannot be corrected under the present system of governance; and

WHEREAS it is similarly proven that Toronto cannot balance its budget without financial assistance from the Province and/or through onerous property tax rate increases; and

WHEREAS even with tax revenues from gas consumption, the Capital Budget continually suffers from a revenue shortfall; and

WHEREAS growth projections indicate that the responsibilities of administering City finances and programs will increase exponentially as time marches on; and

WHEREAS the two senior levels of government are reluctant to provide new methods of taxation or agree to 'uploading' of either capital or service responsibilities; and

WHEREAS the Mayor's Office is powerless to unilaterally set the required tax rate increase to balance the budget; and

WHEREAS it is incumbent upon the Province and/or the federal government to find a solution to this conundrum, either through new forms of direct funding or the creation of new city taxation powers; and

WHEREAS the commercial well-being of the City is undergoing serious impairment because of the erosions of fiscal prudence and funding shortages; and

WHEREAS cutbacks to social service programs, along with incremental curtailment of grants to community groups, is shattering the safety net infrastructure; and

WHEREAS transportation gridlock produces emission pollution and hinders the movement of goods; and

WHEREAS the Province has no long-term plan to accommodate population growth;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to include the following provisions in the proposed new *City of Toronto Act*:

- (1) provisions be written into the proposed new *Act* that would create a protocol for the annual setting of the City budget;
- (2) new *Act* should dictate that Toronto form an Executive Committee composed of the Mayor and the leading vote-getting Councillors from the four geographical components of the City;
- (3) the new *Act* should call for the said Executive Committee to be responsible for arbitrarily setting the yearly budget;
- (4) the new *Act* require that the budget be then delivered balanced or unbalanced to a provincial committee consisting of the Ministers of Finance, Infrastructure and Municipal Affairs for their comments and approval;

- (5) the new *Act* stipulate that, if the Provincial Ministers agree to an unbalanced budget that the shortfall be resolved by assistance from the provincial treasury and/or that the Province sets the City tax rate increase required in order to balance, or that a combination of the two be formulated to achieve a satisfactory result;
- (6) the new *Act* provide that the three Provincial Ministers also have the power to remove items from the budget at their discretion but cannot add new budget items or alter the allocation of City tax revenues as presented in the budget document; and
- (7) the new *Act* direct that the Toronto Transit Commission budget follow a similar procedure that requires provincial approval to cover capital expenditures and/or dictate fare increases if so required.”

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 I(1) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with 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 3, Page 262)

Procedural Vote:

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

Yes - 9	
Councillors:	Altobello, Augimeri, Grimes, Holyday, Nunziata, Palacio, Saundercook, Soknacki, Walker
No - 31	
Mayor:	Miller
Councillors:	Ashton, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shiner, Stintz, Thompson, Watson

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

Disposition:

Motion I(1) was referred to the Policy and Finance Committee.

4.100 I(2) Promoting Environmentally-Friendly Buildings in Toronto

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

Moved by: Councillor Moscoe

Seconded by: Councillor De Baeremaeker

“**WHEREAS** February 16, 2005, is the date of implementation for the Kyoto Protocol; and

WHEREAS local governments have a vital role to play in promoting environmentally sustainable practices in communities; and

WHEREAS the City of Toronto has been a leader in environmental initiatives; and

WHEREAS City staff are currently developing Green Building Guidelines, as well as participating on the Green Roofs Taskforce;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on ways in which the City can further promote environmentally sustainable development.”

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 I(2) 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 I(2), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion I(2) to the Planning and Transportation Committee carried, more

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

Motion:

Deputy Mayor Pantalone moved that Motion I(2) be adopted, subject to amending the Operative Paragraph so that it now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the Chief Building Official and Executive Director of Building, in consultation with appropriate City staff, be requested to report to the Policy and Finance Committee on ways in which the City can further promote environmentally sustainable development for all Divisions, Agencies, Boards and Commissions.”

Votes:

The motion by Deputy Mayor Pantalone carried.

Motion I(2), as amended, carried.

4.101 **J(1) “Poetry in the Street” Project – Report Request**

Councillor Palacio 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 Palacio

Seconded by: Councillor Soknacki

“WHEREAS the City of Toronto has been, and is home to many great poets, authors and writers who have left a significant mark on the citizens of Toronto, Canada and the World; and

WHEREAS the City of Toronto has never had a significant tribute, that involves all communities across Toronto from all former municipalities, to Toronto’s poets or literary community, which is long overdue; and

WHEREAS the City of Toronto has a ‘Clean and Beautiful City’ mandate that Council is trying to find innovative and realistic ways to advance; and

WHEREAS bp Nichol Lane (Ward 20) was named for the late poet bp Nichol and one of his poems has been inscribed in the pavement there (picture attached) at very little cost to the City, much to the enjoyment of local residents, tourists and visitors; and

WHEREAS Pier Giorgio di Cicco, Toronto's Poet Laureate and his advisory committee, Friends of the Poet Laureate, enthusiastically endorses this Motion as part of the Poet Laureate's advocacy for poetry and the arts in our City;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Acting Commissioner Works and Emergency Services and the Commissioner Economic Development, Culture and Tourism, in consultation with the City of Toronto Poet Laureate and his Committee, to bring forward a report to implement a 'Poetry in the Street' program across the City that would imprint poems written by Toronto poets in sidewalks, parks and other public spaces across the City, similar to how it was done in bp Nichol Lane, when those sidewalks etc. are scheduled to be permanently reconstructed;

AND BE IT FURTHER RESOLVED THAT this report consider creating a 'bank' of poems that would be inscribed in sidewalks, etc., in all corners of the City, with the consent or at the request of the adjacent property owner(s), local BIAs or Residents' Associations, where applicable, as well as consider creating special theme areas in the City where there is a historical connection to a particular poet or type of poetry;

AND BE IT FURTHER RESOLVED THAT the report consider the possibility that this can be done across the entire City at virtually no cost, since the concrete is being laid anyway, as well as the potential of the program to generate tourism, promote culture and showcase certain areas of the City."

Advice by Mayor Miller:

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 Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Economic Development and Parks Committee was

taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Ashton, Ford, Giambrone, Holyday, Jenkins, McConnell, Saundercook

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

Council also considered a photograph depicting a bp Nichol poem inscribed in pavement, which is on file in the City Clerk's Office.

Vote:

Motion J(1) was adopted, without amendment.

4.102 **J(2) Licensing of Clothing Drop Boxes**

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 Holyday

“**WHEREAS** charitable organizations invite people to donate used clothing to be sold to raise funds for charitable purposes; and

WHEREAS clothing drop boxes are commonly located on shopping plaza lots; and

WHEREAS drop boxes masquerading as charitable, but which are entirely private business ventures, have been located on private lots or City property throughout the City without authorization; and

WHEREAS these boxes take advantage of the good nature of people by displaying messages that imply or indicate that the clothing will be used for charitable purposes when, in fact, they are fraudulent; and

WHEREAS these boxes rip off not only contributors but also legitimate charities by drawing away used clothing that would otherwise go to charitable purposes; and

WHEREAS these boxes are often located on or near a property line so that the property owners or tenant businesses assume that they are on City property; and

WHEREAS most are located without authorization; and

WHEREAS the 'Clean and Beautiful City' initiative has been adopted as a priority in the City's recent budget; and

WHEREAS on September 23, 24, and 25, 2003, Council adopted a resolution that would require anyone wishing to locate a clothing drop box on City property to:

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

WHEREAS at its meeting of July 30, 31 and August 1, 2002, Council adopted a Resolution indicating that the licensing of clothing drop boxes be the preferred option for controlling their indiscriminate use; and

WHEREAS nothing has been done about the Council's determination to see the boxes licensed;

NOW THEREFORE BE IT RESOLVED THAT staff report to next meeting of Council, through the Planning and Transportation Committee, on what actions they have taken to put into effect the direction of Council with respect to drop boxes on City Property (September 2003);

AND BE IT FURTHER RESOLVED THAT the Planning and Transportation Committee hold a public meeting to give consideration to amending Toronto Municipal Code Chapter 545, Licensing, to license clothing drop boxes as follows:

- (1) the licenses be for a nominal sum;
- (2) in order to receive a license sticker, the applicant must:

- (a) provide proof of charitable status;
- (b) prove that they have permission from the owner of the land to locate the box on the property;
- (c) agree to keep the area free of litter;
- (d) agree to remove graffiti from the box; and
- (e) agree to keep the box in good repair;

AND BE IT FURTHER RESOLVED THAT the By-law provide for the removal of a box by City staff and a provision for a removal and storage fee commensurate with the provisions of the new mobile sign by-law;

AND BE IT FURTHER RESOLVED THAT any related cost be paid out of the existing funds budgeted for the 'Clean and Beautiful City' initiative;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to prepare a draft by-law for consideration at the public meeting.”

Advice by Mayor Miller:

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 Planning and Transportation Committee would have to be waived, in order to now consider this 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 a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 263)

Procedural Vote:

The vote to waive referral of Motion J(2) to the Planning and Transportation Committee was taken as follows:

Yes - 34	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae,

Shiner, Soknacki, Thompson, Walker	
No - 7	Councillors: Altobello, Ashton, Ford, Jenkins, Saundercook, Stintz, Watson

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

Motion:

Councillor Shiner moved that Motion J(2) be adopted, subject to adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the City’s Agencies, Boards and Commissions with a request that they implement similar controls.”

Votes:

The motion by Councillor Shiner carried.

Motion J(2), as amended, carried.

4.103 J(3) GO Transit Georgetown Corridor Expansion Environmental Assessment

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: Mayor Miller

“WHEREAS GO Transit has begun a Class Environmental Assessment for expansion of commuter rail service in the GO Georgetown/Weston Sub-Division Corridor; and

WHEREAS the purpose of this Class Environmental Assessment will be to provide the necessary improvements to accommodate increased GO train service for CN, CP and VIA services, including the proposed new Air Rail Link (ARL) rail service between Lester B. Pearson International Airport and Union Station; and

WHEREAS during the consultation process, the proponents of the Class Environmental Assessment have stated that one possible option could be the closure of streets within communities to accommodate the increased railway traffic along the corridor; and

WHEREAS there has been an overwhelming and resounding concern by residents of communities that the closure of any street or roadway could separate and divide communities, and thus be catastrophic to their continued viability;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto adopt the official position concerning the Class Environmental Assessment for expansion of commuter rail service in the GO Georgetown/Weston Sub-Division Corridor that no streets be closed;

AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to convey this position to the Federal and Provincial Ministers of the Environment and Transportation;

AND BE IT FURTHER RESOLVED THAT staff be requested to provide quarterly reports to the Planning and Transportation Committee concerning the status of this initiative.”

Advice by Mayor Miller:

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 Planning and Transportation Committee would have to be waived, in order to now consider this 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 256)

Procedural Vote:

The vote to waive referral of Motion J(3) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Moscoe moved that Motion J(3) be adopted, subject to adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Acting General Manager, Transportation Services, be requested to report to the Planning and Transportation

Committee on any safety measures that may be required because of the increase in train speed and the volume of traffic along this corridor.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of Motion J(3), as amended:

Yes - 38	
Mayor:	Miller
Councillors:	Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ashton

Carried by a majority of 37.

4.104 **J(4) Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue**

Councillor Ootes 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 Ootes

Seconded by: Councillor Rae

“**WHEREAS** on May 18, 19 and 20, 2004, City Council adopted Notice of Motion J(25), headed Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue”, and in so doing adopted the following recommendations:

- ‘(1) the City Clerk conduct a formal poll of the residents of Floyd Avenue between Burley Avenue and Logan Avenue to determine support for the

implementation of overnight on-street permit parking and report the results of the poll to the Toronto South Community Council;

- (2) subject to the results of the poll being favourable, the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue be rescinded;
- (3) permit parking be introduced on both sides of the street to operate on an alternate side basis between the hours of 11:00 a.m. and 5:00 a.m., 7 days a week, and be included in permit parking area 7K'; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of all necessary bills."

WHEREAS the City Clerk subsequently conducted a poll on all residents of Floyd Avenue between Burley Avenue and Logan Avenue to determine their support for the implementation of overnight on-street parking and reported the results of this poll to the Toronto and East York Community Council on October 12, 2004;

WHEREAS, City Council, on October 26, 27 and 28, 2004 adopted the following Recommendations (1) and (2) of the City Clerk contained in Clause 63 of Report 8 of the Toronto and East York Community Council, titled 'Implementation of Overnight On-Street Permit Parking – Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth, Ward 29)':

'It is recommended that City Council:

- (1) implement overnight on-street permit parking on Floyd Avenue, between Burley Avenue and Logan Avenue on a street name basis, to operate during the hours of 11:00 p.m. and 5:00 a.m., 7 days a week; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.'; and

WHEREAS it has now been discovered that there is a difference in the recommendations adopted by City Council on at its May 18, 19 and 20, 2004 meeting and those subsequently adopted at its later meeting on October 26, 27 and 28, 2004 which resulted in overnight permit parking being implemented on Floyd Avenue, between Burley Avenue and Logan Avenue, on a street name basis, where it should have been implemented on an area and alternate side basis, and the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue, was not rescinded;

WHEREAS in order to introduce the required Bills, it is necessary to clarify the action taken by Council in October, to reflect the intent of its original action taken in May 18, 19 and 20, 2004;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 8, Clause 63, headed ‘Implementation of Overnight On-Street Permit Parking – Floyd Avenue, between Burley Avenue and Logan Avenue (Toronto-Danforth, Ward 29)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council:

- (1) implement overnight on-street permit parking on Floyd Avenue, between Burley Avenue and Logan Avenue, on an area basis, to operate on an alternate side basis between the hours of 11:00 p.m. and 5:00 a.m., 7 days a week, and be included in permit parking area 7K;
- (2) rescind the existing no parking anytime restriction on the north side of Floyd Avenue, between Burley Avenue and Bater Avenue; and
- (3) authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of all necessary bills.”

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 256)

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.

4.105 J(5) Proclamation of Falun Dafa Week: May 9 – 15, 2005

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

Moved by: **Councillor Walker**

Seconded by: **Councillor Balkissoon**

“**WHEREAS** former Mayor Mel Lastman wrote a congratulatory letter to the Falun Dafa conference in May 1999; and

WHEREAS since 1994 Falun Dafa, the peaceful exercise and philosophical practice based on the principles of Truthfulness, Compassion and Tolerance, has become part of the community with over 30 practice sites across the GTA, in English, Chinese, Polish, Albanian, Korean, and Spanish etc, and bringing many health and social benefits as affirmed by the Governor General of Canada and by the Minister of Canadian Heritage; and

WHEREAS for the last five years, Falun Gong practitioners have hosted the beautiful Truth Compassion Tolerance Day in the month of May for the Toronto community at Nathan Phillips Square, and have been invited to join Christmas, Canada Day and Victoria Day Parades throughout the City; and

WHEREAS more than 800 Mayors in North America including over 100 in Canada, including the Mayor of Ottawa, Bob Chiarelli, have awarded Falun Dafa proclamations to celebrate Falun Dafa Day/week; and

WHEREAS approximately 100,000 Torontonians have signed petitions to support Falun Gong practitioners right to practice their beliefs without discrimination or persecution in China; and

WHEREAS Mayor David Miller proclaimed May 2004 as ‘Asian Heritage Month’ in the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council proclaims the week of May 9 to May 15, 2005, ‘Falun Dafa Week’ or ‘Truth-Compassion-Tolerance Week’ in celebration of the 13th anniversary of the public practice and its benefit to Toronto.”

Fiscal Impact Statement:

City Council had before it, for consideration with 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 256)

Council also had before it, for consideration with Motion J(5), a communication (April 13, 2005) from John Zhang, Secretary General, Falun Dafa Association of Canada, forwarding approximately

22 form letters from individuals and organizations in support of this Motion.

Ruling by Mayor:

Mayor Miller ruled Motion J(5) out of order as a similar Notice of Motion had previously been ruled out of order by City Council at its Special meeting on April 15 and 16, 2004.

Councillor Walker challenged the ruling of the Mayor:

Vote to Uphold Ruling of Mayor:

Yes - 29	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson
No - 8	
Councillors:	Ashton, Balkissoon, Del Grande, Jenkins, Nunziata, Pitfield, Walker, Watson

Carried by a majority of 21.

4.106 J(8) 925 Weston Road – Opposition to Application for a Liquor Licence

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 Li Preti

“**WHEREAS** the City Councillor has been advised that the Alcohol and Gaming Commission of Ontario (AGCO) will be considering a Notice of Proposal to Review/Refuse a Transfer Corporate Rollover Application by the occupants of 925 Weston Road to allow the occupants to sell alcohol at these premises; and

WHEREAS the City Councillor has been advised by the Toronto Police Service of numerous Provincial Offence violations emanating from the numerous licensed establishments

already existing in the immediate area of this location; and

WHEREAS the Toronto Police Service has further advised that there have been criminal activities and arrests emanating from the immediate area of this location; and

WHEREAS the Toronto Police Service has expressed concerns about the generally high crime rate of the area, how the activities in the licensed establishments are contributing the to crime in the area, as well as the resulting consequences from the lack of parking to service these establishments; and

WHEREAS the City Councillor has also received complaints from residents regarding the misconduct of patrons from licensed establishments located in the immediate vicinity; and

WHEREAS the past and present conduct of patrons of this establishment and other nearby licensed establishments affords reasonable grounds to believe that a granting of a liquor licence at 925 Weston Road may result in the behaviour of a certain and significant number of patrons not being in accordance with the law, and combined with the other concerns noted above, demonstrates that any transfer or expansion of the existing liquor licence and/or any new application for a new sales licence for 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 advise the Alcohol and Gaming Commission of the City of Toronto's opposition to any applications to transfer or expansion of any existing liquor licence or caterer's endorsement and/or any new applications for these premises and/or or adjacent or related addresses;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor to advise the AGCO that it opposes the current Transfer Corporate Rollover Application and any new or subsequent applications for the transfer or expansion of the existing liquor licence or caterer's endorsement for these premises and/or adjacent or related addresses and/or applications for a new liquor sales licence, and further instructs that a copy of this resolution be provided to the AGCO;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving these premises to oppose the current Transfer Corporate Rollover Application, and any such applications for new liquor licence or transfer or expansion of the current liquor licence, and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO which relate to 925 Weston Road."

Advice by Mayor Miller:

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 Etobicoke York Community Council would have to be waived, in order to now consider this 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 256)

Procedural Vote:

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

Vote:

Motion J(8) was adopted, without amendment.

4.107 J(9) Amendment to Council Authority for the Transitional Housing Project at the North/West Corner of Wellesley/Sherbourne (Ward 27 – Toronto-Centre Rosedale)

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction 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 Wellesley Central Health Corporation was approved by Council at its meeting of March 1, 2 and 3, 2004, for \$2,350,000.00 in funding from the net proceeds of the sale of the Princess Margaret Hospital for a transitional housing project at the north/west corner of Wellesley Street and Sherbourne Street (referred to in previous reports as the north/east corner); and

WHEREAS a separate corporation was incorporated on July 30, 2004 named Wellesley Central Residences Inc. to be responsible for the development and long-term management of the housing project; and

WHEREAS Wellesley Central Residences Inc. was approved by Council for

\$3,972,600.00 Supporting Communities Partnership Initiative (SCPI) funding and \$441,400.00 in funding from the Mayor's Homelessness Initiative Reserve Fund at its meeting held September 28, 29, 30 and October 1, 2004, for the development of a transitional housing project of 112 units at the north/west corner of Wellesley/Sherbourne; and

WHEREAS the project is proceeding to construction and has incurred costs that need to be reimbursed and the Princess Margaret Hospital funding is to be expended by March 31, 2006;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) all references in the report and appendices contained in Policy and Finance Committee Report 2, Clause 29, as adopted by City Council at its meeting held on March 1, 2 and 3, 2004, be amended such that the name Wellesley Central Health Corporation be deleted and replaced with the name Wellesley Central Residences Inc.;
- (2) authority be granted to the General Manager of Shelter, Housing and Support to enter into a SCPI Funding Agreement, together with any other agreements deemed appropriate by the General Manager, to give effect to the recommendation cited above, on terms and conditions satisfactory to the General Manager, and in a form acceptable to the City Solicitor, with Wellesley Central Residences Inc. for the development and provision of transitional housing at the north/west corner of Wellesley/Sherbourne; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Advice by Mayor Miller:

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 Community Services Committee would have to be waived, in order to now consider this 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 256)

Procedural Vote:

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

Vote:

Motion J(9) was adopted, without amendment.

4.108 **J(10) Recognition of Contribution of Those Involved with Enhancements to the Churchill Statue in Nathan Phillips Square**

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 Rae

“**WHEREAS** in 2004, a project to further complement the Churchill Statue in Nathan Phillips Square with trees, eight additional park benches and four plaques detailing Churchill’s life and achievements, was undertaken by the two Toronto based Churchill Societies, notably the International Churchill Society-Canada and the Churchill Society for the Advancement of Parliamentary Democracy; and

WHEREAS on June 6, 2004, Mayor David Miller re-dedicated the site of the Churchill Statue marking the 60th Anniversary of D-Day; and

WHEREAS Toronto organization members, along with generous donations from members in six Provinces, raised \$29,000.00 in order to complete the enhancements to this site in Nathan Phillips Square; and

WHEREAS the following individuals and organizations contributed to this project:

- Charles and Anne Anderson;	- Donald B. Rix;
- J. Gordon Arnold;	- Sue and Peter Russell;
- Garnet R. and Solveig Barber;	- Daniel P. Tisch;
- Edward and Jocelyn Badovinac;	- F. Barlett and Lucienne Watt;
- Glenn H. Carter;	- Bernard and Jeanette Webber;
- The Chataways of Lindsay, Ontario;	- P. Michael Wilson;
- Philip R. Gosling of Guelph, Ontario;	- The Great War Applied History
- John R. Hewson;	Museum;

<ul style="list-style-type: none">- Henry N.R. Jackman;- Peter K. Large;- John G. and Ruth Plumptre;- Terry and Frances Reardon;	<ul style="list-style-type: none">- The St. George's Society of Toronto;- International Churchill Society – Canada;- Churchill Society for the Advancement of Parliamentary Democracy;
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NOW THEREFORE BE IT RESOLVED THAT the City Clerk, on behalf of the Members of Council, recognize the contributions, work and dedication of these individuals and associations and encourage residents and visitors to Toronto to visit this site.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(10) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted unanimously.

4.109 **J(11) Recorded Vote Participation**

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 Ford

“WHEREAS once a person is elected to public office at the municipal level, he or she has in effect made a commitment to be present to cast votes that should represent a combination of their conscience and the wishes of their constituents; and

WHEREAS in the democratic process practised in freely elected governments, the vote is the essence of a conscientious participation in the system; and

WHEREAS it is a cornerstone of good government that the decisions reached are made in an open and transparent forum; and

WHEREAS the pattern of votes cast by any municipal politician becomes the basis of a public record of their positions and achievements; and

WHEREAS since the yearly schedule of Council meetings is voted on by Council and is well known in advance, there is very little reason for a Councillor not to be in attendance to vote; and

WHEREAS the agenda is made available to Councillors prior to the Council meetings, in order to help prepare them to express opinions and ultimately record their vote; and

WHEREAS the Toronto Council Chamber is equipped with electronic technology to record votes so that there can be no reason for confusion as to intent and timing of the vote; and

WHEREAS the involvement of decision-making begins at the Committee level and proceeds to the Council meeting, giving plenty of opportunity for a Councillor to understand the content and effect of a motion; and

WHEREAS appropriate City staff are present in the Council Chamber to explain details and the impact of motions on budget and other fiduciary matters; and

WHEREAS the proceedings of Council and its determinations that are available on cable television and other media coverage are extensive, which allows Councillors to be informed while seated in their offices; and

WHEREAS the Council Chamber is located in close proximity to the offices of the Mayor and Councillors; and

WHEREAS snacks and refreshments are provided on Council day to help sustain Councillors while they deliberate; and

WHEREAS Robert’s Rules of Order and the obligations of the Chair prevent precipitous

curtailment of debate, allowing full disclosure of facts on even the most confusing of issues; and

WHEREAS given the availability of information on both issues and their route to the Council floor, there is little reason for absenteeism when votes are to be cast; and

WHEREAS the financial difficulties currently facing the City call for total attention to spending decisions inherent in motions coming before Council;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to amend the *Municipal Elections Act* to require that the proclamation declaring the date and rules of the next and subsequent municipal elections include the number of recorded votes taken over the previous term and the percentage of votes cast by each Councillor;

AND BE IT FURTHER RESOLVED THAT the voting attendance records be attached to the annual report that lists the office expenses of the individual Councillors.”

Advice by Mayor Miller:

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 Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with 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 256)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Administration Committee was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, De Baeremaeker, Del Grande, Feldman, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 13	

Councillors:	Cho, Cowbourne, Davis, Di Giorgio, Filion, Grimes, Jenkins, Mammoliti, McConnell, Mihevc, Ootes, Pitfield, Rae
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Lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(11) was referred to the Administration Committee.

4.110 **J(12) Statutory Offers of Compensation – Expropriations for North York Centre Plan Service Road**

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

Moved by: Councillor Filion

Seconded by: Councillor Walker

“**WHEREAS** City Council, at its meeting of October 26, 27 and 28, 2004, adopted Administration Committee Report 8, Clause 9, headed ‘Expropriations for the North York Centre Plan Service Road of Six Parcels of Land: 25 and 27 Holmes Avenue; Parts of 21, 26 and 33 Holmes Avenue and Part of 482 Kenneth Avenue’; and

WHEREAS title to the said parcels of land was vested in the City on January 25, 2005 by the registration of Expropriation Plans AT715113 and AT715116; and

WHEREAS pursuant to the *Expropriations Act*, the City is required to make offers of full compensation to the registered owners of the parcels by April 25, 2005, which is prior to City Council’s next meeting on May 17, 18 and 19, 2005; and

WHEREAS the Commissioner of Corporate Services has submitted a confidential report (April 8, 2005) to City Council recommending the amount of compensation to be offered to each owner;

NOW THEREFORE BE IT RESOLVED THAT City Council (In Camera) give consideration to the confidential report (April 8, 2005) from the Commissioner of Corporate Services, entitled ‘Statutory Offers of Compensation - Expropriations for North York Centre Plan Service Road (Ward 23 – Willowdale)’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor Miller:

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 Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Procedural Vote:

The vote to waive referral of Motion J(12) 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(12), a confidential report (April 8, 2005) from the Commissioner of Corporate Services.

Vote:

Motion J(12) was adopted, without amendment.

Summary:

In adopting Motion J(12), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (April 8, 2005) from the Commissioner of Corporate Services. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.

4.111 J(13) Monthly Maintenance of Canadian Flags on Municipal Facilities

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: **Councillor Stintz**

“WHEREAS the Canadian flag was proclaimed as the national flag of our nation on February 15, 1965; and

WHEREAS many City-operated and owned facilities proudly fly the Canadian flag; and

WHEREAS the Canadian flag shows enormous pride in our Country and is a universal symbol of our respect for our nation; and

WHEREAS veterans have fought long and hard to protect the integrity of what our flag stands for; and

WHEREAS the Canadian flag should be treated with respect to appreciate the history behind the flag; and

WHEREAS I have received complaints from many residents regarding the condition of several Canadian flags flying on Municipal buildings and facilities; and

WHEREAS there have been several flags flying on official City of Toronto buildings and properties having endured visible weathering and deterioration;

NOW THEREFORE BE IT RESOLVED THAT all concerned City Departments, Agencies, Boards and Commissions put in place a monthly maintenance schedule to ensure flags are maintained;

AND BE IT FURTHER RESOLVED THAT all appropriate City staff, as part of their monthly inspection, ensure that all Canadian flags maintain their visual integrity and are presentable.”

Advice by Mayor Miller:

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 Administration Committee would have to be waived, in order to now consider this 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 256)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(13) was adopted, without amendment.

4.112 **J(14) Bill 60, an Act to Amend the Ontario Heritage Act**

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 Pitfield

“WHEREAS the Government of Ontario has introduced Bill 60, an Act to Amend the *Ontario Heritage Act*; and

WHEREAS the provisions of this Bill will enable municipalities and the Ontario Municipal Board to deny applications to demolish heritage buildings; and

WHEREAS there are several heritage buildings in Toronto that are currently in danger of being demolished if this Bill is not enacted quickly; and

WHEREAS City Council has sent a delegation to the Provincial Committee considering Bill 60 to speak in favour of the legislation; and

WHEREAS the Government of Ontario has not moved to set a date for third reading of Bill 60;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to write to both the Premier and the Minister of Culture strongly encouraging the Government of Ontario to adopt this Bill before the current sitting of the Legislature ends.”

Advice by Mayor Miller:

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 Economic Development and Parks Committee would have to be waived, in order to now consider this 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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

4.113 J(15) Mirvish Village Business Improvement Area

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Mihevc

“WHEREAS the owners and business operators have established a Mirvish Village Business Improvement Area Steering Committee who have defined an area, have communicated their intentions to the business owners and operators and have held a formal public meeting; and

WHEREAS the Steering Committee, in conjunction with the Business Improvement Area Office, hosted a successful formal information meeting on March 30th, 2005, with affected stakeholders who voted unanimously to move to the next step and undertake a poll; and

WHEREAS the Steering Committee has written to the Commissioner of Economic Development, Culture and Tourism detailing these events and expressing their desire to form a BIA; and

WHEREAS pending a favourable poll, the Steering Committee has expressed their strong desire to have Mirvish Village Business Improvement Area designated before Mr. Ed Mirvish’s 91st birthday on July 24, 2005;

NOW THEREFORE BE IT RESOLVED that the City Clerk be directed, in accordance with the *Municipal Act, 2001*, to send out a notice (poll) of Council's intention to pass a by-law designating the area;

AND BE IT FURTHER RESOLVED THAT the City Clerk report directly on poll results following the 60-day polling period and that the City Solicitor prepare by-laws for the July 19, 2005 meeting of City Council, subject to favourable poll results, under Section 204 of the *Municipal Act, 2001*, and that the appropriate City officials be authorized and directed to take the necessary action to give effect hereto."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(15) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

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 256)

Procedural Vote:

The vote to waive referral of Motion J(15) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(15), 3 maps of the proposed Mirvish Village Business Improvement Area (See Attachment 2, Page 208).

Vote:

Motion J(15) was adopted, without amendment.

4.114 **J(16) Enactment of the Development Approvals for OPA and Rezoning Application 04 160357 ESC 38 OZ, The Goldman Group Lands Adjacent to Albert Campbell Square**

Councillor De Baeremaeker 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 De Baeremaeker**

Seconded by: **Councillor Thompson**

“**WHEREAS** Toronto City Council on February 1, 2 and 3, 2005, adopted, as amended Scarborough Community Council Report 1, Clause 17, headed ‘Final Report, OPA and Rezoning Application 04 160357 ESC 38 OZ, The Goldman Group (Graziani/Corazza Architects Inc.), Lands Adjacent to Albert Campbell Square, Progress Employment District (Ward 38 – Scarborough Centre)’; and

WHEREAS staff Recommendation (7) of the report (January 5, 2005) from the Acting Director, Community Planning, East District, established conditions to be met prior to the introduction of the necessary Bills to Council for enactment; and

WHEREAS the Land Exchange Agreement with the City respecting the lands adjacent to the Scarborough Civic Centre, east of Albert Campbell Square and extending to Town Centre Court has been executed and approved by City of Toronto Council; and

WHEREAS the City of Toronto and the Owner have entered into an agreement pursuant to Section 37 of the *Planning Act*; and

WHEREAS the City of Toronto and the Owner have made significant progress in the finalization of a Site Plan Agreement under Section 41 of the *Planning Act*; and

WHEREAS the Land Exchange Agreement and the Section 37 Agreement have made provision for the maintenance of the underground parking structure beneath the City’s park, and associated protection of the City’s park;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report 1, Clause 17, headed ‘Final Report, OPA and Rezoning Application 04 160357 ESC 38 OZ, The Goldman Group (Graziani/Corazza Architects Inc.), Lands Adjacent to Albert Campbell Square, Progress Employment District (Ward 38 – Scarborough Centre)’, be re-opened for further consideration, only as it relates to the conditions to be met prior to enactment of the necessary Bills, set out in staff Recommendation (7);

AND BE IT FURTHER RESOLVED THAT Toronto City Council gives leave to introduce and enact the necessary Bills for enactment of the development approvals in advance of the execution of the Site Plan Agreement.”

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 256)

Votes:

The first Operative Paragraph contained in Motion J(16) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(16) was adopted, without amendment.

4.115 **J(17) Prevention of Needless Deaths of Thousands of Migratory Birds per Year in the City of Toronto**

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 Mihevc

“WHEREAS it is estimated that more than 10,000 migratory birds are killed in Toronto each year between the hours of 11:00 p.m. and 5:00 a.m. in collisions with brightly lit office towers; and

WHEREAS it is estimated that more than 97 million migratory birds are killed in North America each year between the hours of 11:00 p.m. and 5:00 a.m. in collisions with brightly lit office towers; and

WHEREAS 64 of the 158 bird species known to hit Toronto buildings are classified as in decline; and

WHEREAS the majority of these deaths are preventable and are due to building lights disorienting the birds, causing them to fly into windows and die as a result of the impact; and

WHEREAS migratory birds play an important ecological role in eating insects and thereby protecting crops; and

WHEREAS migratory birds contribute to a vibrant, healthy, beautiful and liveable city; and

WHEREAS one Chicago study found that simply turning off interior lights and closing drapes after office hours resulted in a roughly 85 percent reduction in bird mortality (dropping from 1,297 birds killed to just 192); and

WHEREAS a voluntary program to reduce bird kills at Metro Hall also resulted in additional benefits, such as a four-million-kilowatt-hour reduction in energy consumption, a 2,400-ton reduction of carbon dioxide emissions, and a \$200,000.00 savings in utility costs per year; and

WHEREAS more than 100 building owners in the City of Toronto have already voluntarily agreed to work towards minimizing nocturnal light emissions during migration seasons;

NOW THEREFORE BE IT RESOLVED THAT City staff report back to both the Policy and Finance Committee and the Planning and Transportation Committee on ways the City of Toronto could reduce bird collision deaths by at least 50 percent and thus, save the lives of 5,000 migratory birds per year as they pass through our City;

AND BE IT FURTHER RESOLVED THAT the report include a set of bird-friendly policies and/or conditions that could be incorporated into the planning and site plan approvals process for the construction of any new buildings in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the report include a set of bird-friendly policies and/or practices that the City could implement internally to ensure that all City-owned buildings minimize the number of migratory bird kills;

AND BE IT FURTHER RESOLVED THAT the report include a set of bird-friendly policies and/or practices that the City could encourage and/or require existing building owners to adopt in order to minimize the number of migratory bird kills;

AND BE IT FURTHER RESOLVED THAT staff be directed to work with other agencies and partners (such as Toronto Hydro, the Fatal Light Awareness Program (FLAP), the Better Building Partnership and the cities of Chicago and New York) in order to identify other ways and means of minimizing the number of migratory bird kills (e.g., shielding street lights) in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the report identify how the City of Toronto could assist in the rescue, rehabilitation and release of migratory birds injured in these office tower collisions in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the report identify ways and means the City of Toronto could participate in a public education campaign that will reduce bird collisions and kills within the City of Toronto.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(17) to the Planning and Transportation Committee was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Ashton, Augimeri, Del Grande, Feldman, Ford, Holyday, Minnan-Wong

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

Motion:

Councillor Holyday moved that Motion J(17) be adopted, subject to adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City staff be requested to consult with the property managers and owners of the affected properties in the downtown area prior to the implementation of any recommended bird-friendly policies.”

Votes:

The motion by Councillor Holyday carried.

Motion J(17), as amended, carried.

4.116 J(18) Same-sex Survivor Benefits

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 Chow and Councillor Giambrone

“WHEREAS the people of Toronto have been in the forefront of efforts to create a compassionate society which recognizes the inherent dignity of all its members; and

WHEREAS Toronto City Council policies and benefits recognize same-sex and opposite-sex spouses as having equal status; and

WHEREAS in 2000, the federal government passed Bill C23, extending benefits and obligations under federal jurisdiction to same-sex couples, excluding survivor’s benefits under the Canada Pension Plan for those whose same-sex partners died before January 1, 1998; and

WHEREAS in 2003, the Ontario Superior Court ruled that same-sex survivors whose partners died before January 1, 1998 but after April 15, 1985 are entitled to equal Canada Pension Plan survivor’s benefits, including arrears dating back to a month following their partner’s death, interest on those arrears and ongoing payments to all same-sex surviving spouses; and

WHEREAS in 2004, the Court of Appeal for Ontario upheld that the exclusion of same-sex survivors whose partners died between April 15, 1985 and January 1, 1998 from Canada Pension Plan is discriminatory and ordered that such surviving spouses be entitled to arrears of one year from the date of the filing of application, interest on those arrears, as well as ongoing payments; and

WHEREAS in 2005, the federal government filed an application for leave to appeal to the Supreme Court of Canada requesting to reverse the decisions of the Divisional Court and the Court of Appeal for Ontario and thus to deny any survivor’s benefits to this vulnerable

group of Canadians; and

WHEREAS in 2005, Mr. Hislop and other Representative Plaintiffs filed an application for leave to appeal to the Supreme Court of Canada requesting to ensure the entitlement to full arrears dating back to a month following death of their partners; and

WHEREAS the City of Toronto is home to many gay and lesbian individuals who are affected by this appeal;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council strongly supports Mr. Hislop's application and requests the Prime Minister of Canada to direct the Attorney General's office not to pursue the appeal of the Court of Appeal for Ontario ruling;

AND BE IT FURTHER RESOLVED THAT Toronto City Council strongly requests the Prime Minister of Canada to take immediate steps to begin payments of survivor's benefits, as well as full arrears to this vulnerable group of Canadians."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

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 256)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Policy and Finance Committee was taken as follows:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Grimes, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

No - 8 Councillors: Ashton, Del Grande, Ford, Giambrone, Holyday, Lindsay Luby, Minnan-Wong, Nunziata

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

Vote:

Adoption of Motion J(18), without amendment:

Yes - 34 Mayor: Miller Councillors: Ashton, Augimeri, Balkissoon, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 6 Councillors: Altobello, Cho, Del Grande, Ford, Holyday, Nunziata

Carried by a majority of 28.

4.117 **J(19) Request for Approval for Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, for Illuminated First Part and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank)**

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 Cowbourne

“**WHEREAS** the applicant applied for a number of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code; and

WHEREAS Council at its meeting of February 16, 2005 did not adopt Etobicoke York Community Council Report 2, Clause 11, which recommended refusal of the variances due to the extent of variance from the by-law; and

WHEREAS no alternatives to the requested variance were considered in the staff report; and

WHEREAS a new report (April 11, 2005) from the Commissioner of Urban Development Services has been prepared recommending the approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code and on the impact of the surrounding neighbourhood by the signs installed at 2267 Islington Avenue;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 2, Clause 11, headed 'Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Illuminated First Party and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank) (Ward 2 - Etobicoke North)', be reopened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (April 11, 2005) from the Commissioner of Urban Development Services."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(19), 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 256)

Council also had before it, during consideration of Motion J(19), a report (April 11, 2005) from the Commissioner of Urban Development Services, entitled "Request for approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Scotiabank, for six additional Illuminated First Party and five (5) Incidental Fascia Signs at 2267 Islington Avenue (new address will be 2251 Islington Avenue). Ward 2 - Etobicoke North" (See Attachment 3, Page 211).

Votes:

The first Operative Paragraph contained in Motion J(19) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(19) was adopted, without amendment.

Summary:

In adopting Motion J(19), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 11, 2005) from the Commissioner of Urban Development Services:

“It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits.”

4.118 J(20) Ontario Municipal Board Hearing – 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:

Moved by: Councillor Milczyn

Seconded by: Councillor Hall

“**WHEREAS** City Council, at its meeting of February 1, 2 and 3, 2005, adopted without amendment Etobicoke York Community Council Report 1, Clause 29, headed ‘Final Report – Official Plan Amendment and Rezoning Applications, Applicant: Sherway Gate Development Corporation, Sol Wassermuhl, Page & Steele Architects, 700 Evans Avenue (Ward 5 – Etobicoke-Lakeshore)’; and

WHEREAS the City Solicitor has prepared a confidential report with further information respecting the Ontario Municipal Board hearing relating to the application for 700 Evans Avenue; and

WHEREAS consideration of this matter by Council is required on an urgent basis in relation to the Ontario Municipal Board hearing commencing on May 16, 2005;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the confidential report (April 4, 2005) of the City Solicitor.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(20), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, for consideration with Motion J(20), a confidential report (April 4, 2005) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.

Ruling by Mayor:

Mayor Miller ruled Motion J(20) out of order as Council had previously made a decision respecting this Application.

4.119 **J(21) Request from the Ontario Fallen Fire Fighters Memorial Foundation for Temporary Street Closings – Queen’s Park Circle East from College Street to Grosvenor Street – June 5, 2005**

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

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** an application has been received from the Ontario Fallen Fire Fighters Memorial Foundation to close Queen’s Park Circle East (northbound lanes) from College Street to Grosvenor Street and to close the curb lanes on College Street between Elizabeth Street and University Avenue on Sunday, June 5, 2005, from 11:00 a.m. until 5:00 p.m.; and

WHEREAS the purpose of this lane closure is to dedicate a memorial to fallen fire fighters; and

WHEREAS City Council at its meeting of February 1, 2 and 3, 2005, placed a moratorium on further street closures on June 5, 2005;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Works Committee Report 2, Clause 6, headed ‘F.G. Gardiner Expressway and Don Valley Parkway Closure - Heart and Stroke Foundation of Ontario “2005, 2006 and 2007 Ride for Heart” (Various Wards)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council waive the provisions of the

moratorium on street closures for this event and that the application for a temporary street closing be approved.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Votes:

The first Operative Paragraph contained in Motion J(21) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(21) was adopted, without amendment.

4.120 J(22) Water Resolution

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

Moved by: Councillor Mihevc

Seconded by: Councillor Saundercook

“**WHEREAS** March 22, 2005, was World Water Day; and

WHEREAS one in six people in the world do not have access to clean drinking water; and

WHEREAS the UN Conference on Water in 1977 in Mar del Plata affirmed the right of all persons to access clean drinking water in order to satisfy their fundamental needs; and

WHEREAS current World Bank loans for water services in developing countries frequently require the privatization of those services or an increase in water prices, thereby jeopardizing citizens’ access to safe drinking water; and

WHEREAS the Canadian Catholic Organization for Development and Peace has asked Canadian municipalities to assist in its effort to have the federal government recognize water as a common good and access to drinking water as a basic human right; and

WHEREAS the regional Council of Halifax and numerous City Councils in Quebec have

passed similar resolutions;

NOW THEREFORE BE IT RESOLVED THAT this Council recognize and affirm that:

- water is a sacred gift that connects all life;
- access to clean water is a basic human right;
- the value of Earth's fresh water to the common good takes priority over any possible commercial value;
- fresh water is a sacred legacy, a public trust, and a collective responsibility;

AND BE IT FURTHER RESOLVED THAT this Council call upon the federal government to urge the World Bank to ensure access to clean, affordable water for the world's poor, and strengthen the role of the public sector and individual communities in setting water policies and delivering and regulating water services.”

Advice by Mayor Miller:

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 Works Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

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

Vote:

Motion J(22) was adopted, without amendment.

4.121 **J(23) Banner for Wabash Community Centre Project**

Councillor Watson 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 Watson**

Seconded by: **Councillor Walker**

“**WHEREAS** the proposed Wabash Community Centre located at 40 Wabash Avenue will be an integral part of the local community and Ward 14 as a whole; and

WHEREAS the Roncesvalles-Macdonell Residents’ Association and the Build Wabash Now Committee have requested permission to erect a temporary banner at the site of the proposed community centre; and

WHEREAS the purpose of the banner is to promote the Wabash Community Centre Project and to invite community participation in the planning and implementation of the proposed new community centre; and

WHEREAS City staff have expressed no concerns about the request to erect a banner; and

WHEREAS the applicant is a non-profit organization composed of volunteers from the neighbourhood who are devoting their own time and resources to this community effort;

NOW THEREFORE BE IT RESOLVED THAT City Council direct that all application and processing fees for the placement of the Wabash Community Centre Project banner at 40 Wabash Avenue be waived.”

Advice by Mayor Miller:

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 this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), 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 5, Page 264)

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 sketch of the temporary banner

proposed to be erected at 40 Wabash Avenue, which reads “Support the Dream in Sorauren Park, Wabash Community Centre Project”, which is on file in the City Clerk’s Office.

Vote:

Motion J(23) was adopted, without amendment.

4.122 **J(24) Appointment to Yonge-Dundas Square Board of Management**

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** on December 10, 2003, City Council appointed members to the Board of Management of the Yonge-Dundas Square for the 2003-2006 term; and

WHEREAS Section 636-7 of the Municipal Code sets out the structure of the Board, which is to be comprised of 13 members including one representing Ryerson University; and

WHEREAS the Ryerson University representative that Council appointed, Ms. Lisa Nassim, has left Ryerson; and

WHEREAS Ryerson University has nominated John Corallo, Director of Ancillary Services, as its new representative on the Yonge-Dundas Square Board of Management;

NOW THEREFORE BE IT RESOLVED that Toronto City Council appoint Mr. John Corallo to the Yonge-Dundas Square Board of Management as the Ryerson University representative for the remainder of the 2003-2006 term;

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 Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

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 256)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

4.123 J(25) Request for City Legal Representation at OMB Appeal for 44 Old Forest Hill Road

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

Moved by: Councillor Walker

Seconded by: Councillor Rae

“WHEREAS the City of Toronto has a responsibility to maintain and protect neighbourhoods and public spaces from the adverse impacts of adjacent development; and

WHEREAS the Committee of Adjustment refused an application for minor variances at 44 Old Forest Hill Road (attached); and

WHEREAS Urban Development Services staff opposed the application due to negative impact on the neighbouring dwelling and the public realm; and

WHEREAS the City Solicitor and City Planning staff appeared at the Ontario Municipal Board in support of a Committee of Adjustment refusal of a very similar application last year; and

WHEREAS the North Hill Residents’ Association also opposed the application;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor and Planning staff be requested to appear at the Ontario Municipal Board hearing to support the refusal of the

Committee of Adjustment at 44 Old Forest Hill Road.”

Advice by Mayor Miller:

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 Toronto and East York Community Council would have to be waived, in order to now consider this 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 256)

Procedural Vote:

The vote to waive referral of Motion J(25) 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(25), a Notice of Decision (March 10, 2005) 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(25) was adopted, without amendment.

4.124 **J(26) To Revise the Reasons for Listing for 111 St. Clair Avenue West (Imperial Oil Building)**

Councillor Walker 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 Walker

Seconded by: Councillor Rae

“**WHEREAS** City Council listed the property at 111 St. Clair Avenue West (Imperial Oil Building) on the City’s Inventory of Heritage Properties at its meeting of February 1, 2 and 3, 2005; and

WHEREAS Toronto and East York Community Council Report 1, Clause 21, headed 'Inclusion on the City of Toronto Inventory of Heritage Properties - 111 St. Clair Avenue West (Imperial Oil Building) (St. Paul's, Ward 22)', recommended listing of this property with the Reasons for Listing contained in the Comments section of the report (October 20, 2004) from the Commissioner of Economic Development, Culture and Tourism; and

WHEREAS this Clause also contained a communication from the Toronto Preservation Board recommending listing of this property but with different Reasons for Listing than those recommended by the Community Council and adopted by Council; and

WHEREAS the Reasons for Listing contained in the Toronto Preservation Board report corrected minor inaccuracies and clarified the Reasons for Listings contained in the Community Council report, at the request of the owner and with the concurrence of staff;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 1, Clause 21, headed 'Inclusion on the City of Toronto Inventory of Heritage Properties - 111 St. Clair Avenue West (Imperial Oil Building) (St. Paul's, Ward 22)', be re-opened for further consideration, only as it pertains to the Reasons for Listing;

AND BE IT FURTHER RESOLVED THAT City Council substitute the Reasons for Listing contained in the Toronto Preservation Board recommendation report for the Reasons for Listing contained in the original report in Toronto and East York Community Council Report 1, Clause 21."

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 no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Council also had before it, during consideration of Motion J(26), the Revised Reasons for Listing (January 13, 2005) as recommended by the Toronto Preservation Board, for 111 St. Clair Avenue West. (See Attachment 4, Page 216.)

Votes:

Adoption of the first Operative Paragraph contained in Motion J(26):

Yes - 40	
Mayor:	Miller

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Del Grande, Holyday

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

Adoption of the balance of Motion J(26), without amendment:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Del Grande, Ford, Holyday

Carried by a majority of 36.

4.125 **J(28) Accessible Taxicab Plates**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“**WHEREAS** existing accessible taxicab services have been contracted to the Toronto Transit Commission, which has the effect of making immediate taxi service virtually

impossible; and

WHEREAS persons with disabilities are limited, due to the lack of immediate taxi services, in their transportation options to using Wheel Trans, which they must secure a day in advance; and

WHEREAS persons with disabilities are discriminated against by the practice of charging a flat rate rather than a meter rate, which is often a higher amount; and

WHEREAS persons with disabilities have little or no ability to hail a taxi from the street; and

WHEREAS Toronto taxicabs often charge extra for 'tie-down' costs, unlike in the USA where such practices are deemed illegal;

NOW THEREFORE BE IT RESOLVED THAT the Executive Director, Municipal Licensing and Standards, be requested to report to the Planning and Transportation Committee on the feasibility of increasing the number of accessible taxicab plates issued;

AND BE IT FURTHER RESOLVED THAT the City give notice that it intends to consider enacting new regulations that prevent discriminatory fees and practices, and the matter be referred to the Planning and Transportation for a public hearing under the *Municipal Act, 2001*;

AND BE IT FURTHER RESOLVED THAT City staff seek input from the disabled community on these issues.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(28), 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 256)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Planning and Transportation Committee was taken

as follows:

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

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

Disposition:

Motion J(28) was referred to the Planning and Transportation Committee.

4.126 **J(29) Use and Form of Employment Contracts for Senior Staff**

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Deputy Mayor Feldman

“WHEREAS Council, at its meeting of November 30, December 1 and 2, 2004, directed the Mayor to retain an external legal firm to provide advice on the form and use of employment contracts used for senior staff and report back to Council on any recommended changes; and

WHEREAS the Mayor submitted his report to the Employee and Labour Relations Committee as the appropriate venue for discussion of employment related matters; and

WHEREAS the recommendations in the report are time sensitive and are required to be resolved at the same Council meeting as other matters related to the implementation of the new administrative model;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the recommendations of the Employee and Labour Relations Committee contained in the confidential communication dated April 7, 2005, from the Committee.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(29), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, during consideration of Motion J(29), the following:

- Confidential communication (April 7, 2005) from the Employee and Labour Relations Committee. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations; and
- Confidential report (March 29, 2005) from Mayor Miller. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations.

Motion:

Councillor Ashton moved that Motion J(29) be adopted, subject to adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Manager be requested to use the results of the review of the compensation and benefit policies for senior staff in informing potential changes to future salary and benefit packages for City Councillors.”

Votes:

The motion by Councillor Aston carried.

Motion J(29), as amended, carried.

Summary:

In adopting Motion J(29), as amended, Council adopted, without amendment, the recommendations contained in the Recommendations Section of the confidential communication (April 7, 2005) from the Employee and Labour Relations Committee. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations.

4.127 **J(30) To state an Intention to Designate the Property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the *Ontario Heritage Act***

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, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Jenkins

Seconded by: Councillor Pitfield

“**WHEREAS** 49 Highland Crescent is listed on the City’s Inventory of Heritage Properties; and

WHEREAS the property at 49 Highland Crescent contains a building completed in 1935 as the combined residence and studio of Jacobine Jones, the renowned Canadian sculptor and is architecturally significant as a well-executed example of the Colonial Revival style that was designed by the notable Toronto architectural firm of Marani, Lawson and Morris; and

WHEREAS the property at 49 Highland contributes contextually to the York Mills neighbourhood that attracted a community of prominent Canadian artisans during the early part of the 20th century, including artist C. W. Jefferys; and

WHEREAS the City of Toronto received residential demolition application No. 05-114927 for the property at 49 Highland Crescent; and

WHEREAS the City has been required to issue a demolition permit for the building because the former City of North York demolition control By-law 29695 exempts single detached residential buildings; and

WHEREAS the property owner must apply for permission to demolition under Section 34 of the *Ontario Heritage Act* should City Council state its intention to designate the property; and

WHEREAS stating an intention to designate the property can delay the demolition of the residence and allow time for staff to continue to negotiate with the property owner to preserve the character-defining elements of the building; and

WHEREAS at its meeting of April 7, 2005, the Toronto Preservation Board recommended that City Council state its intention to designate the property at 49 Highland Crescent (Jacobine Jones House);

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendation of the Toronto Preservation Board contained in the attached communication from the Board (April 8, 2005).”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(30) 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(30), the following (See Attachment 5, Page 217):

- communication (April 8, 2005) from the Toronto Preservation Board, entitled “49 Highland Crescent (Jacobine Jones House) – Intention to Designate under Part IV of the *Ontario Heritage Act* (Ward 25 Don Valley West)”; and
- report (March 29, 2005) from the Commissioner of Economic Development, Culture and Tourism.

Vote:

Motion J(30) was adopted, without amendment.

Summary:

In adopting Motion J(30), without amendment, Council adopted, without amendment, the following recommendation of the Toronto Preservation Board:

“The Toronto Preservation Board recommended to the North York Community Council that City Council adopt the following staff recommendations in the Recommendations Section of the report (March 29, 2005) from the Commissioner of Economic Development, Culture and Tourism:

‘It is recommended that:

- (1) Council state its intention to designate the property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the *Ontario Heritage Act*;
- (2) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the Solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (3) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

4.128 **J(31) Appointments to Wexford Heights Business Improvement Area Board of Management**

Councillor Thompson 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 Thompson

Seconded by: Councillor De Baeremaeker

“**WHEREAS** Council approved the establishment of the Wexford Heights Business Improvement Area at its meeting on March 1, 2 and 3, 2004; and

WHEREAS Section 204 of the *Municipal Act, 2001*, requires that Council appoint members to BIA Boards of Management; and

WHEREAS the Wexford Heights BIA Board of Management adopted a motion on February 4, 2005 to add three new Board members to the BIA Board of Management (Mr. Paul O’Connor, Mr. Hussein Ayoub, and Mr. Everett Barrow), which requires an

amendment to Toronto Municipal Code Chapter 19, Business Improvement Areas;

NOW THEREFORE BE IT RESOLVED THAT Council appoint the three persons noted above to the Wexford Heights Business Improvement Area Board of Management and amend the City of Toronto Municipal Code Chapter 19, 'Business Improvement Areas' accordingly, to increase the number of members of the Board from 11 to 14."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the Economic Development and Parks Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

4.129 J(32) New Toronto Industrial Zoning Area

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: Councillor Jenkins

“WHEREAS there has been significant community concerns identified in the New Toronto Industrial area; and

WHEREAS the present zoning categories allow for heavy industrial uses in close proximity

to residential areas; and

WHEREAS there is an application for a concrete batching facility which is permitted immediately adjacent to a residential area; and

WHEREAS there has been significant community consultation regarding the appropriate industrial uses in relation to being adjacent to a residential area;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff review the applicability of the industrial zoning category in New Toronto in consultation with the local community and Industrial Association;

AND BE IT FURTHER RESOLVED THAT, as the City of Toronto is currently undertaking a review of the zoning code, including industrial categories on a City-wide basis, the Commissioner of Urban Development Services be requested to ensure that the New Toronto Industrial area be included in this review.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

4.130 **J(33) Toronto City Centre Airport Community Advisory Committee**

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

Moved by: Councillor McConnell

Seconded by: Councillor Chow

“**WHEREAS** Council, by adopting Notice of Motion J(6), as amended, on October 26, 27 and 28, 2004, re-established the Toronto City Centre Airport Community Advisory Committee with a composition to include representatives from key community stakeholder groups and area Councillors, and an ideal size of 15 members; and

WHEREAS Councillors Chow, Kelly and Mammoliti, Councillor Del Grande as an alternate, and 11 citizen members were appointed to the Toronto City Centre Airport Community Advisory Committee for a term of office ending May 31, 2005; and

WHEREAS the Toronto Islands are in Councillor McConnell’s Ward;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(6) moved by Councillor Chow, seconded by Deputy Mayor Bussin, respecting the Reconstitution of the Toronto City Centre Airport Advisory Committee, be re-opened for further consideration, only as it relates to the appointment of Councillor members;

AND BE IT FURTHER RESOLVED THAT Councillor McConnell be appointed to the Toronto City Centre Airport Community Advisory Committee for a term of office ending May 31, 2005 and until a successor is appointed, and that the relevant sections of Chapter 27 of the City of Toronto Municipal Code, Council Procedures, be waived, in order to permit this appointment.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(33), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Votes:

The first Operative Paragraph contained in Motion J(33) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(33) was adopted, without amendment.

4.131 **J(34) Interim Report of the Integrity Commissioner**

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Deputy Mayor Bussin

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and **WHEREAS**, in accordance with the duties established by Council, the Integrity Commissioner has submitted a report dated April 11, 2005, providing Council with an account of his activities since his appointment;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated April 11, 2005, from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(34), 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 256)

Council also had before it, during consideration of Motion J(34), a report (April 11, 2005) from the Integrity Commissioner, entitled “Interim Report”. (See Attachment 6, Page 222.)

Vote:

Motion J(34) was adopted, without amendment.

Deputy Mayor Feldman in the Chair.

Motion to Re-Open:

Mayor Miller moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(34) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller in the Chair.

Motion:

Mayor Miller, with the permission of Council, moved that Motion J(34) be referred to the City Manager for report to City Council, through the Policy and Finance Committee, on the recommendations of the Integrity Commissioner.

Vote on Referral:

The motion by Mayor Miller carried.

4.132 **J(35) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 1)**

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Deputy Mayor Bussin

“WHEREAS City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report dated April 5, 2005, forwarding a confidential attachment in response to a complaint of Violation of the Councillor's Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated April 5, 2005, from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(35), a confidential Fiscal Impact Statement from the Chief Financial Officer and Treasurer.

Council also had before it, during consideration of Motion J(35), the following:

- public report (April 5, 2005) from the Integrity Commissioner, entitled "Report on Complaint of Violation of Councillor's Code of Conduct" (See Attachment 7, Page 234); and
- confidential communication (March 15, 2005) from the Integrity Commissioner. This communication remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

Vote:

Motion J(35) was adopted, without amendment.

Summary:

In adopting Motion J(35), without amendment, Council received the public report (April 5, 2005) from the Integrity Commissioner, which contained the following recommendation:

"It is recommended that Council receive this report (including the confidential attachment)."

4.133 **J(36) Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct (Complaint 2)**

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Deputy Mayor Bussin

"**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report dated April 6, 2005, in response to a complaint of Violation of the Councillor's Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated April 6, 2005, from the Integrity Commissioner, and that the recommendations contained in the recommendations section of the report be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(36), 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 256)

Council also had before it, during consideration of Motion J(36), a report (April 6, 2005) from the Integrity Commissioner, entitled “Report on Complaint (2)” (See Attachment 8, Page 236).

Vote:

Motion J(36) was adopted, without amendment.

Summary:

In adopting Motion J(36) without amendment, Council adopted, without amendment, the following recommendations contained in the Recommendations Section of the report (April 6, 2005) from the Integrity Commissioner:

“It is recommended that:

- (1) Council receive this report (including the attachment); and
- (2) in the current review of the City's procedural by-law, consideration be given to including a protocol under which members of the public and staff have the right to complain to Council that the behaviour of Councillors in Council or Committee has violated the Code of Conduct, and providing that Council, either of its own initiative or on the complaint of a citizen or a staff member, may refer to the Integrity Commissioner issues of Code of Conduct violations in Council or in Committee.”

4.134 J(37) Report of Integrity Commissioner on Alleged Leak of Name of Nominee to City Position on Toronto Police Services Board

Mayor Miller, with the permission of Council, 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: Mayor Miller

Seconded by: Deputy Mayor Feldman

“WHEREAS City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report dated April 12, 2005, forwarding a report on his investigation into the alleged leak of the name of the nominee for a position on the Toronto Police Services Board;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated April 12, 2005, from the Integrity Commissioner, and that the recommendations contained in the recommendations section of the report be adopted.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion J(37), 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 256)

Council had before it, for consideration with Motion J(37), a report (April 12, 2005) from the Integrity Commissioner, entitled “Alleged Leak of Name of Nominee to City Position on Police Services Board” (See Attachment 9, Page 242).

Motion:

Councillor Ootes moved that Motion J(37) be referred to the City Manager for report to Council, through the Policy and Finance Committee, on the recommendations of the Integrity Commissioner.

Vote on Referral:

The motion by Councillor Ootes carried.

4.135 J(38) Instructions to Staff on Rezoning Application - 5949 Yonge Street

Councillor Shiner 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 Shiner**

Seconded by: **Councillor Ootes**

“**WHEREAS** in 1964, a building permit was issued for the erection of a 15-storey apartment hotel and 158 parking spaces on the subject lands; and

WHEREAS in 1975, O’Shanter Development Company applied for a zoning by-law amendment on the subject lands requesting a change in zoning from R4 to C1 in order to permit parking associated with the commercial operations of Dodge Ontario; and

WHEREAS the aforementioned application was refused and parking associated with the car dealership was deemed an illegal use; and

WHEREAS Municipal Licensing Services has received several complaints from adjacent neighbours complaining about the negative impacts associated with the parking of commercial vehicles on the subject lands; and

WHEREAS in 2002, the owner of the lands again submitted an application to permit the parking of cars associated with the Willowdale Dodge Chrysler car dealership on the subject lands; and

WHEREAS the applicant refuses to remove all cars associated with the dealership from the subject lands;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the owner that the rezoning application will not be processed further until the illegally parked cars are removed from the northern portion of the site.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the North York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(38), a Fiscal Impact Statement from the

Chief Financial Officer and Treasurer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, page 256)

Procedural Vote:

The vote to waive referral of Motion J(38) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(38) was adopted, without amendment.

4.136 **J(39) Request to Receive Voluntary Contribution from Shoppers Drug Mart for Streetscape**

Councillor McConnell 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 McConnell

Seconded by: Councillor Rae

“**WHEREAS** during the review of a site plan application at 351 Queen Street East, representatives of Shoppers Drug Mart expressed an interest in providing a contribution for streetscape improvements; and

WHEREAS we are now in receipt of a voluntary donation in the amount of \$16,391.27 from Shoppers Drug Mart for streetscape improvements in the area of Queen Street East and Parliament Street;

NOW THEREFORE BE IT RESOLVED THAT the funds be received and placed in a capital project account for the purposes of a streetscape improvement project in the area near Queen Street East and Parliament Street;

AND BE IT FURTHER RESOLVED THAT the Ward Councillor work with the local residents through the Corktown Residents and Business Association and the Queen East Business and Residents Association to identify suitable streetscaping and civic improvement projects in the area.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(39), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 265)

Procedural Vote:

The vote to waive referral of Motion J(39) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(39) was adopted, without amendment.

4.137 J(40) Update on Acquisition of Toronto District School Board's Wanita Road Site

Councillor De Baeremaeker 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 De Baeremaeker

Seconded by: Councillor Mihevc

“WHEREAS City Council, at its meeting of February 1, 2 and 3, 2005, adopted Administration Committee Report 9 (2004), Clause 22b, headed ‘Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)’, thereby directing that staff negotiate with the Toronto District School Board (the ‘TDSB’) and report back to the Works Committee with regard to the Wanita Road site; and

WHEREAS the Works Committee, at its meeting of March 8, 2005, had before it a confidential report (March 7, 2005) from the Commissioner of Corporate Services; and

WHEREAS the Commissioner of Corporate Services has submitted a report (April 11, 2005) to City Council; and

WHEREAS this Notice of Motion requires that this matter be re-opened for reconsideration due to ongoing negotiations;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report 9 (2004), Clause 22b, headed 'Possible Acquisition of Toronto District School Board Property Located on Wanita Road for Stormwater Management Purposes (Ward 44 - Scarborough East)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the report (April 11, 2005) from the Commissioner of Corporate Services, entitled 'Update on Acquisition of Toronto District School Board's Wanita Road Site'."

Council also had before it, during consideration of Motion J(40), a report (April 11, 2005) from the Commissioner of Corporate Services, entitled "Update on Acquisition of Toronto District School Board's Wanita Road Site (Ward 44 - Scarborough East)" (See Attachment 10, Page 253).

Votes:

The first Operative Paragraph contained in Motion J(40) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(40) was adopted, without amendment.

Summary:

In adopting Motion J(40), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (April 11, 2005) from the Commissioner of Corporate Services:

"It is recommended that:

- (1) staff be directed to communicate to the Toronto District School Board the City's continued interest in the property for open space purposes and that the City is not interested in a competitive bidding process against developers;
- (2) the Commissioner of Urban Development Services be requested to delay any Official Plan Amendment and Zoning By-law Amendment to redesignate the Wanita Road lands to 'open space' until the TDSB has agreed to sell the subject property to the City; and

- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Deputy Mayor Bussin in the Chair.

4.138 **J(41) Request for Direction Report, Site Plan Appeal by Portlands Energy Centre L.P. (“PEC”) to the Ontario Municipal Board**

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: Mayor Miller

“**WHEREAS** in August, 2003, the Portlands Energy Centre L.P. (PEC) submitted a Site Plan Application to the City which has been revised by the PEC on four separate occasions; and

WHEREAS on January 14, 2005, the PEC appealed its last revised site plan drawings dated December 24, 2004 to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT City Council instruct the City Solicitor to attend the Ontario Municipal Board hearing to achieve the imposition of appropriate conditions as determined by City staff.”

Advice by Deputy Mayor Bussin:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(41), a Fiscal Impact Statement from the Chief Financial Officer and Treasurer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 266)

Procedural Vote:

The vote to waive referral of Motion J(41) to the Toronto and East York Community Council carried,

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

Vote:

Adoption of Motion J(41), without amendment:

Yes - 35
Mayor: Miller
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson
No - 0

Carried unanimously.

Mayor Miller in the Chair.

4.139 **J(42) Liquor Licence Request – Royal Canadian Legion Branch 258 – Annual Canada Day Event**

Councillor Cowbourne 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 Cowbourne

Seconded by: Councillor Balkissoon

“**WHEREAS** the Royal Canadian Legion, Branch 258, 45 Lawson Road, will be holding its Annual Canada Day event on July 1, 2005, from 11:00 a.m. to 9:00 p.m.; and

WHEREAS this is an event of municipal and/or community significance;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to advise the Alcohol and Gaming Commission of Ontario that the City has no objection to the extension of their existing licence to allow for an outside beer garden.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(42) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(42) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(42) was adopted, without amendment.

- 4.140 Consideration of the following matters was deferred to the Special meeting of City Council on May 4, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

BOARD OF HEALTH REPORT 7

Clause 1e Shade Policy and Technical Considerations for the City of Toronto

POLICY AND FINANCE COMMITTEE REPORT 2

Clause 24b Status of Labour Negotiations

ETOBICOKE YORK COMMUNITY COUNCIL REPORT 2

Clause 10a Request for Approval of Variances from By-law No. 280-1998 and Chapter 215, Signs, of the former City of Etobicoke Code for a Third Party Roof Sign at 839 Oxford Street (Ward 6 - Etobicoke-Lakeshore)

POLICY AND FINANCE COMMITTEE REPORT 4

Clause 1 Recommendations for Mid-Term Changes to the Council-Committee Structure and Process

Clause 4 Eucan Advertising on Ecomupi Recycling/Garbage Containers

Clause 15 Ideas Day/Employee Suggestion Program

Clause 19 Support for the Efforts of the Undocumented Workers Committee

Clause 22 Adequacy of Employee Benefits Reserve Funds

ADMINISTRATION COMMITTEE REPORT 3

Clause 4 Declaration as Surplus - Parcel of Vacant Land - 69 Austin Avenue (Ward 30 - Toronto-Danforth)

Clause 14 Declaration as Surplus - Avondale Composting and Borrow Pit Site, Located East of Keele Street, Between Kirby Road and Teston Road (City of Vaughan)

Clause 15 Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the Year Ended December 31, 2004

COMMUNITY SERVICES COMMITTEE REPORT 3

Clause 1 Over-Expenditure of Blanket Contract No. 47006971 - Outdoor Outfits Ltd.

PLANNING AND TRANSPORTATION COMMITTEE REPORT 3

Clause 8 Installation of Telecommunication Towers

WORKS COMMITTEE REPORT 3

Clause 2 Review of Automated Vehicle Location (AVL) and Management Control System Pilot Project in Solid Waste Management Services

NOTICE OF MOTION

F(3) Moved by Councillor Mihevc, seconded by Councillor Moscoe, regarding the waiving of fees for Community Festivals on St. Clair Avenue West.

BILLS AND BY-LAWS

4.141 On April 12, 2005, at 7:29 p.m., Councillor Del Grande, seconded by Councillor Carroll, moved that leave be granted to introduce the following Bill:

Bill No. 330	By-law No. 199-2005	To confirm the proceedings of the Council at its meeting held on the 12th day of April 2005,
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the vote upon which was taken as follows:

Yes - 32 Councillors: Altobello, Ashton, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

Councillor Del Grande, seconded by Councillor Carroll, further moved that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, the vote upon which was taken as follows:

Yes - 24 Councillors: Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Feldman, Fletcher, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Rae, Saundercook, Soknacki, Stintz, Thompson
No - 0

Carried, without dissent.

- 4.142 On April 13, 2005, at 7:29 p.m., Councillor Jenkins, seconded by Councillor Grimes, 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. 331	By-law No. 200-2005	To confirm the proceedings of the Council at its meeting held on the 12th and 13th days of April, 2005,
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the vote upon which was taken as follows:

Yes - 29 Mayor: Miller Councillors: Altobello, Ashton, Balkissoon, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Ford, Grimes,

Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 0

Carried, without dissent.

4.143 On April 14, 2005, at 5:56 p.m., Councillor Moscoe, seconded by Councillor Soknacki, 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. 193	By-law No. 201-2005	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 194	By-law No. 202-2005	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 195	By-law No. 203-2005	To repeal By-law No. 319-87 of the former City of Toronto, being a by law "To designate the property at No. 76 Charles Street West of architectural value".
Bill No. 196	By-law No. 204-2005	To repeal By-law No. 318-87 of the former City of Toronto, being a by law "To designate the property at 78 Charles Street West of architectural value".
Bill No. 197	By-law No. 205-2005	To repeal By-law No. 317-87 of the former City of Toronto, being a by law "To designate the property at 80 Charles Street West of architectural value".
Bill No. 198	By-law No. 206-2005	To amend By-law No. 6752, of the former Borough of East York, as amended, with respect to the lands known municipally as 301 Cedarvale Avenue.
Bill No. 199	By-law No. 207-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, with respect to speed control zones.
Bill No. 200	By-law No. 208-2005	To amend 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 Brentcliffe Road.
Bill No. 201	By-law No. 209-2005	To permanently close a portion of the unopened Glengarry Avenue road allowance located at the rear of 250 Lawrence Avenue West.
Bill No. 202	By-law No. 210-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to replace parking meters with parking machines on certain streets within the City of Toronto.
Bill No. 203	By-law No. 211-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the side yard fence on the property known municipally as 8 Mead Court from the maximum height requirements.
Bill No. 204	By-law No. 212-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to permit the retention of a portion of a chain link swimming pool enclosure on the property known municipally as 7 Vernham Avenue.
Bill No. 205	By-law No. 213-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the fence along the properties known municipally as 10, 22 and 36 Willowridge Road from the maximum height requirements.
Bill No. 206	By-law No. 214-2005	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of Rosedale Summerhill Business

		Improvement Area to Rosedale Main Street Business Improvement Area.
Bill No. 207	By-law No. 215-2005	To permanently close a portion of a public lane extending easterly from Markham Street and shown as Parts 1, 2 and 3 on Reference Plan 66R-21601.
Bill No. 208	By-law No. 216-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Avonlea Boulevard and Maryland Boulevard.
Bill No. 209	By-law No. 217-2005	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 Sibley Avenue and Sutherland Avenue.
Bill No. 210	By-law No. 218-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Old Weston Road.
Bill No. 211	By-law No. 219-2005	To further amend By-law No. 22-76 designating certain locations on Metropolitan Roads as School Bus Loading Zones, regarding Weston Road.
Bill No. 212	By-law No. 220-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Jane Street.
Bill No. 213	By-law No. 221-2005	To designate a Site Plan Control Area (Agincourt Centre Community and South Agincourt Employment District) 2055 Kennedy Road.
Bill No. 214	By-law No. 222-2005	To amend By-law No. 31001 of the former City of North York, as amended,

		regarding Covington Road and Saranac Boulevard.
Bill No. 215	By-law No. 223-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Covington Road and Saranac Boulevard.
Bill No. 216	By-law No. 224-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Drexel Road and Saranac Boulevard.
Bill No. 217	By-law No. 225-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Sentinel Road.
Bill No. 218	By-law No. 226-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Gordon Road, Munro Boulevard and Owen Boulevard.
Bill No. 219	By-law No. 227-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Franklin Avenue.
Bill No. 220	By-law No. 228-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Burbank Drive.
Bill No. 221	By-law No. 229-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yonge Boulevard.
Bill No. 222	By-law No. 230-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yonge Boulevard, Brooke Avenue and Ridley Boulevard.
Bill No. 224	By-law No. 231-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding St. Regis Crescent.

Bill No. 225	By-law No. 232-2005	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Brookside Avenue.
Bill No. 226	By-law No. 233-2005	To amend By-law No. 2958-94 of the former City of York, being a By law “To regulate traffic on City of York Roads”, regarding Brookside Avenue.
Bill No. 227	By-law No. 234-2005	To amend By-law No. 196-84 of the former City of York, being a By-law “To introduce and remove on-street parking space for persons with disabilities on City of York Roads”, regarding Gibson Avenue, Morland Road and Woodcroft Crescent.
Bill No. 228	By-law No. 235-2005	To amend By-law No. 2958-94 of the former City of York, being a By law “To introduce and remove on-street parking space for persons with disabilities on City of York Roads”, regarding Gibson Avenue, Morland Road and Woodcroft Crescent.
Bill No. 229	By-law No. 236-2005	To amend By-law No. 3491-80 of the former City of York, being a By law “To provide for night-time parking of motor vehicles on Borough of York Roads”, regarding Kane Avenue.
Bill No. 230	By-law No. 237-2005	To amend By-law No. 196-84 of the former City of York, being a By-law “To regulate traffic on City of York Roads”, regarding Kane Avenue.
Bill No. 231	By-law No. 238-2005	To amend By-law No. 2958-94 of the former City of York, being a By law “To regulate traffic on City of York Roads”, regarding Kane Avenue.

Bill No. 232	By-law No. 239-2005	To acquire certain interests in land for the Toronto Parking Authority in connection with the Pemberton Exit Driveway at Finch Station.
Bill No. 233	By-law No. 240-2005	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Baby Point Road and Humbercrest Boulevard.
Bill No. 234	By-law No. 241-2005	To amend By-law No. 2958-94 of the former City of York, being a By law "To regulate traffic on City of York Roads", regarding Baby Point Road and Humbercrest Boulevard.
Bill No. 235	By-law No. 242-2005	To amend former City of York Municipal Code Ch. 993, Pedestrian Crossovers, respecting Baby Point Road.
Bill No. 237	By-law No. 243-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, to provide for a new definition of Heavy Truck.
Bill No. 238	By-law No. 244-2005	To amend former City of York Zoning By-law No. 1-83, as amended, with respect to the lands in the Coulter Avenue/King Street Area and the King Street Crescent/Little Avenue Area of the City in the former City of York.
Bill No. 239	By-law No. 245-2005	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended by By laws Nos. 13,401 and 2468, with respect to certain lands located on the east side of Royal York Road, south of Royal York Court, known municipally as 1137, 1139 and 1141 Royal York Court.

Bill No. 240	By-law No. 246-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Runnymede Road, Rutland Street and Wiltshire Avenue.
Bill No. 241	By-law No. 247-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Rose Park Crescent, Ruttan Street and Whitmore Avenue.
Bill No. 242	By-law No. 248-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Regal Road.
Bill No. 243	By-law No. 249-2005	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 Cedarvale Avenue.
Bill No. 244	By-law No. 250-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lake Shore Boulevard West.
Bill No. 245	By-law No. 251-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue.
Bill No. 246	By-law No. 252-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 247	By-law No. 253-2005	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 known municipally as 9310 Sheppard Avenue East.

Bill No. 248	By-law No. 254-2005	To amend former City of Scarborough Zoning By-law No. 10327, as amended, with respect to the West Hill Community.
Bill No. 249	By-law No. 255-2005	To amend former City of North York Zoning By-law No. 7625 with respect to lands known municipally as 56 Finch Avenue West.
Bill No. 250	By-law No. 256-2005	To adopt Amendment No. 340 to the Official Plan for the former City of Toronto with respect to lands known municipally as 1554 King Street West.
Bill No. 251	By-law No. 257-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 1554 King Street West.
Bill No. 252	By-law No. 258-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 155 Springhurst Avenue.
Bill No. 253	By-law No. 259-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 94 Cowan Avenue.
Bill No. 254	By-law No. 260-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands known municipally as 189 Dunn Avenue.
Bill No. 255	By-law No. 261-2005	To adopt Amendment No. 332 to the Official Plan for the former City of Toronto with respect to lands known municipally as 26 Lansdowne Avenue.
Bill No. 256	By-law No. 262-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with

		respect to lands known municipally as 26 Lansdowne Avenue.
Bill No. 257	By-law No. 263-2005	To exempt the lands known municipally as 265-281, and 285-299 David Dunlap Circle from Part Lot Control.
Bill No. 258	By-law No. 264-2005	To exempt lands known municipally as 120 Eringate Drive from Part Lot Control.
Bill No. 259	By-law No. 265-2005	To amend former City of Scarborough Zoning By-law No. 10827, as amended, with respect to the Highland Creek Community.
Bill No. 260	By-law No. 266-2005	To adopt Amendment No. 1109 to the Official Plan for the former City of Scarborough with respect to lands known municipally as 27 Leyton Avenue.
Bill No. 261	By-law No. 267-2005	To adopt Amendment No. 1 to the Official Plan for the City of Toronto with respect to lands known municipally as 27 Leyton Avenue.
Bill No. 262	By-law No. 268-2005	To amend the former City of Scarborough Oakridge Community Zoning By-law No. 9812, as amended, with respect to the lands municipally known as 27 Leyton Avenue.
Bill No. 263	By-law No. 269-2005	To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the lands known municipally as 530 Progress Avenue, N/W Corner of Progress Avenue and Corporate Drive.
Bill No. 264	By-law No. 270-2005	To adopt Amendment No. 1137 to the Official Plan for the former City of Scarborough with respect to lands known municipally as 1510 Birchmount Road.

Bill No. 265	By-law No. 271-2005	To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the lands known municipally as 1510 Birchmount Road.
Bill No. 266	By-law No. 272-2005	To repeal By-laws Nos. 851-2004 and 852-2004 which adopted Amendment No. 1125 to the Official Plan for the former City of Scarborough and amended the Guildwood Community Zoning By law No. 9676.
Bill No. 267	By-law No. 273-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Silverstone Drive.
Bill No. 268	By-law No. 274-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Waterford Drive.
Bill No. 269	By-law No. 275-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Sun Row Drive.
Bill No. 270	By-law No. 276-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Grand Avenue and Manitoba Street.
Bill No. 271	By-law No. 277-2005	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of the Wexford Heights Business Improvement Area Board of Management.
Bill No. 272	By-law No. 278-2005	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code

		with respect to commercial outdoor roof top patios with respect to certain lands located on Bloor Street West between Prince Edward Drive and Thompson Avenue/Montgomery Drive.
Bill No. 273	By-law No. 279-2005	To adopt Amendment No. 164 to the Official Plan for the former City of York with respect to lands known municipally in the year 2005 as 1945 Lawrence Avenue West.
Bill No. 274	By-law No. 280-2005	To amend By-law No. 1-83 of the former City of York with respect to lands known municipally in the year 2005 as 1945 Lawrence Avenue West.
Bill No. 275	By-law No. 281-2005	To amend By-law No. 3491-80 of the former City of York, being a By law "To provide for night-time parking of motor vehicles on Borough of York Roads", regarding Valewood Avenue.
Bill No. 276	By-law No. 282-2005	To amend By-law No. 3491-80 of the former City of York, being a By law "To provide for night-time parking of motor vehicles on Borough of York Roads", regarding Humewood Gardens.
Bill No. 277	By-law No. 283-2005	To amend further By-law No. 20-96, a by-law "To provide for the overnight parking on Borough streets", being a by-law of the former Borough of East York.
Bill No. 278	By-law No. 284-2005	To amend further By-law No. 271, a by-law "To prohibit parking on certain sides of certain highways", being a by-law of the former Borough of East York.
Bill No. 279	By-law No. 285-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, to

		increase the parking machine rates on Bloor Street West and Gerrard Street East
Bill No. 281	By-law No. 286-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting College Street.
Bill No. 282	By-law No. 287-2005	To establish a Government Relations Reserve and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve.
Bill No. 283	By-law No. 288-2005	To amend Municipal Code Chapter 767, Taxation, to opt to have the New Multi Residential Property Class apply within the City of Toronto for 2005.
Bill No. 284	By-law No. 289-2005	To amend Article VIII, Tax Rebate Program for Registered Charities, of Municipal Code Chapter 767, Taxation, to expand the definition of Eligible Charity to include Registered Canadian Amateur Athletic Associations.
Bill No. 285	By-law No. 290-2005	To amend Municipal Code Chapter 767, Taxation, Article IVA, Tax Deferral for Eligible Low Income Disabled Persons and Low Income Seniors, and Article IVB, Tax Cancellation for Eligible Low-Income Disabled Persons and Low-Income Seniors.
Bill No. 286	By-law No. 291-2005	To establish a Wabash Community Centre Project Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 290	By-law No. 292-2005	To authorize the entering into of an agreement for the provision of a municipal

		capital facility by 90 Niagara Street Limited, at 90 Niagara Street.
Bill No. 291	By-law No. 293-2005	To authorize the entering into of an agreement for the provision of a municipal capital facility by 994480 Ontario Limited, at 123 Rexdale Boulevard, the Northern Elms Branch Library.
Bill No. 292	By-law No. 294-2005	To provide for the levy and collection of special charges for the year 2005 in respect of certain business improvement areas.
Bill No. 293	By-law No. 295-2005	To authorize the alteration of Duncanwoods Drive, between Pearldale Avenue and Rubydale Gardens, by the installation of speed humps.
Bill No. 294	By-law No. 296-2005	To rename the public highway Hillholme Road, located between Avenue Road and Russell Hill Road as "Hillholm Road".
Bill No. 295	By-law No. 297-2005	To name the proposed private lane at 120 Eringate Drive as "Ramage Lane".
Bill No. 296	By-law No. 298-2005	To name the proposed private lane at 35 Fieldway Road as "Shires Lane".
Bill No. 297	By-law No. 299-2005	To name the proposed private lane at 35 Fieldway Road, being the westerly extension of the public highway Van Dusen Boulevard as "Van Dusen Boulevard".
Bill No. 298	By-law No. 300-2005	To layout and dedicate certain land on the north side of Starfire Drive east of Morrish Road for public highway purposes to form part of the public highway Starfire Drive.
Bill No. 299	By-law No. 301-2005	To layout and dedicate certain land on the easterly side of Weston Road north of Conron Place for public highway purposes

		to form part of the public highway Weston Road.
Bill No. 300	By-law No. 302-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding Dalhousie Street.
Bill No. 301	By-law No. 303-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dalhousie Street.
Bill No. 302	By-law No. 304-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, regarding Afton Avenue, Alma Avenue, Cross Street, Gladstone Avenue, Mackenzie Crescent, Stonehouse Crescent and Waterloo Avenue.
Bill No. 303	By-law No. 305-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Leonard Avenue.
Bill No. 304	By-law No. 306-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Lane first south of College Street, Palmerston Avenue.
Bill No. 305	By-law No. 307-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Asquith Avenue, Baldwin Street, De Lisle Avenue and Mercer Street.
Bill No. 306	By-law No. 308-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Langholm Drive.
Bill No. 307	By-law No. 309-2005	To amend Municipal Code Chapter 169, Officials, City, to reflect the reorganization of the City's administrative structure.

Bill No. 308	By-law No. 310-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street West.
Bill No. 309	By-law No. 311-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, regarding Beverley Street and McCaul Street.
Bill No. 310	By-law No. 312-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting fees for body rub parlour owners and operators.
Bill No. 311	By-law No. 313-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Toryork Drive.
Bill No. 312	By-law No. 314-2005	To appoint Joseph P. Pennachetti as Deputy Manager and Chief Financial Officer and as Treasurer under the <i>Municipal Act, 2001</i> , and to repeal By law No. 1122 2001, “To Appoint a Chief Financial Officer and Treasurer”.
Bill No. 313	By-law No. 315-2005	To appoint Fareed Amin as a Deputy City Manager.
Bill No. 314	By-law No. 316-2005	To appoint Sue Corke as a Deputy City Manager.
Bill No. 315	By-law No. 317-2005	To repeal By-laws Nos. 214-1998, 894-1999, 895-1999, 460-2002 and 520-2004, appointing the Commissioners of: Economic Development, Culture and Tourism; Planning and Urban Development Services; Corporate Services; Community and Neighbourhood Services; and Works and Emergency Services.

Bill No. 316	By-law No. 318-2005	To amend By-law No. 881-2001, "To appoint a Chief Administrative Officer" to change the title of the official from "Chief Administrative Officer" to "City Manager".
Bill No. 317	By-law No. 319-2005	To appoint Cameron S. Weldon as a Deputy Treasurer under the <i>Municipal Act, 2001</i> .
Bill No. 318	By-law No. 320-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Broadway Avenue, Castlewood Road and Woburn Avenue.
Bill No. 319	By-law No. 321-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Carlton Street.
Bill No. 320	By-law No. 322-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bristol Avenue, Fairview Avenue and Peterborough Avenue.
Bill No. 321	By-law No. 323-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boon Avenue, McRoberts Avenue and Peterborough Avenue.
Bill No. 322	By-law No. 324-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Eglinton Avenue East.
Bill No. 323	By-law No. 325-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, respecting parking machines on certain streets within the City of Toronto, regarding Beverley Street, Dundas Street West and McCaul Street.

Bill No. 324	By-law No. 326-2005	To adopt Amendment No. 1129 to the Official Plan for the former City of Scarborough respecting a portion of the lands east of Scarborough Civic Centre and Albert Campbell Square, extending east to Town Centre Court.
Bill No. 325	By-law No. 327-2005	To adopt Amendment No. 1130 to the Official Plan for the former City of Scarborough respecting the lands known municipally as a portion of 150 Borough Drive, east of the Scarborough Civic Centre and Albert Campbell Square, extending east to Town Centre Court.
Bill No. 326	By-law No. 328-2005	To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the Progress Employment District for a portion of the lands east of the Scarborough Civic Centre and Albert Campbell Square, extending east to Town Centre Court.
Bill No. 327	By-law No. 329-2005	To amend former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, with respect to the Progress Employment District for lands municipally known as a portion of 150 Borough Drive, east of the Scarborough Civic Centre and Albert Campbell Square, extending east to Town Centre Court.
Bill No. 328	By-law No. 330-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Armstrong Avenue, Brock Avenue, Craven Road, Crocker Avenue, Gore Street, Minto Street, Ontario Street, Pauline Avenue and Wildwood Crescent.

Bill No. 329	By-law No. 331-2005	To amend Municipal Code Chapter 71, Financial Control, and Chapter 195, Purchasing, to reflect the reorganization of the City's administrative structure,
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the vote upon which was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 32.

4.144 On April 14, 2005, at 5:57 p.m., Councillor Moscoe, seconded by Councillor Soknacki, 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. 287	By-law No. 332-2005	To make paragraph 5 of subsection 329.1(1) of the <i>Municipal Act, 2001</i> apply in the City of Toronto for the 2005 taxation year.
Bill No. 288	By-law No. 333-2005	To levy and collect taxes for school purposes for the year 2005, other than those levied before the adoption of the estimates.
Bill No. 289	By-law No. 334-2005	To establish a percentage by which tax decreases are limited in 2005 to properties in the Commercial, Industrial and Multi-Residential Property Classes,

the vote upon which was taken as follows:

Yes - 34
Mayor: Miller
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1
Councillor: Ford

Carried by a majority of 33.

- 4.145 On April 14, 2005, at 5:59 p.m., Councillor Watson, seconded by Councillor Balkissoon, 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. 332	By-law No. 335-2005	To confirm the proceedings of the Council at its meeting held on the 12th, 13th and 14th days of April, 2005,
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the vote upon which was taken as follows:

Yes - 34
Mayor: Miller
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

The following Bill were withdrawn:

Bill No. 223	To amend By-law No. 31001 of the former City of North York, as amended, regarding Wilmont Drive.
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Bill No. 236	To amend City of Toronto Municipal Code Chapter 447, Fences, to permit the construction of a wooden close board pool fence on the property known municipally as 6 Sidford Court.
Bill No. 280	To amend By-law No. 90-95, of the former Borough of East York (Site Plan Control).

OFFICIAL RECOGNITIONS:

4.146 Condolence Motions

Mayor Miller, seconded by Councillor Milczyn, moved that:

“**WHEREAS** the Members of City Council are deeply saddened on the passing of His Holiness Pope John Paul II, who died on April 2, 2005; and

WHEREAS, His Holiness, during the past 26 years, as the spiritual leader of one billion Roman Catholics worldwide, was renowned for his compassion and respect for the poor; and

WHEREAS His Holiness first visited the City of Toronto in 1984 and dedicated the Peace Garden in Nathan Phillips Square, blessing it with water from the Peace Garden in Hiroshima, Japan and recognizing Canada’s everlasting commitment to world peace; and

WHEREAS His Holiness made the journey to our City a second time in 2002 to celebrate World Youth Day, displaying his love for the young people of the world; and

WHEREAS His Holiness inspired people around the world with his love of humanity and took every opportunity to promote international reconciliation and respect for democratic values and human rights;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey on behalf of Members of Toronto City Council our sincere sympathy to the Archdiocese of Toronto.”

Deputy Mayor Pantalone, seconded by Mayor Miller, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. William (Bill) Lorne Cameron on March 12, 2005; and

WHEREAS Bill was an internationally renowned and outstanding broadcaster, journalist,

writer, novelist, educator, actor and playwright; and

WHEREAS Bill was an integral and active member of the media, education and arts communities and will be greatly missed by countless colleagues, co-workers and friends for his intelligence, skill and humour; and

WHEREAS Bill was a journalist and anchor at Canadian Broadcasting Corporation (CBC) Radio, Global TV, City TV, and CBC's The Journal, Sunday Report and Newsworld, CBLT, as well as being an editorial writer and columnist of the Toronto Star and associate editor; and

WHEREAS Bill gave to the people of the City of Toronto a dedicated life marked by an important sense of commitment, a spirit of equality and fairness, and will be sadly missed by all those he knew;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Cheryl Hawkes, and three children, Patrick, Rachel and Nicholas Cameron and son Sean Patenaude; and his parents William Cameron and Ruth Hoyt Cameron of West Vancouver, British Columbia.”

Moved by Councillor Rae, seconded by Mayor Miller:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. William (Bill) Archer on March 6, 2005, in his 86th year; and

WHEREAS Bill was a member of the City of Toronto and Metropolitan Toronto Councils from 1958 until 1974, as both an Alderman and Controller; and

WHEREAS, during his term on Council, Bill was the co-ordinator of the Yonge Street Pedestrian Mall and instrumental in securing the William Lyon Mackenzie fireboat; and

WHEREAS Bill was a member of the Planning Board and the Library Board at the time of the approvals for the Reference Library; and

WHEREAS upon his retirement from City Council, Bill was appointed the Commissioner for the Provincial Review of the Regional Municipality of Niagara; and

WHEREAS Bill was an active member of the Toronto Historical Board; and

WHEREAS Bill received the Toronto Award of Merit in 1997; and

WHEREAS Bill was a passionate supporter of the City of Toronto, who truly believed in giving back to his community;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of Toronto City Council, our sincere sympathy to Bill's wife Gwen, daughter Janet and his entire 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 His Holiness Pope John Paul II, Mr. William Lorne Cameron and Mr. William Archer.

4.147 **Presentations/Introductions/Announcements:**

April 12, 2005:

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the students of the following Schools, present at the meeting:

- Balmy Beach Community School; and
- Secord Elementary School.

April 13, 2005:

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students of the following Schools, present at the meeting:

- Grade 5 students of St. Raphael Catholic School; and
- St. Leo Catholic School.

Mayor Miller, during the afternoon session of the meeting, introduced the students of Paul Penna Downtown Jewish Day School, present at the meeting.

April 14, 2005:

Councillor Walker, during the morning session of the meeting, advised the Council that he had recently acted as Principal of North Toronto Collegiate Institute for a day, and requested the permission of Council to allow Mr. Ashley Waltman, Principal, North Toronto Collegiate Institute, to take his seat in Council, as an observer, during today's proceedings. Council concurred in the request of Councillor Walker.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the students of the following Schools, present at the meeting:

- Runnymede Collegiate Institute; and
- Secord Public School.

Councillor Cho, during the morning session of the meeting, with the permission of Council, advised the Council that he would be speaking on the 'Role of Education in Building a Sustainable Toronto', at the United Nations University Side Event, 13th Meeting of the United Nations Commission on Sustainable Development, in New York City on Friday, April 15, 2005.

Mayor Miller, during the morning session of the meeting, called the former Chief of Police, Julian Fantino, to the podium; expressed, on behalf of Council, the appreciation of Council to Mr. Fantino for serving the City of Toronto with honour and distinction during his tenure as Chief of Police; and, to mark the occasion, presented Mr. Fantino with the key to the City of Toronto.

Mr. Fantino addressed the Council and expressed his appreciation for its recognition of his service to the citizens of Toronto, and also recognized the devoted service of the men and women in the Toronto Police Service.

Mayor Miller, during the morning session of the meeting, expressed, on behalf of Council, the appreciation of Council to the departing Commissioners Joan Anderton, Paul Dill, Eric Gam and Joe Halstead, and Acting Commissioner Dave Kaufman for their dedication and hard work for the City of Toronto since amalgamation, and extended the best wishes of Council for the future.

Shirley Hoy, Chief Administrative Officer, addressed Council and also expressed her appreciation to the departing Commissioners and Acting Commissioner, and extended her best wishes to them for every success in the future.

Commissioners Joan Anderton, Paula Dill, Eric Gam and Joe Halstead, and Acting Commissioner Dave Kaufman were invited to the podium and each addressed the Council, in turn, and received a memento from Mayor Miller to mark the occasion.

4.148 **MOTIONS TO VARY ORDER OR WAIVE PROCEDURE**

Vary the order of proceedings of Council:

April 12, 2005:

Councillor Chow, at 9:50 a.m., moved that Council vary the order of its proceedings to consider Economic Development and Parks Committee Report 4, Clause 1, headed “Toronto 2015 World Expo Feasibility Study (All Wards)”, at 5:30 p.m., on Wednesday, April 13, 2005, which carried.

Mayor Miller, at 2:15 p.m., moved that Council vary the order of its proceedings to now consider Notices of Motions J(6) and J(7), respecting the appointment of the Deputy City Managers (2 positions), and the appointment of the Deputy City Manager/Chief Financial Officer, which carried.

Councillor Mihevc, at 5:30 p.m., moved that Council vary the order of its proceedings to now consider matters of local interest in the reports of the Community Councils that had been held on the Order Paper, rather than considering such matters during the afternoon session of the meeting on Wednesday, April 13, 2005, as previously scheduled, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Ashton, Bussin, Cho, Davis, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Saundercook, Shiner, Stintz, Thompson
No - 13	
Councillors:	Balkissoon, Carroll, Cowbourne, Del Grande, Fletcher, Grimes, Holyday, Palacio, Pantalone, Rae, Soknacki, Walker, Watson

Carried by a majority of 8.

April 13, 2005:

Councillor Pitfield, at 2:15 p.m., moved that Council vary the order of its proceedings to consider Planning and Transportation Committee and Works Committee Joint Report 1, Clause 1, as the first item of business immediately following Council’s consideration of urgent items, time critical items and deferred items, the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, De Baeremaeker, Del Grande, Di Giorgio, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 11	
Mayor:	Miller
Councillors:	Bussin, Cowbourne, Davis, Feldman, Fletcher, Giambrone,

Mihevc, Ootes, Pantalone, Rae

Carried by a majority of 17.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

April 12, 2005:

Mayor Miller, at 12:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session, in order to permit Councillor Shiner to conclude his remarks respecting Policy and Finance Committee Report 4, Clause 41, headed “City Hall Tower and Hydraulic Elevator Renewal 100 Queen Street West, Tender Call 302-2004 (Ward 27 - City Hall, Toronto)”, which carried, more than two-thirds of Members present having voted in the affirmative.

April 13, 2005:

Deputy Mayor Pantalone, at 7:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session, in order to permit Members of Council to conclude their remarks on Economic Development and Parks Committee Report 4, Clause 1, headed “Toronto 2015 World Expo Feasibility Study (All Wards)”, and that time for Members of Council to speak be limited to two minutes each, the vote upon which was taken as follows:

Yes - 14	
Mayor:	Miller
Councillors:	Ashton, Chow, Davis, De Baeremaeker, Ford, Hall, Holyday, Lindsay Luby, Milczyn, Pantalone, Rae, Saundercook, Stintz
No - 14	
Councillors:	Altobello, Balkissoon, Cho, Cowbourne, Del Grande, Feldman, Grimes, Jenkins, McConnell, Nunziata, Ootes, Shiner, Walker, Watson

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

April 14, 2005:

Mayor Miller at 12:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement

of the 12:30 p.m. recess, and that Council continue in session, in order to conclude the presentations to the departing Commissioners, which carried, more than two-thirds of Members present having voted in the affirmative.

Mayor Miller, at 5:10 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, and that Council continue in session until 7:30 p.m., the vote upon which was taken as follows:

Yes - 20	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Chow, De Baeremaeker, Filion, Ford, Giambrone, Hall, Holyday, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Soknacki
No - 16	
Councillors:	Balkissoon, Cowbourne, Davis, Del Grande, Grimes, Jenkins, Li Preti, Milczyn, Minnan-Wong, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson

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

4.149 **ATTENDANCE**

Councillor Hall, seconded by Councillor Nunziata, moved that the absence of Councillor Kelly from this meeting of Council, be excused, which carried.

April 12, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 11:01 a.m.	2:10 p.m. to 2:20 p.m.*	Ctte. of the whole in-Camera 2:25 p.m.	3:25 p.m. to 7:30 p.m.*	Roll Call 4:05 p.m.	Roll Call 4:30 p.m.
Miller	x	-	x	x	x	-	-
Altobello	x	-	x	x	x	-	x
Ashton	x	x	-	x	x	x	x
Augimeri	x	x	x	x	-	x	x
Balkissoon	x	x	x	x	x	-	x
Bussin	x	x	x	x	x	x	x
Carroll	x	x	-	x	x	x	-
Cho	x	x	-	x	x	x	x
Chow	x	-	x	x	x	-	-

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April 12, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 11:01 a.m.	2:10 p.m. to 2:20 p.m.*	Ctte. of the whole in-Camera 2:25 p.m.	3:25 p.m. to 7:30 p.m.*	Roll Call 4:05 p.m.	Roll Call 4:30 p.m.
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	x	x
Di Giorgio	x	x	-	x	x	x	x
Feldman	x	-	x	x	x	x	x
Filion	x	x	-	-	-	-	-
Fletcher	x	-	x	x	x	x	x
Ford	-	-	-	-	-	-	-
Giambrone	x	x	-	x	x	-	-
Grimes	x	-	-	x	x	-	x
Hall	x	-	-	x	x	x	x
Holyday	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x
Kelly	-	-	-	-	-	-	-
Li Preti	x	x	x	x	x	-	x
Lindsay Luby	x	x	x	x	x	x	x
Mammoliti	x	x	x	x	x	-	x
McConnell	x	-	-	x	x	-	-
Mihevc	x	-	x	x	x	-	x
Milczyn	x	-	x	x	x	-	-
Minnan-Wong	x	-	x	x	x	x	x
Moscoe	x	x	x	x	x	x	x
Nunziata	x	-	-	x	x	x	x
Ootes	x	x	x	x	x	-	x
Palacio	x	-	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x
Pitfield	-	-	x	x	x	x	x
Rae	x	-	x	x	x	-	x
Saundercook	x	x	-	x	x	x	x
Shiner	x	-	x	x	x	x	x

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April 13, 2005	9:40 a.m. to 12:30 p.m.*	Roll Call 10:30 a.m.	2:10 p.m. to 7:30 p.m.*	Roll Call 3:18 p.m.	Roll Call 3:34 p.m.	Roll Call 3:51 p.m.	Roll Call 4:04 p.m.	Roll Call 4:19 p.m.
Holyday	x	x	x	x	x	-	x	-
Jenkins	x	-	x	x	x	x	x	x
Kelly	-	-	-	-	-	-	-	-
Li Preti	x	x	x	-	x	-	-	-
Lindsay Luby	x	x	x	x	x	x	x	x
Mammoliti	x	x	x	-	-	x	x	x
McConnell	x	-	x	-	-	-	-	x
Mihevc	x	-	x	x	x	-	x	x
Milezyn	x	-	x	-	x	x	x	x
Minnan-Wong	x	x	x	x	-	-	x	x
Moscoe	x	x	x	-	x	x	-	x
Nunziata	x	-	x	x	x	x	x	x
Ootes	x	x	x	x	x	-	x	-
Palacio	x	-	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x	x	x
Pitfield	x	x	x	x	-	x	x	x
Rae	x	x	x	-	x	-	-	x
Saundercook	x	-	x	x	x	x	x	x
Shiner	x	x	x	x	x	-	x	x
Soknacki	x	-	x	-	x	x	x	x
Stintz	-	-	x	-	-	-	-	-
Thompson	x	x	x	x	x	x	-	-
Walker	x	x	x	x	-	x	x	x
Watson	x	x	x	-	x	x	x	-
Total	41	30	43	29	28	25	30	29

* Members were present for some or all of the time period indicated.

April 14, 2005	9:40 a.m. to 11:20 a.m.*	Ctte. of the Whole in-Camera 11:40 a.m.	12:05 p.m. to 12:45 p.m.	2:10 p.m. to 2:20 p.m.*	Ctte. of the Whole in-Camera 2:25 p.m.
Miller	x	x	x	x	x
Altobello	x	-	x	x	-

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April 14, 2005	9:40 a.m. to 11:20 a.m.*	Ctte. of the Whole in-Camera 11:40 a.m.	12:05 p.m. to 12:45 p.m.	2:10 p.m. to 2:20 p.m.*	Ctte. of the Whole in-Camera 2:25 p.m.
Ashton	x	-	x	x	x
Augimeri	x	x	-	x	x
Balkissoon	x	x	-	x	x
Bussin	x	x	x	x	-
Carroll	-	-	-	-	-
Cho	x	-	-	-	-
Chow	x	x	x	x	x
Cowbourne	x	x	-	x	x
Davis	x	x	x	x	x
De Baeremaeker	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
Filion	-	-	x	x	x
Fletcher	x	x	x	-	-
Ford	x	x	-	-	-
Giambrone	x	x	-	x	x
Grimes	x	x	x	x	x
Hall	x	x	x	-	x
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	-	-	-	-	-
Li Preti	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	x	x
McConnell	x	x	x	x	x
Mihevc	x	x	x	x	x
Milczyn	x	x	x	x	x
Minnan-Wong	x	x	x	-	-
Moscoe	x	x	x	x	x
Nunziata	x	x	x	-	x
Ootes	x	x	x	x	-

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April 14, 2005	9:40 a.m. to 11:20 a.m.*	Ctte. of the Whole in-Camera 11:40 a.m.	12:05 p.m. to 12:45 p.m.	2:10 p.m. to 2:20 p.m.*	Ctte. of the Whole in-Camera 2:25 p.m.
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Rae	x	-	x	x	-
Saundercook	x	x	x	x	x
Shiner	x	x	x	x	x
Soknacki	x	x	x	x	x
Stintz	x	x	x	x	x
Thompson	x	x	x	x	x
Walker	x	-	x	x	x
Watson	x	x	x	x	x
Total	42	37	37	37	35

* Members were present for some or all of the time period indicated.

April 14, 2005	3:25 p.m. to 6:00 p.m.*	Roll Call 3:59 p.m.	Roll Call 4:29 p.m.	Roll Call 4:38 p.m.	Roll Call 5:16 p.m.
Miller	x	x	x	x	-
Altobello	-	-	-	-	-
Ashton	x	-	x	x	x
Augimeri	x	-	x	x	x
Balkissoon	x	x	x	x	-
Bussin	x	x	x	x	x
Carroll	-	-	-	-	-
Cho	-	-	-	-	-
Chow	x	x	x	x	x
Cowbourne	x	x	x	x	-
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	x	x	-
Di Giorgio	x	x	x	x	x
Feldman	x	-	-	-	-

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April 14, 2005	3:25 p.m. to 6:00 p.m.*	Roll Call 3:59 p.m.	Roll Call 4:29 p.m.	Roll Call 4:38 p.m.	Roll Call 5:16 p.m.
Filion	x	-	-	x	x
Fletcher	x	-	x	x	-
Ford	x	-	-	-	x
Giambrone	x	-	x	x	x
Grimes	x	x	x	-	x
Hall	x	x	x	-	x
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	-	-	-	-	-
Li Preti	x	x	x	x	-
Lindsay Luby	x	-	x	x	x
Mammoliti	x	x	x	x	x
McConnell	x	-	-	-	-
Mihevc	x	-	-	-	-
Milczyn	x	x	x	-	-
Minnan-Wong	x	x	-	x	-
Moscoe	x	x	-	-	-
Nunziata	x	x	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	x
Saundercook	x	-	-	x	-
Shiner	x	-	-	x	-
Soknacki	x	-	-	-	-
Stintz	x	-	x	x	x
Thompson	x	x	x	x	x
Walker	x	x	x	x	x
Watson	x	x	x	x	x
Total	39	27	29	29	25

* Members were present for some or all of the time period indicated.

Council adjourned on April 14, 2005, at 6:00 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1 [Notice of Motion F(5)]

Report (February 2, 2005) from the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, entitled "Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216". (See Minute 4.98, Page 99):

Purpose:

To respond to the e-City Committee's request to provide copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that this report be received for information and forwarded to the Administration Committee for information.

Background:

At its meeting of November 22, 2004, the e-City Committee recommended to the Administration Committee that:

- (1) the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, in consultation with appropriate City officials, be directed to provide as soon as possible, to each of the e-City Committee members, copies of the responses from the eight proponents to Request for Proposal 3401-04-3216, Sections 5.5, 6, 8, 9, 10 and 12, and that staff also be requested to submit a report to the Administration Committee, through the e-City Committee; and
- (2) the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, be requested to report to the Policy and Finance Committee on:
 - (a) existing policy and practices with respect to identifying confidential and non-confidential portions of Request for Proposal responses; and
 - (b) recommendations to standardize policy and practices having regard to the intent to maintain the maximum amount of openness and transparency.

At its meeting on December 10, 2004, the Administration Committee considered the above

recommendations from the e-City Committee. The Administration Committee:

- (1) requested the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, to report to the Administration Committee on the following Recommendations 2(a) and 2(b) of the e-City Committee:
 - “(2) that the Chief Financial Officer and Treasurer, in consultation with appropriate City officials, be requested to report to the Policy and Finance Committee on:
 - (a) existing policy and practices with respect to identifying confidential and non-confidential portions of Request for Proposal responses; and
 - (b) recommendations to standardize policy and practices having regard to the intent to maintain the maximum amount of openness and transparency.”; and
- (2) deferred consideration of Recommendation (1) of the e-City Committee until the above report has been submitted to the Administration Committee.

Following the above action taken by the Administration Committee, at the e-City Committee meeting on December 16, 2004, the e-City Committee once again requested the above information and requested the City Clerk, if the information was not forthcoming, to report to the e-City Committee and to the Mayor as to why the information is not being released.

The action taken by the e-City Committee on December 16, 2004 is inconsistent with the previous action taken by the e-City Committee at its meeting on November 22, 2004 to refer the matter on to the Administration Committee, and with the action taken by the Administration Committee at its meeting on December 10, 2004.

This report, nevertheless, responds to the request from the e-City Committee that staff report as to why the information is not being released. Staff will be reporting to the Administration Committee, in accordance with its request, on the existing policy and practices in relation to the disclosure of information contained in proposals, the rationale for same as well as recommendations on such policies and practices.

Comments:

1. Confidentiality of Proposal Documents

The Call document for Request for Proposal 3401-04-3216 issued by the Purchasing and Materials Management Division (“PMMD”) contains provisions indicating that submitted proposals will be treated as confidential subject to the disclosure requirements of the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”). In particular, it contained the following notice to proponents with respect to information provided by them:

**MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
ACT REQUIREMENTS**

The *Municipal Freedom of Information and Protection of Privacy Act* (the Act) applies to all tenders, quotations and proposals submitted to the City of Toronto.

Tenders, quotations and proposals will be received in confidence subject to the disclosure requirements of the Act.

Bidders/proponents should identify any portions of their tender/quotation/proposal which contain a trade secret, scientific, technical, financial, commercial or labour relations information supplied in confidence and which will cause harm if disclosed.

Questions about the Act should be directed to the Corporate Access and Privacy Division at telephone number (416) 392-9683.

In accordance with the requirements of this notice provision, PMMD’s advice to persons requesting information on proposals is that a formal request for access to information would have to be made pursuant to MFIPPA through the Corporate Access and Privacy Unit (“CAP”) for disclosure of the information. MFIPPA recognizes the potential sensitivity of commercial information in an access request given that section 10 of MFIPPA states that a head (as defined in the Act) shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to, for example, prejudice significantly the competitive position of the person supplying the information. The complete text of section 10 is set out in Appendix A to this report.

CAP would apply MFIPPA in the normal manner to determine whether access may be granted. The process under MFIPPA is engaged by the notice provision in Request for Proposal 3401-04-3216 so that if CAP refuses to grant access to the requested proposal information, the individual requesting the information may appeal the City’s decision to the Information and Privacy Commissioner (the “IPC”). Conversely, if CAP believes that the requested proposal information should be disclosed and the relevant proponent objects to disclosure, the proponent has a right of appeal to the IPC. In short, a process which protects the City and a proponent in respect of the disclosure of sensitive information is engaged.

2. Rights of Councillors Outside a Formal Access Request under MFIPPA

Given the contractual obligation that disclosure would be in accordance with the disclosure requirements of MFIPPA, in the opinion of the City Solicitor, disclosure in this situation to the members of the e-City Committee would not comply with the notice provision in the RFP. This opinion is consistent with prior advice on the disclosure of personal information under MFIPPA given the determination of the IPC that councillors are not officers or servants of the Corporation in the same sense as municipal civil servants. As such, in the context of this RFP, confidential information in the subject proposals can only be considered to be reasonably maintained when councillors are provided the information in an in camera meeting under the *Municipal Act, 2001* and the information is reasonably necessary in carrying out the business of Council.

The reasonableness of the request for the subject information in the context of the business of Council (and in light of the purpose for which the information was sought) has not been established. The decision to award the contract was made by Council at its meeting of September 28, 29, 30 and October 1, 2004. Council did not request copies of the proposals in making its determination with respect to the award of the contract to the recommended proponent. It is not clear why such information would be required by the members of the e-City Committee after the contract was awarded by Council.

The proponents clearly have a reasonable expectation that the content of their proposals will not be used for purposes other than evaluation and award of the contract. As such, this request for information cannot and should not be treated any differently than a request from members of the public and should be processed by CAP in accordance with the provisions of MFIPPA. In addition, MFIPPA has protections (e.g., consistent application of the MFIPPA requirements by CAP; right of third parties to respond to the request and to make submissions to the CAP Office and/or the IPC; and the right of appeal by all parties to the IPC, an independent decision maker) which are important to the City given the serious and possible financial consequences associated with the improper release of confidential information.

Therefore, with respect to the proposal documents requested by the e-City Committee, absent a direction from Council to release the confidential documents to individual Councillors to be used for the purposes of acting on Council's behalf, the requested copies of the proposals cannot be provided to the e-City Committee members.

Should Council direct staff to provide the documents to the members of the e-City Committee, it is staff's recommendation that this only be done in an in-camera meeting such that, in accordance with section 27-15(6) of the Municipal Code, the content of any confidential information in the documents is not disclosed to any member of the public.

Conclusions:

With respect to RFP 3401-04-3216, the proposals submitted in response to the City are confidential and explicitly subject to MFIPPA. The proponents have a reasonable expectation that the proposals they submitted will not be used for purposes inconsistent with the evaluation and award of a contract. The contract with respect to the RFP was awarded by Council in September. Therefore, absent a direction from Council or an order by the IPC, the requested copies of the proposals cannot be provided to the e-City Committee members.

Should Council direct staff to provide the documents to the members of the e-City Committee, such documents should be considered in an in-camera meeting in accordance with the *Municipal Act, 2001* and the Municipal Code.

The City Solicitor has been consulted in the preparation of this report and concurs with its contents.

Contact:

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Director
Purchasing & Materials Management Division
(416) 392-7312
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Appendix A

Section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*:

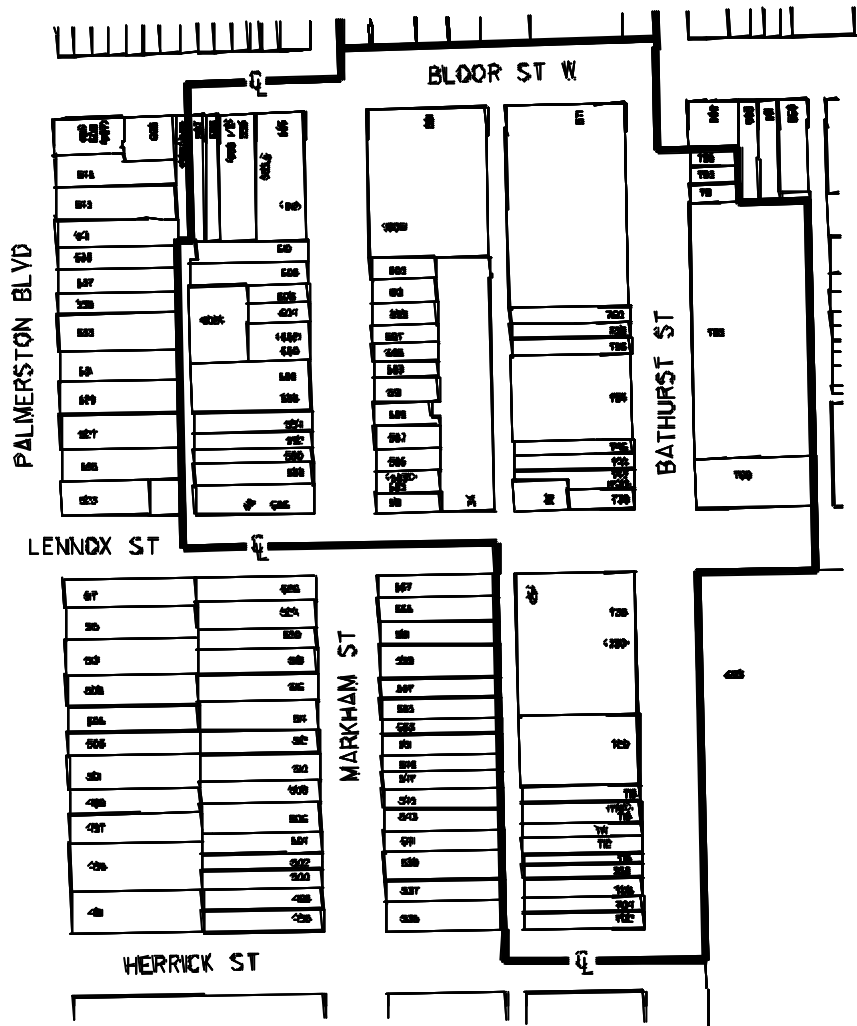
- (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,
 - (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;
 - (c) result in undue loss or gain to any person, group, committee or financial institution or agency; or
 - (d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute.

- (2) A head may disclose a record described in subsection (1) if the person to whom the information relates consents to the disclosure.

ATTACHMENT 2 [Notice of Motion J(15)]

Maps of the proposed Mirvish Village Business Improvement Area (See Minute 4.113, Page 127):

MAP 1 of 2



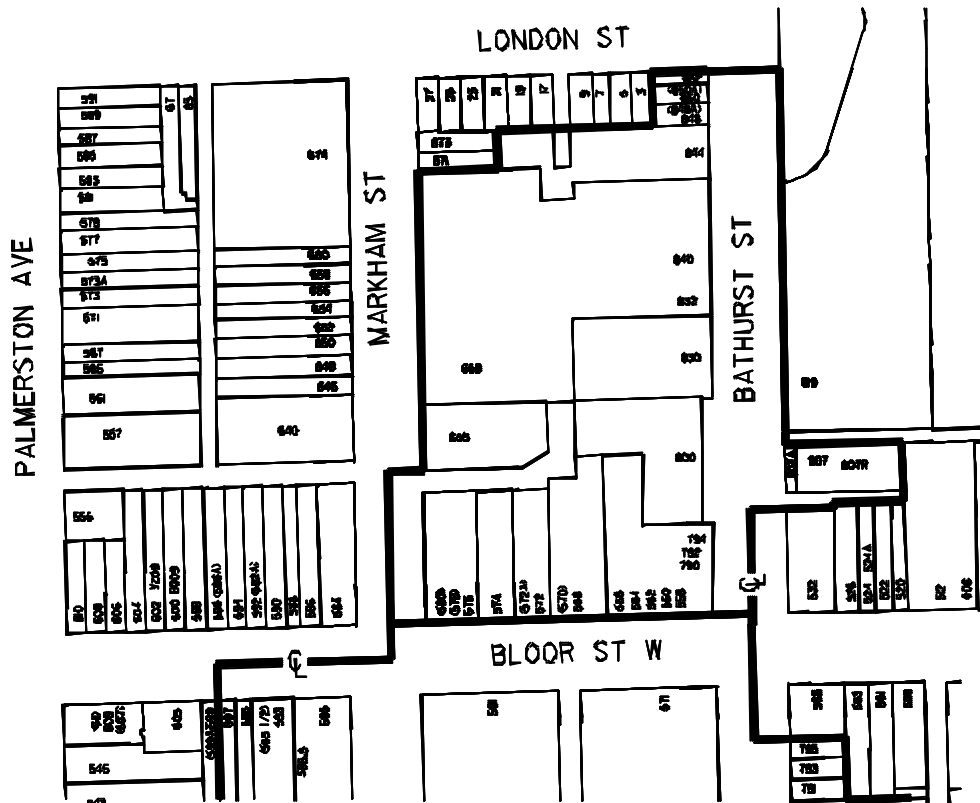
⊥ DENOTES CENTRE LINE

**MIRVISH VILLAGE
PROPOSED BUSINESS IMPROVEMENT AREA**



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO
BIA05/MIRV_PPT1.DGN
FILE:V02-MPI
MPS No. 49J-E, 60J-I
DRAWN: HM
APRIL, 2005
50H-21 49H-23

MAP 2 of 2

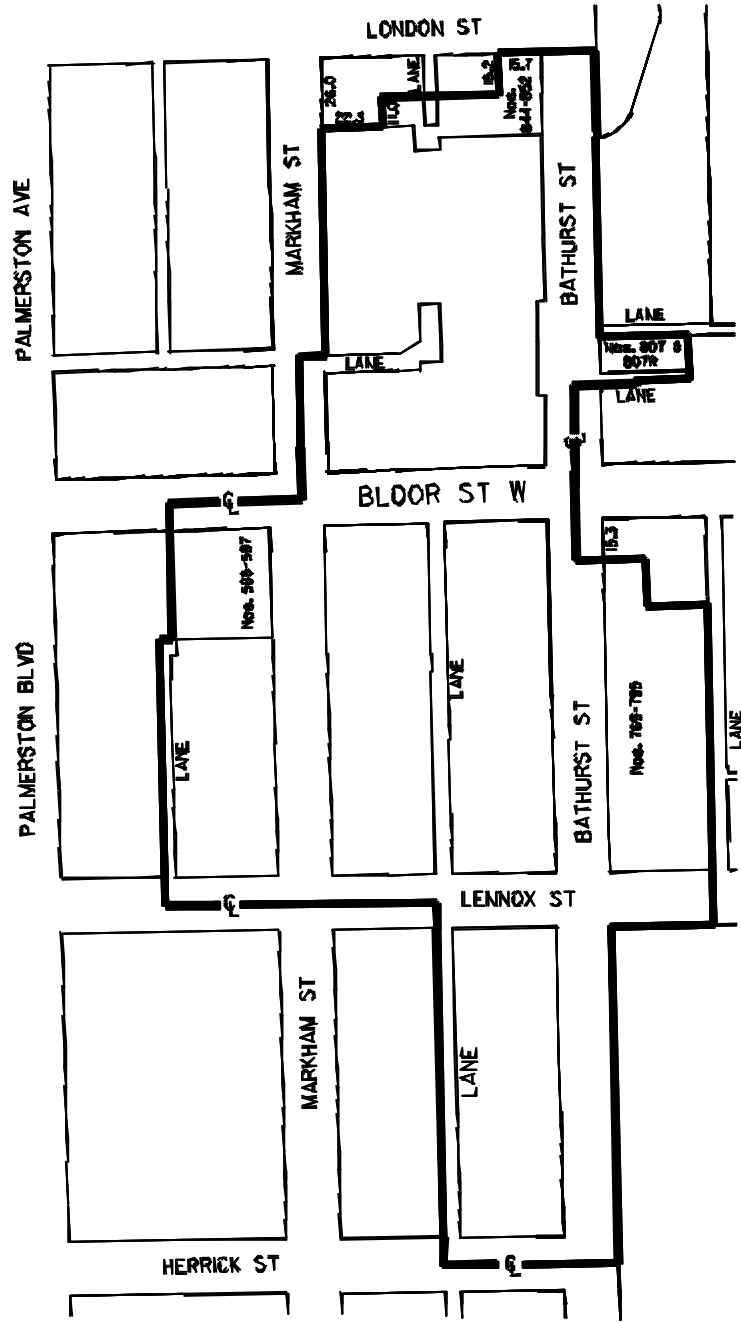


Ⓢ DENOTES CENTRE LINE

 MIRVISH VILLAGE
 PROPOSED BUSINESS IMPROVEMENT AREA



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO
 BIAOS/MIRV_RPT2.DGN APRIL, 2006
 FILE: M21-IMP DRAWN: HM
 MAPS No. 49J-B, 50J-II
 50H-21, 49H-23



⊕ DENOTES CENTRE LINE

**MIRVISH VILLAGE
BUSINESS IMPROVEMENT AREA**



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO
BIA/MIRVISH.BLD.BN
FILE: M2-MPI DRAWN: VC
WAPS: Nos. 491-0, 501-1
501-21, 491-23

ATTACHMENT 3 [Notice of Motion J(19)]

Report (April 11, 2005) from the Commissioner of Urban Development Services, entitled "Request for approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Scotiabank, for six additional Illuminated First Party and five (5) Incidental Fascia Signs at 2267 Islington Avenue (new address will be 2251 Islington Avenue). Ward 2 - Etobicoke North". (See Minute 4.117, Page 135):

Purpose:

To report to City Council on the approval of variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Scotiabank, for six Illuminated First Party Signs and five Incidental Fascia Signs at 2267 Islington Avenue and to further report to City Council, on the impact on the surrounding neighborhood, by the signs installed on Scotiabank at 2267 Islington Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the request for variances be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits.

Background:

City Council, on February 16, 2005 gave consideration to Clause 11, contained within Etobicoke York Community Council Report 2, headed "Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code for Illuminated First Party and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank)".

Council on February 16, 2005 did not adopt this Clause.

A supplementary report has been requested by Councilor Hall on the approval of variances for signs located on Scotiabank at 2267 Islington Avenue and to further report to City Council, on the impact on the surrounding neighborhood, by the signs installed on Scotiabank at 2267 Islington Avenue.

Comments:

The Scotiabank building is one of a number of buildings forming the shopping centre located at 2267 Islington Avenue. Within the shopping centre there is, to the south a Wal-Mart store, to the northeast two strips of one storey commercial buildings under construction and an existing gas bar to the north. Directly across from the bank building on the west side of Islington Avenue there is an existing commercial strip mall.

The mall has residential areas to the east and to the northwest. The nearest residential area is located approximately 120 m (400 ft) to the east of the bank and consists of detached dwellings.

To the south of the Scotiabank is an entrance into the shopping centre. At this entrance there is a double faced (18' x 23') illuminated pylon sign, 37 feet in height for a tenant directory (installed under permit 04 176993).

A second double faced (18' x 23') illuminated pylon sign, 37 feet in height for a tenant directory is proposed under permit application 05 103824. This illuminated pylon sign is proposed just to the north of the bank building where there is another entrance into the shopping centre. Furthermore, this illuminated pylon sign is within 200 m of the above noted approved directory sign, therefore a variance will be required for the new illuminated pylon sign.

The bank building has 3 signs that have been approved under permit number 04 176999. These signs are illuminated first party fascia signs. There are 2 signs on the west elevation and one on the east elevation

The applicant proposes 6 additional first party fascia signs. These first party fascia signs will be illuminated. On the north elevation there will be 2 additional signs, on the south elevation there will be 3 additional signs and on the east elevation there will be one additional sign.

Furthermore, five (5) Incidental signs are proposed for directing traffic to and from the bank drive-thru. An illuminated sign on the west elevation drive-thru canopy and illuminated signs on the east elevation drive-thru canopy with text and a non-illuminated symbol standing for do not enter on column found on the east elevation drive thru-canopy.

The aggregate area of the illuminated first party fascia is 891 ft². The total aggregate area of the incidental signs is 148 ft².

The total aggregate area of all the signs is 1039 ft² while the Total Permitted Display Area is 891 ft². The total aggregate area of all the signs exceeds the maximum permitted Total Permitted Display Area by 148.1 ft².

The area of 148.1 ft² by which the Total Permitted Display Area is exceeded by is also the total area of all the incidental signs.

These signs do not comply with Chapter 215, Signs, of the former City of Etobicoke Municipal Code in the following ways:

Sign By-law Section and Requirements	Applicant's Proposal	Required Variance
<p>215-20.J.(4)(e) Special Occupancies: Shopping Centres</p> <p>any business establishment located in a shopping centre may erect one (1) business identification fascia or canopy sign that will not abut the street,</p>	<p>Erect six (6) additional fascia signs for a total of seven (7) that will not abut the street.</p>	<p>To permit seven (7) fascia signs in lieu of one which will not abut a street.</p>
<p>215-20.G.(2) Incidental Signs shall each not exceed 16.1 ft² (1.5 m²) in area when attached to the building. Such signs shall not be illuminated where facing and abutting residential property and shall not be, in combination with any other sign, exceeding thirty per cent (30%) of the street façade as regulated by 215-20.B.(4).</p>	<p>Three (3) of the incidental signs will not comply with the maximum area for an individual incidental sign.</p> <p>The 5 incidental signs will exceed the permitted aggregate area for all signs.</p> <p>On the east side the incidental signs on the fascia of the canopy are illuminated and are facing abutting residential properties.</p>	<p>To permit 3 of the incidental signs to exceed the maximum area of 1.5 m² for an individual incidental sign and</p> <p>To permit the 5 incidental signs to exceed in combination with any other sign, thirty per cent (30%) of the street façade. The proposed the incidental signs will be thirty-five per cent (35%) of the street façade.</p> <p>To permit the incidental signs on the east side fascia of the canopy to be illuminated while facing abutting residential properties.</p>

Impact on the Community:

The above noted signs have been erected without a permit. As a result, staff was able to go out to the site in the evening to determine what impact the illumination has on the neighboring properties.

The amount of illumination is minimal because the deep red background on the fascia signs has a muting effect on the level of illumination. The majority of the signs face commercial properties. In the case where some of the signs face residential properties, those properties are approximately 120 m away therefore the additional levels of illumination contributed by those signs is minimal.

There are other sources of illumination in the immediate area that have a much greater impact on the overall levels of illumination than the signs at the bank building. Some of these sources of artificial light are generated by the permitted double faced illuminated directory pylon sign, to the south and the permitted signage at the gas bar and the lighting for customers at the gas pumps.

A second double faced illuminated pylon sign is proposed to the north of the bank building and just to the south of the gas bar at a secondary entrance into the shopping centre. The light that would be generated by this sign, if approved, as well as the ambient lighting from the existing pylon sign and the adjacent gas bar exceed the light that is generated from the signage installed on the bank.

The incidental signs are strictly for directing traffic through the drive-thru and are required for safety purposes. The incidental signs facing the residential properties are small and contribute very little to the overall illumination levels.

The allowable aggregate area of signage is exceeded only by 17 percent, which is relatively small. If the area of the incidental signs of 148.1 ft² were to be removed there would be no variance required, but since the incidental signs serve the purpose of directing traffic safely through the drive-thru this small increase in area meets the intent of the sign code. Furthermore, the number of signs may exceed what is permitted, but due to the distribution of the signs over all four elevations the impact is minimal.

Conclusions:

Further to the recommendations contained within the staff report, which was before Council on February 16, 2005, it is now recommended that the request for variances be approved.

The basis for this recommendation is due, in part, to a further inspection and examination by staff, which revealed the ambient lighting levels in and around the shopping centre exceeds the illumination of signs installed on the bank. Illumination from the signs on the bank has little impact on the adjacent neighborhood.

Contact:

Algimantas Jasinevicius, Manager, Plan Examination

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Fax: (416) 394-8209

E-mail: ajasinev@toronto.ca

List of Attachments:

Attachment 1: Site Plan and/or Zoning Map

Attachment 2: Elevations

(The Attachments are on file in the City Clerk's Office.)

ATTACHMENT 4 [Notice of Motion J(26)]

Revised Reasons for Listing (January 13, 2005) as recommended by the Toronto Preservation Board for 111 St. Clair Avenue West. (See Minute 4.124, Page 144):

(Note: Words struck are deleted from, and words underlined are added to, the original Reasons for Listing)

The property at 111 St. Clair Avenue West is recommended for inclusion on the City of Toronto Inventory of Heritage Properties for its cultural resource value or interest. Located on the south side of St. Clair Avenue West between Yonge Street and Avenue Road, the Imperial Oil Building was completed in 1957 as the chief executive offices for the oil company. The Toronto architectural firm of Mathers and Haldenby designed the building, which featured works of art by Canadian artists, including York Wilson, ~~Sidney Watson and Oscar Cahen~~. The Imperial Oil Building is architecturally significant as an important example of the Modern style that is a highly visible feature on St. Clair Avenue West.

The heritage attributes of the Imperial Oil Building are found on the exterior walls and roof, and in the interior lobby. The building rises 19 stories to a flat roof where a canopied observation deck and a two-storey ~~glazed~~ penthouse are set back on the flat roof. Built with a structural steel frame, the lower two stories are clad with polished pink granite and the upper floors faced with Indiana limestone. On the principal (north) façade, the first two stories are glazed, with the principal entrance centred in the wall and protected by a single-storey glazed vestibule. The columns that rise to the 17th floor project outward and, above the second floor, organize pairs of flat-headed window openings. The two upper most floors of the shaft are set back and feature the symmetrical placement of glazed window openings. The pattern of the fenestration is repeated on the rear (south) wall overlooking open space. Above the first and second floors of the side (east and west) walls where columns organize glazed openings, six punched flat-headed window openings are found in each storey. The glazing system in the window openings is not included in the Reasons for Listing.

On the interior, the two-storey entrance hall ~~with a mezzanine~~ is an important feature. This area features walls clad with Lorado Chioso marble and gold mosaic tiles, and floors composed of pink and gray Tennessee marble. Of particular importance are the two monumental murals by Canadian artist York Wilson that mark the walls on either side of the passage from the entrance hall to the elevator lobby. The colourful abstract murals, visible from the street, employ vinyl paint medium to portray “The Story of Oil” and the uses of the product.

The portion of the property used for vehicles is not included in the Reasons for Listing.

Revised Jan 2005

ATTACHMENT 5 [Notice of Motion J(30)]

Communication (April 8, 2005) from the Toronto Preservation Board, entitled “49 Highland Crescent (Jacobine Jones House) – Intention to Designate under Part IV of the *Ontario Heritage Act* (Ward 25 Don Valley West)” (See Minute 4.127, Page 149):

Purpose:Recommendation:

The Toronto Preservation Board recommended to the North York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (March 29, 2005) from the Commissioner of Economic Development, Culture and Tourism.

Background:

The Toronto Preservation Board on April 7, 2005, considered a report (March 29, 2005) from the Commissioner of Economic Development, Culture and Tourism.

Recommendations:

It is recommended that:

- (1) Council state its intention to designate the property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the *Ontario Heritage Act*;
- (2) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the Solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (3) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Toronto Preservation Board also considered a communication (April 4, 2005) from Adam J. Brown, Sherman, Brown, Dryer, Karol, advising that the Owners of the property at 49 Highland Crescent are in opposition to the City’s intention to designate this property and requesting that consideration of this matter be deferred until the May 12, 2005 meeting of the Board.

Report (March 29, 2005) addressed to the Toronto Preservation Board
and the North York Community Council,
from the Commissioner of Economic Development, Culture and Tourism

Purpose:

This report recommends that Council state its intention to designate the property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report. The cost of publishing the notice of intention to designate in the daily newspaper is included in the approved 2005 Culture Division budget.

Recommendations:

It is recommended that:

- (1) Council state its intention to designate the property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the *Ontario Heritage Act*;
- (2) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the Solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
- (3) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the Clerk be directed to refer the proposed designation to the Conservation Review Board; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The property at 49 Highland Crescent is listed on the City of Toronto Inventory of Heritage Properties. The owner has applied for Demolition Permit No. 05-114927 to demolish the existing house.

The property contains a house that was built in 1935 as the residence and studio for Jacobine Jones,

the celebrated Canadian sculptor. The residence is a good example of Colonial Revival design that contributes contextually to the York Mills neighbourhood of North York.

Comments:

A location map (Attachment 1) and photograph (Attachment 2) are attached.

The following Statement of Reasons for Designation is intended for publication according to the provisions of the *Ontario Heritage Act*. The Reasons for Designation are attached (Attachment 3) and include a description of the heritage attributes of the property. The complete Reasons for Designation will be served on the property owner and the Ontario Heritage Foundation and included in the designating by-law.

Statement of Reasons for Designation

The property at 49 Highland Crescent is recommended for designation under Part IV of the *Ontario Heritage Act* for its cultural resource value or interest. The Jacobine Jones House was completed in 1935 as the combined residence and studio for the celebrated Canadian sculptor. The building is architecturally significant as a good example of Colonial Revival design by Toronto architects Marani, Lawson and Morris, and historically notable for its association with the artist. The Jacobine Jones House contributes contextually to the York Mills neighbourhood in North York where it was part of a community of Canadian artisans in the early to mid 20th century.

The Reasons for Designation, including a description of the heritage attributes of the property, are available for viewing from the City Clerk's Department or from Heritage Preservation Services, Culture Division, Economic Development, Culture and Tourism, City of Toronto.

Conclusions:

It is recommended that Council state its intention to designate the property at 49 Highland Crescent under Part IV of the *Ontario Heritage Act*.

Contact:

Rita Davies
Executive Director of Culture
Tel: 416-397-5323
Fax: 416-392-5600
E-mail: rdavies@toronto.ca

List of Attachments:

Attachment 1 – Location Map (49 Highland Crescent)

Attachment 2 – Photographs (49 Highland Crescent)

Attachment 3 – Reasons for Designation (49 Highland Crescent)

(A copy of Attachment 2 is on file in the City Clerk's Office.)

ATTACHMENT 1
LOCATION MAP: 49 HIGHLAND CRESCENT

← Midway between Yonge Street & Bayview Avenue →



ATTACHMENT 3
REASONS FOR DESIGNATION: 49 HIGHLAND CRESCENT

The property at 49 Highland Crescent is recommended for designation under Part IV of the *Ontario Heritage Act* for its cultural resource value or interest. The noted Canadian sculptor Jacobine Jones commissioned the Toronto architectural firm of Marani, Lawson and Morris to design a combined residence and studio in York Mills that was completed in 1935. Jones received training at the Regent Street Polytechnic in London before her arrival in Canada in 1932. She taught art at the Northern Vocational School, and served as the Director of Sculpture at the Ontario College of Art. At her studio in her York Mills residence, Jones produced works of art inspired by her love of animals and nature. She received numerous commissions throughout the 1930s, culminating with her installation of two monumental sculptures in the Canadian Pavilion at the New York World's Fair in 1939. Jones was elected to the Royal Canadian Academy and the Sculptor's Society of Canada in 1954. Among her extant commissions in Toronto are the Canadian historical figures of Champlain, Wolfe, Simcoe and Brock on the façade of the Sigmund Samuel Canadiana Building at the University of Toronto, and the bas-relief in the banking hall of the Bank of Nova Scotia Building at Scotia Plaza. The latter buildings and sculptures are recognized on the City of Toronto Inventory of Heritage Properties.

The Jacobine Jones House is historically notable for its association with the prominent Canadian sculptor. The house is architecturally significant as a well-executed example of Colonial Revival design with elements inspired by 19th century Greek Revival architecture. Contextually, the building contributes to the York Mills neighbourhood that attracted a community of prominent Canadian artisans in the early part of the 20th century, among them C. W. Jefferys, Walter Seymour Allward and Group of Seven artist Franklin Carmichael.

The heritage attributes of the house are found on the exterior walls and roof. Rising 1½ stories, the building is clad with stucco and trimmed with wood. The structure is covered by a steeply pitched cross-gable roof with returned eaves, central chimney and, on the northeast and southwest slopes, skylights. Gables mark the principal (northeast) façade and rear (southwest) elevation where entrances are placed. On the northeast façade, a panelled wood door with a round-arched fanlight is set in a Classical surround with fluted pilasters and a broken pediment. Above, a flat-headed window opening marks the half-storey. To the right of the entrance, a trio of diminutive window openings surmounts three tall flat-headed window openings with multi-paned sash windows. The original door and window openings on the side and rear elevations are partially concealed by single-storey additions that are not included in the Reasons for Listing.

ATTACHMENT 6 [Notice of Motion J(34)]

Report (April 11, 2005) from the Integrity Commissioner, entitled "Interim Report". (See Minute 4.131, Page 155):

Purpose:

It is seven months since I became the City's first Integrity Commissioner. The object of this Report is to provide Councillors with an account of what I have been doing over the course of those seven months.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report.

Introduction:

Under the terms of the Council resolution providing for the appointment of a part-time Integrity Commissioner, my duties are fourfold: Advisory, Complaint Investigation, Complaint Adjudication, and Educational. In this Report, I deal with each of those four responsibilities. I will also provide details of the setting up of my office and the way it operates currently, as well as share with you what I learned in the course of interviews that I conducted with the Mayor and all Councillors on the subject of their expectations of the office of Integrity Commissioner.

(1) Setting up the Office:

During the first few months of my appointment, I was principally preoccupied with the setting up of my office.

That involved extensive discussions about the most appropriate form of contractual relationship between the City and an Integrity Commissioner. A range of legal considerations affected these discussions, not the least of which was the reach of the *Municipal Freedom of Information and Protection of Privacy Act* and its potential impact on the functioning of my office.

There were also many briefing sessions at which I was introduced to those members of staff with whom I would be interacting, and the various policies and programs for which they were responsible and which were relevant to my role. These meetings also provided an opportunity to start discussions about protocols (formal and informal) to govern situations in which the functions of the Integrity

Commissioner and those of other officials and offices intersected. This was particularly important as Part B of the *Council Code of Conduct Complaint Protocol for a City Integrity Commissioner* (“Complaint Protocol”) makes it clear that the Integrity Commissioner is not to deal with complaints for which another process already exists. Thereafter, I followed up on these initial briefing meetings with more detailed discussions with those officials with whom I expected to interact regularly, such as the Mayor, City Clerk, the City Solicitor, the Acting Director of Corporate Access and Privacy, the Director of Council and Support Services, the Executive Director of Human Resources, the Director of Election Services, and the Auditor General. (I should add that there still remain outstanding items in relation to the issue of possibly conflicting jurisdictions, one of which will be before Council in a separate Report from me at its April 12, 2005 meeting.)

The location of my office and the physical, organizational, and support services for my office also had to be worked out. It was agreed that situating my office in City Hall would not compromise my independence, and office space was made available on the 15th Floor of the West Tower. By mid-October, the office was fully operational save that I was still looking for an Administrative Assistant. As of late November, that gap was filled with the hiring of Zorida Ali, who works for me two days a week.

Another task that merited prompt attention was the design and launch of an Integrity Commissioner website. That site was up and running by October. It provides an invaluable source of information about the nature of my office as well as the rules and policies governing its functioning for Councillors, staff, and members of the public. As such, it fulfills part of the educational, outreach goals of the Office. It also facilitates ready access to the information needed to make a formal complaint – the *Councillors’ Code of Conduct* (“Code of Conduct”), the Complaint Protocol, and the form of affidavit that complainants have to complete.

There was initial media interest in the creation of the Office of Integrity Commissioner and I responded positively to all requests for interviews. In addition, I made contact with my provincial counterpart as well as academics working in the field of government ethics with a view to establishing contacts for the sharing of views and experiences. More recently, there have also been a number of invitations to speak about the nature of the office and my experience to this point. Here too, I have endeavoured to accommodate those requests.

(2) Advisory Role:

One of my tasks is the provision of advice to Councillors on activities that potentially implicate their obligations under the Code of Conduct. It is obvious that it is far better to pre-empt potential violations of the Code of Conduct than to have to deal with such matters after the event by way of a complaint. This was a message that I sought to convey in interviewing all the Councillors during the last few weeks of 2004 and the first few weeks of 2005.

In fact, there are growing signs that that message has got across and that Councillors are prepared to utilize this service. I have now received 19 requests for advice from 15 different Councillors. In about half of those instances, I have committed my advice to writing. This has been particularly so in situations involving the Code of Conduct provision with respect to Gifts and Benefits.

The specifications for my Advisory Role also include giving advice to Council. Council has passed resolutions requesting me to look into two issues: the possible leak of the name of the nominee to a civilian position on the Police Services Board and the issue of whether Councillors should be able to intervene on a ward matter in another Councillor's ward. I will be reporting on the first of these references at the April 12 meeting of Council and the second is still under consideration.

My giving of advice has also extended beyond this. I have responded to a number of requests for advice from staff in relation to policy issues that might affect the office of the Integrity Commissioner or that have dimensions with an ethical or integrity component. As well, I endeavour to set members of the public on the right path when they approach me with requests for action in matters over which I have no jurisdiction. In many instances, that involves putting them in touch with either the relevant City official or a Councillor.

(3) Complaint Investigation and Adjudication

These two aspects of my role are inseparably linked. I have received nine formal complaints. The first was settled without involvement on my part. I am reporting on the next two at the April 12 meeting of Council. I rejected one of those for lack of jurisdiction and the other on the merits. Currently, the other six are still under investigation. Seven of the complaints came from members of the public and two from staff members.

While I am without power to compel anyone to meet with me, to this point, I have received full cooperation from Councillors and staff in my investigation of complaints. The same was also true of the inquiry that I conducted at the request of Council into the alleged leak of the name of the nominee to the vacant civilian position on the Police Services Board. That has certainly made my task easier.

The Complaint Protocol also makes provision for the informal settlement of complaints and, where feasible, I have encouraged those contacting my office about Code of Conduct matters to try to resolve the issue by making contact with the Councillor in question and expressing their concerns. I have no reliable data on whether this advice has been taken and, if so, whether it has resolved the issue. I do, however, have the impression that a number of potential complaints have not been pursued because of the formalities involved and, particularly, the requirement that a formal complaint be commenced by way of affidavit. At some later point, I will evaluate the merits of that requirement.

(4) Educational:

My job description calls on me to provide “outreach programs to members of Council and staff on legislation, protocols, and office procedures emphasizing the importance of ethics for public confidence in municipal government.” To this point, I have not progressed very far in the furtherance of that task, though I have assembled a small group of advisors to assist in the development of an educational package. I have also, through my interviews with Councillors, endeavoured to emphasize the educational mission of the office. As well, as mentioned above, some of the material on my web site has been developed for the very purpose of providing information to the public, Councillors and staff about my office and the City’s commitment to the maintenance of integrity. Thus, my site has a link to FAQs, and I am working on adding a segment containing sample advice and summaries of complaints investigated.

(5) Workload:

At present, the position is a part-time one, and the expectation was that I would spend two and a half to three days a week on the work of the office. To this point, that estimate has proved accurate and I am generally at my office in City Hall half of each working week. Outside of that time, I am normally readily available by phone or email at my home in Kingston.

Over the past few weeks, the pace and amount of the work has been growing. As a consequence, I do anticipate having to devote more time to the position in the second half of my year-long appointment than I did in the first half. Effective fulfillment of the educational part of my mandate will itself require that. Working only half a week will also be insufficient if there is any significant increase on the Complaint side of my responsibilities.

(6) Meetings with Councillors:

(a) Introduction

When Council appointed me as its first Integrity Commissioner, I determined that I should meet personally with all City Councillors to seek their opinions and advice on not only my role but also the contents of the Code of Conduct. What should I be doing as Integrity Commissioner? How can I best serve the City? What is the level of awareness of the contents of the current Code of Conduct for Councillors? Are there any problems with the nature and content of that Code? Does it need improvement? If so, in what respects? Are there species of conduct that the Code does not cover currently but should? These were the matters that I intended to raise with Councillors.

At the beginning, I regarded this as an exercise principally for my own information and education. However, about half way through the process, I determined that, once it was completed, I should share a synopsis of what I had heard with all Councillors with a view not only to informing them but also to encouraging discussion about contentious matters. (Indeed, some Councillors also suggested that I do this.) I also hoped that this process might assist me in identifying how best to fulfill the

educational and outreach portion of my mandate.

In the course of an interview process extending over three months, I saw every Councillor and am ready to recount what I have heard (without, I hope, breaking any confidences). In so doing, I will also incorporate into the discussion issues that have arisen out of my role as a provider of advice to Councillors on specific Code of Conduct issues (once again, without breaking any confidences). Finally, I will add a section identifying some of the issues that have arisen out of my involvement with the Protocol for handling formal complaints.

(b) Awareness of the Code of Conduct

I did not presume to test Councillors on their knowledge of the Code of Conduct nor, indeed, did I systematically ask whether they were aware of its existence. However, at least one Councillor did express surprise that there was such a document and another seemed to think that, provided he/she avoided conflicts of interest as prohibited by the *Municipal Conflict of Interest Act*, all would be well. Others suggested that the awareness level of the details of the Code of Conduct was low and asserted that it was part of my role to ensure a heightening of that awareness. I agree with that and one of the purposes of this exercise is to solicit suggestions as to how this might be done: a symposium on the Code of Conduct for Councillors and their office staff, more frequent communications about Code of Conduct issues, an expanded range of Code of Conduct FAQs on my web page, or all of these and more.

(c) Scope of my Mandate

A number of Councillors did not know that my mandate was confined to the Code of Conduct governing the activities of Councillors. I have no jurisdiction over complaints about other City officials or staff generally. This prompted the observation that either I should have that jurisdiction or, alternatively, that the City should be moving in the direction of a more general Ombuds-type office. Given that, as opposed to the situation in some provinces, Ontario's Ombudsman does not have jurisdiction over municipalities, there may be merit in that proposal. For the present, however, these are matters which rest ultimately with the Chief Administrative Officer (or City Manager) and, to a certain extent, the Auditor General, particularly through the Fraud and Waste Hotline.

Let me, however, offer three observations from my limited experience to this point. First, in terms of inquiries by members of the public, a majority are about matters quite outside my jurisdiction and are more in the nature of complaints about administrative failures, or the conduct of staff, or both. They assume that is what I am there to look after and are not unnaturally disappointed when I have to tell them to go elsewhere. Secondly, I have had a limited number of inquiries from staff looking for advice not just in relation to their interactions with Councillors but also about their own ethical and Code of Conduct issues. I have not turned them away. Thirdly, when staff make complaints against Councillors, it almost certainly will not be uncommon for Councillors to respond by making counter-complaints against the relevant member or members of staff. The fact that I have no authority over staff raises logistical difficulties in the satisfactory resolution of such complaints.

(d) Specific Aspects of the Code of Conduct

(i) Lobbying

The views of Councillors on the very practice of lobbying ran the gamut from those who see their role as Councillors in terms of constant exposure to and evaluation of lobbying to those who want nothing whatsoever to do with lobbyists.

As far as the current Lobbying rules are concerned, there were a number of questions.

- (a) Some questioned the utility of a Code of Conduct Rule that speaks simply in terms of Councillors being “vigilant in their duty to serve public interests when faced with lobbying activities.” This was too vague and did not provide a precise enough standard by which Councillors could confidently self-regulate their interaction with lobbyists.
- (b) There is presently a voluntary lobbyist registry under which lobbyists are required to sign in when attending a Councillor’s City Hall office for the purpose of lobbying. Only a third or so of Councillors are part of that voluntary system. Even some of those question its worth. Among the issues raised were the utility of a system that applied only to City Hall contacts with lobbyists, and not, for example, to constituency or golf course meetings with lobbyists or various forms of electronic interaction. One Councillor was quite sceptical as to whether anyone ever bothered to look at the monthly lists of in-office meetings with lobbyists that participants in the voluntary register system submit monthly to the City Clerk’s Office. For her/him, it was an empty formalism. In contrast, most of those participating saw it as one important way in which a degree of openness and transparency could be brought to their activities. This is underscored by the fact that the registry is accessible on the City’s website. Moreover, contrary to the impressions of the one Councillor, the City Clerk’s Office informs me that there are requests from the public every month for access to the registry.
- (c) There was also a limited amount of criticism of the current Code of Conduct definition of what constitutes a “lobbyist”. One Councillor was strongly of the view that developers and other entities acting on behalf of their own financial interest should not come within the definition, while a few others were concerned (almost certainly without justification) that public interest organizations did not come within the current definition.

(ii) Gifts and Benefits

Reaction among Councillors to the current policies concerning gifts and benefits was extremely varied. At one extreme were those who would put a total ban on gifts or who have made a personal decision never to accept them. The vast majority were of the view that there should be at least some room for accepting gifts and benefits, particularly in many of the contexts dealt with in the current rules, and, in particular, gifts and benefits received as “an incident of protocol, custom or social obligations”, “food, lodging, transportation and entertainment provided by” various other governments, and “food and beverages consumed at banquets, receptions or similar events”.

However, there was a clear sense among many Councillors that the current language dealing with situations in which gifts and benefits could be accepted was vague and did not make bright line distinctions between the permissible and impermissible. Some also felt that the current wording left too much room for the receipt of gifts and benefits that were inappropriate.

To take an example that recently attracted some attention in the media, does the fact that an industry association has dined, wine and provided entertainment for Councillors and staff in the past make it a matter of “custom” about which no concerns can be raised? In other words, is what has happened previously on a number of occasions become an always acceptable custom or should there be some room within the rules for the reassessment of past practices? Does the allowance for “food and beverages consumed at banquets, receptions and other events” permit Councillors to accept invitations to any and all such occasions irrespective of their lavishness and irrespective of who is staging the event? Indeed, the same questions can be applied to the instance of benefits and gifts provided by other governments, be they local, provincial, national or international.

More generally, there is a question as to where the line is to be drawn between the impermissible receipt of gifts and benefits “connected directly or indirectly with the performance of [a Councillor’s] duties or office” and the permissible categories of gifts and benefits – those that normally accompany the responsibilities of office and are received as an incident of protocol, custom, or social obligations.

Some Councillors question whether it is either appropriate or possible to be more specific or more restrictive as to what is permissible. Others favour closer regulation whether it be by way of clearer language, a reporting requirement, and/or a monetary limit. (As I understand it, there was at one time a monetary limit of \$200 which triggered reporting, refusal and return obligations. Monetary limits remain a feature of most other policies of which I am aware, including the policy governing receipt of gifts and benefits by members of staff (\$25) and the various provincial and territorial integrity regimes (ranging from \$200 to \$500)).

Suffice it to say that, in my limited experience, and as was accurately reported in the media, this policy is the one under which I have had greatest difficulty in rendering advice. As a result, I tend to support those who argue that the wording and the structure of the policy at least needs to be reworked. In particular, a policy that starts with a negative in the form of a seeming ban but then undercuts much of that ban with a series of broad exceptions is a problematic structure.

The range of Councillors' positions on this question also suggests that a full exchange of views on the subject would be useful. To this end, my assistant has been investigating the gifts and benefits policies of other municipalities and levels of government to see if there are any alternatives that might inform any debate that takes place.

(iii) Conflicts of Interest

- (a) What constitutes a conflict of interest is becoming more complex particularly when Councillors serve on Agencies, Boards and Commissions, which have their own separate interests, and, with increasing regularity, when Councillors are members of/representatives on public/private partnerships in which the City is participating.
- (b) At present, both the City Solicitor and the Integrity Commissioner are confined to providing general advice about the *Municipal Conflict of Interest Act*. Neither of us can provide specific advice about whether a particular situation actually gives rise to a prohibited conflict. Councillors are expected to obtain their own independent legal advice and the cost of that comes out of their own pockets. The City does not reimburse and it is not a legitimate claim on a Councillor's office budget. Some Councillors are concerned about this. Obtaining independent legal advice on an issue that seems to be arising (at least for some) with increasing regularity is an expensive proposition. As a result, this can give rise to a tendency to either take a chance or to declare a conflict whenever any possible issue might arise. Neither of these situations is desirable.
- (c) It is also the case that the *Municipal Conflict of Interest Act* and its provisions for court enforcement and removal from office has become too much of a sledgehammer for cracking what in many instances may be a mere nut. This all or nothing approach to conflict of interest issues certainly warrants rethinking, and, while this is not something directly within Council's jurisdiction, it might be a matter that could be addressed in the process of negotiating the overhaul of the *City of Toronto Act*.

(iv) Election Rules

Any number of Councillors predicted that the peak period of activity for the Integrity Commissioner would be during an election campaign and, in particular, that the Office would be called upon to police the prohibition on Councillors' using City resources (their expense account, their staff) on their campaigns. The most likely source of such complaints would be other candidates concerned about minimizing any advantage that accrues to sitting members in municipal elections. I was not sure whether this was simply a warning of what the Integrity Commissioner should expect or also a concern that the existing rules were not clear or tough enough.

In fact, I am without jurisdiction in relation to the rules governing the conduct of municipal elections. This is primarily the domain of the *Municipal Elections Act, 1996* with enforcement of its provisions through the regular courts. Also, with respect to the particular policies and programs that are in place in the City of Toronto with respect to elections, responsibility for that rests with the City Clerk's Office acting through the Director of Election Services. Nonetheless, I do heed the warning that the Integrity Commissioner will likely become involved, particularly in matters involving the use of office expenses, facilities, and staff.

(v) Office Expenses

There is some concern about aspects of the current rules governing use of office expenses and, most notably, with what comes within the permissible range of "sponsorships and donations". What limits are imposed by virtue of the fact that any such sponsorship or donation must be linked to an "organization"? Does that exclude the use of the office expense budget to assist single or a discrete group of constituents? Some Councillors were also concerned that the current *per diem* rates for hospitality while attending a sanctioned Convention were too low given the high cost of many venues and the expectation of hospitality being extended by an attending Councillor. This perspective contrasted dramatically with the point of view of some that there should be no entertaining at all on the public purse.

(vi) Behaviour in Council Chamber and Committees

A few Councillors identified the behaviour of their peers in Council Chamber and Committees of Council as the most obvious integrity issue facing the City at the moment. Those concerns extended beyond general issues of decorum and interchanges between and among Councillors on the Council floor to the way in which Councillors dealt with staff members at Council and Committee meetings. However, among those who spoke to this issue, there was no unanimity as to whether this was an issue over which my Office did or should have jurisdiction. Some suggested that the Integrity Commissioner was ideally located

to identify what constitutes inappropriate behaviour in Council or Committee, while others were of the view that this had to remain a matter for the Chair of Council or the relevant Committee. At the April 12, 2005 meeting of Council, I am making recommendations on this matter in the context of a report on a complaint by a member of the public about the behaviour of a Councillor at a Council meeting.

(vii) Confidentiality

First term Councillors in particular tended to be astonished at the extent to which there are leaks to the media of confidential material, and most placed the blame for this primarily on their colleagues, not staff. On the part of some long-serving Councillors, there was almost a sense of resigned acceptance of the inevitability of the continuation of leaks. This led to reluctance on the part of some to provide certain kinds of information either at *in camera* meetings of Council and its Committees or in other processes where confidentiality is expected. The attitude of this group was very much to the effect that leaks are an ingrained part of the culture of City Hall, so one should not entrust to the system any information that you want kept confidential. I also received various suggestions as to how the situation might be improved. This is an issue that I deal with in greater detail in my report on the alleged leak to the media of the name of the recommended candidate to the civilian position on the Police Services Board.

(viii) Sanctions for Violations

“What power do you have when you find a violation of the Code of Conduct?” This was a frequent question to which I was forced to provide the answer: “Not very much!” At present, my powers are restricted to making a report to Council to the effect that I have found a violation of the Code and, if necessary, making recommendations for action by Council. However, Council itself has limited powers over such matters, the principal of which are probably formal censure, a call for an apology, and perhaps suspension from Council. Without amendment to the *City of Toronto Act*, it is unlikely that either Council or the Integrity Commissioner have or could be given much more authority than that. Nonetheless, the issue does deserve consideration particularly in the context of the current exercise to secure amendments to the Act.

(e) Possible Addition to the Code

(i) Trespassing in Other Councillors’ Wards

Some Councillors are concerned about the extent to which other Councillors and their staff are becoming involved in activities in Wards other than their own. This involvement typically takes the form of providing assistance to citizens who are not their constituents in relation to matters within another Councillor’s Ward, and attending (either in person or through a staff member) and participating in meetings in other Councillors’ Wards. This group of Councillors wants the Code of Conduct amended to regulate such conduct explicitly.

In fact, at its February meeting, City Council referred this issue to me for consideration and I will be reporting back to Council when that work is concluded.

(f) The Complaints Protocol

(i) Citizen-Initiated Complaints

The vast majority of Councillors had no problem with the fact that members of the public have the right to complain to the Integrity Commissioner that Councillors have violated the Code of Conduct. However, the concern was expressed that it is likely that citizens will use this route as vehicle for trying to refile the merits of lost causes. In my limited experience, there is some sense that this is precisely what some members of the public do want to do. However, provided my office is sensitive to this kind of inappropriate complaint, my own position continues to be that this is not a reason for eliminating citizen access to the complaint mechanism.

There was, however, a suggestion that citizens (and others) making a complaint should be obliged to refrain from giving the complaint any publicity as a condition of having the Integrity Commissioner consider it. This concern was motivated by the sense that harm is done to a Councillor's reputation by the mere reporting of the fact that a complaint has been filed and that that harm is never completely eliminated by subsequent vindication of the Councillor.

When the Integrity Commissioner investigates a complaint, that process is conducted "privately" at present and there is no contact with the media over the details or progress of the investigation. Whether it is feasible and proper to impose a similar obligation of confidentiality on complainants (and respondent Councillors, for that matter) is another question and one on which I would appreciate comment.

(ii) Miscellaneous

Other issues have also arisen with respect to the Complaint Protocol. Are there circumstances under which I should be able to take anonymous complaints or start an investigation of my own initiative and without a formal complaint? Is it too cumbersome to require that a formal complaint be commenced by filing an affidavit? Is my ability to recommend that Council pay the costs of a successful party on a complaint restricted to the costs of a lawyer or does it extend to other costs such as out of pocket expenses? After I have more experience with the wording and operation of the present Complaint Protocol, I will almost certainly be reporting further on these and other aspects of it.

(g) Conclusions

The information contained in this synopsis does not pretend to be the result of scientific or empirical research. It is not based on a set of responses to a standard set of questions. Rather, it is the product of a series of unstructured interviews, the length of which and the direction and format of which varied dramatically. However, I do believe that it provides a starting point for further consideration of and possibly work on at least some of the areas discussed.

While we would certainly all agree that certain species of conduct are unethical or without integrity (accepting out and out bribes, harassment contrary to the *Ontario Human Rights Code*), there are many ethical and integrity questions for which there are no absolute answers. In these uncertain domains, there is considerable room for institutions to make choices about the way in which they conduct and regulate themselves. What does matter, however, is that those choices are made after informed and full consideration and debate.

With this in mind, I would appreciate further views on the matters raised in this Report. In particular, what suggestions do you have for the furtherance of the educational mission of the Office of the Integrity Commissioner? Would you be interested in some form of seminar or symposium, and, if so, how should that be structured to make you want to attend? Which of the issues canvassed in this part of my report do you believe to be most in need of consideration and debate? Does the discussion of the various concerns about particular aspects of the Code of Conduct and the Complaint Protocol reflect your views adequately? If not, what further dimensions need to be added to the discussion of those issues? Are there any matters in particular that should be fast-tracked for review?

(7) Summary

Thanks to the support and advice I have received from many members of Staff, Councillors and my Administrative Assistant, the Office of the Integrity Commissioner has taken a shape and direction that seems to me to be in accord with the objectives of Council in its resolution creating the position. With the exception of the Office's educational and outreach mission, it is fully operational. While there were a number of initial teething difficulties (some anticipated, others not) in setting up the Office, most of these have now been overcome. Over the second half of my appointment, my intention is not only to continue to fulfill the core responsibilities that Council has assigned to me but also to continue to reevaluate the policies and procedures that constitute the core of the City's integrity regime. In that endeavour, I hope to be informed by reaction to this Report and, in particular, that part of it in which I outline the matters that have come out of my interactions with Councillors over the first seven months of my appointment.

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Integrity Commissioner

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ATTACHMENT 7 [Notice of Motion J(35)]

Public report (April 5, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillor’s Code of Conduct” (See Minute 4.132, Page 156):

Purpose:

To report on the rejection of a complaint that a Councillor violated Part III (Confidential Information) and Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A constituent complained that, in dealing with an issue that had arisen in her/his ward, a Councillor had disclosed or released to members of the public confidential information “acquired by virtue of [her/his] office” and had failed to treat a member of the public “fairly” and had thereby violated Parts III and XI of the Code of Conduct.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of that investigation, I found that a number of the constituent’s concerns involved the substance of the issue and were therefore not within my jurisdiction. I also found that the Councillor had not violated the Code of Conduct and, in particular, had not disclosed or released confidential information identifying and concerning the constituent nor had he/she failed to treat the constituent fairly by lying to her/him. I therefore prepared a report on the complaint, which the City Clerk has provided, to both the constituent and the Councillor as required by s. 6 of Part B of the Complaint Protocol. That report is attached to this report as a confidential document for the information of Council.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

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(The confidential attachment to this report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.)

ATTACHMENT 8 [Notice of Motion J(36)]

Report (April 6, 2005) from the Integrity Commissioner, entitled "Report on Complaint (2)".
(See Minute 4.133, Page 158):

Purpose:

To report on the rejection for want of jurisdiction of a citizen complaint that a Councillor violated Parts VIII (Conduct at Council) and XI (Discreditable Conduct) of the Code of Conduct for Members of Council ("Code of Conduct").

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) Council receive this report (including the attachment); and
- (2) in the current review of the City's procedural by-law, consideration be given to including a protocol under which members of the public and staff have the right to complain to Council that the behaviour of Councillors in Council or Committee has violated the Code of Conduct, and providing that Council, either of its own initiative or on the complaint of a citizen or a staff member, may refer to the Integrity Commissioner issues of Code of Conduct violations in Council or in Committee.

Background:

A member of the public complained about the behaviour of a Councillor in the course of Council's consideration of a notice of motion. The citizen alleged that the Councillor behaved inappropriately and in a discriminatory manner in opposing and trying to persuade other Councillors to oppose the motion. It was claimed that these actions constituted discreditable conduct in terms of Part XI, and a failure to act with decorum at Council in terms of Part VIII of the *Code of Conduct for Members of Council* ("Code of Conduct").

Under section 2(3) of Part B ("Formal Complaint Procedure") of the Council Code of Conduct Complaint Protocol ("Complaint Protocol"), the Integrity Commissioner is directed not to undertake an investigation where another body has jurisdiction to deal with the subject matter of the complaint. Under section 2(4), I do, however, have the power to report to Council on a complaint not within my jurisdiction.

In this instance, I had immediate doubts as to whether I had jurisdiction to deal with citizen complaints about the behaviour of Councillors at City Council. I therefore proceeded to determine whether those doubts were justified. I determined that they were but decided not only to instruct the City Clerk to convey that ruling to the complainant (as required by section 2(3) of the Complaint Protocol) but also to report to Council on this issue with recommendations.

Comments:

For reasons identified in greater detail in the attached report sent to the complainant, the Integrity Commissioner does not have authority under the Code of Conduct to review complaints about the behaviour of Councillors at Council and Committee meetings. The behaviour of Councillors at Council, while regulated by the Code of Conduct, is the responsibility of Council (acting primarily through the Mayor or his deputy). Absent a resolution of Council requesting the Integrity Commissioner to become involved, this self-policing is part of the statutory rights and privileges of Council.

However, Council should give consideration to amending the procedural by-law to provide for review of civilian and staff complaints about the behaviour of Councillors in Council or in Committee by Council itself or by the Integrity Commissioner at the request of Council. I see two main arguments for moving in that direction. Misconduct (and, in particular, discriminatory behaviour) in Council may not always be immediately apparent to the Mayor, his deputy or to other members of Council. Indeed, it may only be the civilian or staff victims of that misconduct who will be aware of it or its full ramifications. That suggests that there should be some mechanism for raising these matters after the event. Secondly, there seems to be support for taking steps to improve the behaviour of Councillors both in Council and Committees – even on the part of Councillors themselves. The possibility of being subject to a complaint from staff or a member of the public may have an impact on the way in which Councillors conduct themselves. Indeed, even in situations where seeming misconduct is apparent at a meeting to the Mayor, his deputy, or other Councillors, there may be times where the issue can be more satisfactorily dealt with after the event by the Integrity Commissioner than immediately by the Mayor, his deputy, or Council as a whole.

Conclusions:

Council should receive the report to the effect that the Integrity Commissioner does not have jurisdiction over citizen complaints about the behaviour of Councillor at Council meetings.

However, Council should also give consideration to whether provision for such complaints should be included in the procedure by-law and, if so, authorizing Council to assign the investigation of such complaints to the Integrity Commissioner.

Communication (April 6, 2005) addressed to
the City Clerk, from the Integrity Commissioner,
entitled "Report on Complaint"

Nature of Complaint:

A member of the public complained about the behaviour of a Councillor in the course of Council's consideration of a notice of motion. The citizen alleged that the Councillor behaved inappropriately and in a discriminatory manner in opposing and trying to persuade other Councillors to oppose the motion. It was claimed that these actions constituted discreditable conduct in terms of Part XI and a failure to act with decorum at Council in terms of Part VIII of the *Code of Conduct for Members of Council* ("Code of Conduct").

Summary of Findings:

On the basis of my consideration of the relevant statutory provisions, by-laws, and resolutions, set out below (and consultation with the City Clerk's Office and the Legal Services Division), I have determined that I do not have jurisdiction over this complaint.

Relevant Statutory Provisions, By-laws, and Resolutions:

The *Municipal Act, 2001*, S.O. 2001, c. 25, s. 225, provides that the head of Council (the Mayor) is to preside over Council. Section 238 goes on to mandate that every municipality is to pass "a procedure by-law for governing the calling, place and procedure of meetings".

The City of Toronto has passed such a procedural by-law (Municipal Code Chapter 27, Council Procedures). Section 27-14 of that by-law specifies:

§ 27-14. Chair to maintain order.

Subject to being overruled by a majority vote of the members, which vote shall be taken without debate, or comment, the Chair:

A. Shall maintain order and preserve the decorum of the meeting.

Clause 2(3) of Part B of the Code of Conduct Complaint Protocol for a City Integrity Commissioner ("the Complaint Protocol") is to the effect that the Integrity Commissioner is without jurisdiction over complaints with respect to matters not covered by the Code of Conduct or "covered by other legislation or a complaint procedure under another Council policy".

Part VIII of the Code of Conduct stipulates:

Members shall conduct themselves with decorum at Council in accordance with the provisions of the Council Procedural By-law.

Part XI of the Code of Conduct proscribes discrimination and harassment on the part of members of Council and references not only the *Ontario Human Rights Code* but also the Human Rights, Harassment and Hate Activity Policy Framework, adopted by Council at its meeting of December 16 and 17, 1998.

Analysis:

This complaint raised a difficult jurisdictional issue.

The Code of Conduct covers failing to act with decorum at Council, and the Code's condemnation of discriminatory and harassing conduct on its face extends to the conduct of Councillors at Council.

It is also the case that neither the *Municipal Act, 2001* nor the City of Toronto's procedural by-law creates any mechanism for complaints by members of the public against Councillors with respect to their conduct at Council. That might be seen as indicating that, in terms of the Protocol, there being no other complaint procedure, the Integrity Commissioner has jurisdiction to entertain such complaints.

However, there is another important dimension to the issue of jurisdiction. As a creature of statute, Council does not possess the same rights and privileges as Parliament and the provincial Legislative Assemblies, right and privileges that are constitutionally protected. Indeed, while the proceedings of Parliament and the provincial Legislative Assemblies are not subject to the *Canadian Charter of Rights and Freedoms* and relevant federal and provincial human rights legislation, the meetings of Council are: *Ontario (Speaker of the Legislative Assembly) v. Ontario (Human Rights Commission)* (2001), 54 O.R. (3d) 395 (C.A.); *Freitag v. Penetanguishene (Town)* (1999), 47 O.R. (3d) 301 (C.A.); and *Hudler v. London (City)*, [1997] O.H.R.B.I.D. No. 23.

Nonetheless, both the *Municipal Act, 2001* and the City's procedural by-law make it clear that responsibility for what transpires at meetings generally and the keeping of order in particular is the primary responsibility of the Mayor or whosoever is presiding over Council in his place. This is, however, subject to the right of Council itself to override any ruling made by the Mayor (or his deputy) on matters of order and decorum.

In my opinion, that structure makes it clear that initial responsibility for determining whether a member has failed to act with decorum or engaged in harassing and discriminatory conduct **during a meeting** rests with Council itself. This power is exercised primarily through the Mayor or his deputy. It takes the form of either unilateral intervention or by way of response to a complaint or motion by another Councillor. Thereafter, Council may choose to take issue with any ruling made by the Mayor or his Deputy. In other words, the thrust of the relevant *Municipal Act, 2001* provisions and the procedural by-law is that, at least internally, Council is responsible for the conduct

of its meetings and the behaviour of its members during those meetings.

Indeed, subject to the rights that members of the public have under the *Charter of Rights and Freedoms* and the *Ontario Human Rights Code*, I have grave doubts whether individual citizens have any status as of right to complain about the behaviour of Councillors at meetings of Council. More pertinently, given Council's responsibility for self-policing in these matters, it is my position that I do not have jurisdiction to deal with a complaint that has not been put to and considered by Council itself.

Conclusions:

- (a) The behaviour of Councillors at Council, while regulated by the Code of Conduct, is the responsibility of Council (acting primarily through the Mayor or his deputy). Absent a resolution of Council requesting the Integrity Commissioner to become involved, this self-policing is part of the statutory rights and privileges of Council.
- (b) This ruling does raise the policy issue whether Council should make any provision for citizen complaints about the behaviour of Councillors in Council or in Committee, for that matter. I see two main arguments for moving in that direction. Misconduct (and, in particular, discriminatory behaviour) in Council may not always be immediately apparent to the Mayor, his deputy or to other members of Council. Indeed, it may only be the civilian or staff victims of that misconduct who will be aware of it or its full ramifications. That suggests that there should be some mechanism for raising these matters after the event. Secondly, there seems to be support for taking steps to improve the behaviour of Councillors both in Council and Committees – even on the part of Councillors themselves. Given that, I would suggest that there is justification for subjecting Councillors to complaints from members of the public and staff, or at least from those who are the targets or victims of such misconduct. The possibility of being subject to a complaint from staff or a member of the public may have an impact on the way in which Councillors conduct themselves. Indeed, even in situations where seeming misconduct is apparent at a meeting to the Mayor, his deputy, or other Councillors, there may be times where the issue can be more satisfactorily dealt with after the event by the Integrity Commissioner than immediately by the Mayor, his deputy, or Council as a whole.

It is therefore recommended that in the current review of the City's procedural by-law, consideration be given to including a protocol under which members of the public and staff have the right to complain to Council that the behaviour of Councillors in Council or Committee has violated the Code of Conduct, and providing that Council, either of its own initiative or on the complaint of a citizen or a staff member, may refer to the Integrity Commissioner issues of Code of Conduct violations in Council or in Committee.

Summary of Main Points:

In general, the Integrity Commissioner does not have authority under the Code of Conduct to review complaints about the behaviour of Councillors at Council and Committee meetings. The behaviour of Councillors at Council, while regulated by the Code of Conduct, is the responsibility of Council (acting primarily through the Mayor or his deputy). Absent a resolution of Council requesting the Integrity Commissioner to become involved, this self-policing is part of the statutory rights and privileges of Council. As discussed in the Conclusions, Council should give consideration to amending the procedural by-law to provide for review of civilian and staff complaints about the behaviour of Councillors in Council or in Committee by Council itself or by the Integrity Commissioner at the request of Council.

ATTACHMENT 9 [Notice of Motion J(37)]

Report (April 12, 2005) from the Integrity Commissioner, entitled “Alleged Leak of Name of Nominee to City Position on Police Services Board”. (See Minute 4.134, Page 159):

Purpose:

This is the report on my investigation into the alleged leak of the name of the nominee to the City’s position on the Toronto Police Services Board. It also discusses more generally the issue of confidentiality in the conduct of the business of Council, its Committees, and Boards.

Financial Implications and Impact Statement:

There are no immediate financial implications of this report.

Recommendations:

It is recommended that:

- (1) Council receive this report;
- (2) Council direct that there be a review of the Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies with a view to amendments which provide specifically and in detail the confidentiality requirements which attend the operation of that policy and process;
- (3) Council direct that, in the context of the current review of the Procedural By-law, there be an assessment whether all Councillors should continue to have access to the documentation and meetings of nominating panels as defined in the relevant Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies; and
- (4) Council direct that consideration be given to including in any proposals for amendment to the *City of Toronto Act* explicit and strict confidentiality provisions governing the operation of civilian appointment and other Council processes.

Background:

At its September 28, 2004 meeting, in considering the Report of the Nominating Committee recommending the appointment of Alok K. Mukherjee to the Toronto Police Services Board, Council resolved:

“That the Mayor request the Integrity Commissioner to investigate the circumstances which led to the September 28, 2004, Toronto Star article respecting the candidates for

appointment to the Toronto Police Services Board.”

By letter dated October 25, 2004, the Mayor conveyed that request to me and I agreed to undertake the investigation.

The article in question appeared on Page B1 of the September 28, 2004 edition of the Toronto Star under the byline of Catherine Porter. The headline to the article was:

Miller ally to join board; Human rights adviser frontrunner for police services seat; Two professors also on short list to replace Alan Heisey; Advocate touted for police board spot.

In the body of the article, Ms. Porter named Mr. Mukherjee as “likely to be named as the city’s representative” on the Board and as “the frontrunner among three finalists.” She also identified the two other finalists. The information as to the identities of the three members on the short list interviewed by the Nominating Committee was accurate, and Mr. Mukherjee was indeed the choice of that Committee.

Comments:

(1) The Investigation

During the course of my investigation, I interviewed:

Seven of the Eight Members of the Nominating Committee (7 Councillors)¹

All Staff Advisers/Observers on the Nominating Committee (3)

City Clerk’s Office Staff Servicing the Nominating Committee (2)

The Mayor

Mayor’s Office Staff (2)

Chair of the Police Services Board

City Clerk

City Clerk’s Office Staff Responsible for Preparing Materials for Council (4)

Catherine Porter, Reporter, Toronto Star

1 The eighth was not at the relevant meeting and took no part in the process of selecting the nominee.

John Ferri, Editor, Toronto Star

Don Sellar, Ombudsman, Toronto Star

Romayne Smith Fullerton, Professor, Faculty of Information and Media Studies, University of Western Ontario

Short-listed applicants for the nomination (3)

In addition, I obtained copies of most of the relevant news media reports, consulted relevant policy documents (and most notably Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies (“Appointments Policy and Processes”)), and obtained the distribution list for the Agendas of the Nominating Committee (with an indication of those who received the confidential agenda items).

(2) Chronology

On the basis of the interviews, a document prepared by a member of the City Clerk’s staff, and news media reports, I developed the following chronology of the events leading up to Council’s consideration of the relevant report of the Nominating Committee. (As to precisely what occurred between September 24 and the Council Meeting of September 28, what follows represents my best assessment.)

Following the call for applications for membership on bodies under the jurisdiction of the Nominations Committee, there is an information meeting, which all applicants are expected to attend. That occurred in the case of this particular appointment. Thereafter, the process became confidential.

The critical stages, dates, and events in that process were as follows:

1. July 29, 2004 (Agenda dated: July 23)

Committee met, reviewed all applications, and short-listed seven applicants for interview.

2. August 26, 2003 (Agenda dated: August 18)

The Committee interviewed six of the seven short-listed candidates and carried out some tentative ranking. (Two of the Councillor members of the Committee were not at this meeting.)

The media staked out the doors to the Committee Room where the interviews were scheduled to take place. As a consequence, the interviews were moved to another location and the candidates were told when they reported to reception to go to that other location. The media did not converge

on that other location.

3. August 27, 2003

An article appeared at Page B.1 of the Toronto Star under the byline of Bruce DeMara and Paul Maloney, entitled "Police board list looks tilted to the left." In that article, the reporters named seven persons as the short-listed candidates who had been interviewed the previous day. That list of names was accurate. However, it was not the case that the Committee had interviewed all the candidates that day. Mr. Mukherjee was out of the country and was not interviewed until his return. That same day, in the Globe and Mail (Metro) at Page A10, Inside City Hall identified the names of five of the seven candidates, but not that of Mr. Mukherjee.

4. September 16, 2003 (Agenda dated: September 13)

The Committee interviewed the final candidate on the long short-list, Mr. Mukherjee. (One of the Councillor members was not present.) The Committee then decided on a short-list of three for final interviewing. There were no signs of the media in the vicinity of the location of this meeting.

5. Friday, September 24, 2003 (Agenda dated: September 21)

That morning, the Committee interviewed the three remaining candidates and voted to put Mr. Mukherjee's name forward. (One of the Councillor members was not present nor was one of the Staff advisers/observers.) Once again, there was no visible media presence. Following the meeting, a member of the City Clerk's staff servicing the Committee prepared the report of the Committee on its nomination.

Thereafter, the staff member who had prepared the report (after review by the Chair) sent it electronically to the person in the City Clerk's Office who acts as the production coordinator for Council Agenda items. (In its electronic form, it is password secure.) This was followed by a hard copy version of the report.

That afternoon or on the morning of Monday, September 27, the Chair of the Committee briefed a member of the Mayor's staff as to the outcome of the process. That staff member conveyed the information to the Mayor.

6. Monday, September 27, 2003

At that morning's briefing meeting on the next day's Council meeting involving the Mayor, Deputy Mayors, the City Clerk, and various members of her staff, the matter of the report of the Nominating Committee was discussed (without the name of the successful candidate being revealed). It was accepted that the City Clerk's staff would follow the normal course of action for items for the Supplementary Agenda: it would be processed, sent to the Printing and Distribution Unit for printing,

and distributed the next morning as part of the Supplementary Agenda.

However, as a result of concerns with preserving the confidentiality of the report, the Mayor contacted the City Clerk early that afternoon and directed that the report not be printed and distributed that day, but rather be printed at Council the following day. (By now, five members of the Mayor's staff were aware of the contents of the Report.)

In fact, the production coordinator had already assigned an agenda number to the report and sent it (by another member of the City Clerk's staff) to the Printing and Distribution Unit. However, as a consequence of the Mayor's intervention, it was retrieved immediately and held for printing at Council the next day.

That evening, on City TV, Adam Vaughan reported the name of the allegedly successful candidate. That report was not accurate. However, it was the name of one of the two other candidates on the short-list.

7. Tuesday, September 28, 2003

Council met. Prior to Council meeting, the Toronto Star article appeared. In a Toronto Sun article that same morning at Page 4, SueAnn Levy and Rob Granatstein, under the headline "New board seat is anti-Fantino: Mayor denies he played a role in selection", reported that the recommended appointee was the only one on the short-list who had indicated during the interview process that he or she was in favour of getting rid of the then Police Chief. The journalists did not identify this candidate by name. The report then went on to identify two "front runners". Only one was in fact on the short-list.

(3) Access to and Confidentiality of Relevant Information

The front cover page of the agenda for meetings of the Nominating Committee is a public document available on the release of the agenda to the media and members of the public. The confidential portions of the agenda materials for meetings of the Nominating Committee are distributed under a purple cover sheet to not only the Councillors serving on that Committee but also to all Councillors, as well as the Staff advisers/observers. Councillors, who are not members of the Committee, by virtue of section 27-114B of the Procedural By-law, may also attend meetings of the Nominating Committee and thereby become privy to further confidential information. (As I understand it, no non-member Councillor exercised that privilege during the current process.) That possibility aside, it is only the members, advisers/observers, and staff members servicing the Nominating Committee who are aware immediately of the content and the outcome of its deliberations. However, in the case of a report to Council, the group of those with knowledge of the contents of that report expands (as demanded by the exigencies of processing and managing Council's agenda), and will include City Clerk's staff (on a need to know basis) and the City Solicitor, and also all members of Council if the report is distributed in advance of the Meeting at which Council considers the report, something that did not happen in this instance. Not only was the report part of the Supplementary Agenda but also

the report was not printed and distributed until the Meeting was under way.

The Appointments Policy and Processes stipulates that the Nominating Panel “shall meet in private to review applications from qualified candidates, in order to short-list candidates for interview.” From that point on at least, the Nominating Committee carries out its responsibility in private or on a confidential basis,² save, of course, to the extent that there are specific rights of access to the Committee and its work (as detailed above).

In this particular instance, the Chair made it clear at each meeting of the Nominating Committee that the members and those present³ were bound by obligations of confidentiality with respect to the identities and evaluation of the candidates. However, it is quite unclear to me how those constraints were meant to operate in relation to communications between Councillors who were members of the Committee and Councillors who were not but who, *ex officio*, received the agenda for each meeting (including the confidential portions) and who were entitled to attend should they so choose.

As far as Councillors are concerned, Part III of the *Code of Conduct for Members of Council* (“Code of Conduct”) contains a general prohibition on the disclosure or release of confidential information:

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by Council to do so.

This reinforces the Procedural By-law, section 27-15.B (6) of which provides:

Where a matter that has been discussed in-camera, and where the matter remains confidential, [no member shall] disclose the content of the matter, or the substance of the deliberations, of the in-camera meeting.

As well, the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* may place external legal constraints on Councillors and their release of information about an identifiable individual, especially where that information is provided to the City on a confidential basis or understanding. There are also confidentiality constraints in the *Municipal Act*.

² See, however, *RSJ Holdings Inc. v. London (City)* (2004), 70 O.R. (3d) 612 (S.C.J.), leave to appeal denied [2004] O.J. No. 2700 (Q.L.) (S.C.J.), at paras. 17-18, to the effect that the proceedings of *in camera* meetings of Councils and their Committees do not necessarily oblige Councillors attending to an obligation of confidentiality. However, the judge did note (at paras. 21-22) that the obligation of confidentiality could arise out of the provisions of the City’s Code of Conflict by-law.

³ He and/or a member of the City Clerk’s staff servicing the Committee made it clear to the three persons on the final short-list that they should not talk about the process or the fact that they were on the short-list.

Staff are also bound by these legislative constraints. As well, the Staff Conflict of Interest Policy provides:

Employees may not disclose confidential information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests.

As for members of the media, they apparently do not operate under any ethical obligation to refrain from trying to obtain information from those who are obliged legally to keep it confidential. Similarly, they are not constrained from using that information, save that most media organizations have safeguards or procedures in place with respect to the reporting of anonymous information or information that is not for attribution.

(4) Was There a Leak in This Instance and, If So, By Whom?

In the course of my interviews, I encountered some speculation but no concrete information as to the source of any leak of the Nominating Committee's report or the name of the candidate who emerged from the process. Indeed, I am not sure whether there was a leak in the sense of the direct provision of information that Mr. Mukherjee was the successful candidate.

Most of the members of the Committee spoke of the media buzzing around in the wake of the meeting trying to pry out information. The same was true for some staff, and the media contacted two of the three short-listed candidates. However, no member of the Committee admitted to providing the relevant information nor did any of the contacted members of staff. Also, aside from the knowledge that they were on the short-list, the two candidates did not know at that stage which of them had prevailed.

The way in which the media reported this development also suggests that there might not have been a direct leak of the name of the successful candidate. After all, one member of the media, who was reported to have been trying to secure the name, got it incorrect, possibly on the basis of the misinterpretation of a gesture or a word. Also, the one who named the successful candidate did not do so definitively but by reference to Mr. Mukherjee as a frontrunner. However, it may be that the Toronto Star's constraints on the publication of unattributed information may have prevented any direct leak being reported in any other form. (Not surprisingly, Ms. Porter would neither confirm nor deny that there had been a leak, and also made it clear that, even if there had been, she would not have revealed her source. The editor to whom she reported and the paper's Ombudsman reinforced this.)

The possibility therefore exists that, at the end of the day, Ms. Porter made an educated guess at which name happened to be correct. However, even if true, that does not mean that the process was not tainted by some form of leak. The fact that her guess was educated in itself speaks to some level of breach of confidentiality. Ms. Porter (though apparently not the other reporters who filed stories on this) clearly knew the names of all those on the short-list. Her report also contained details of the

successful candidate's résumé. The successful candidate also reported that he was surprised when Ms. Porter and other members of the media who contacted him were aware of the detail of that document, and, in some instances, of the contents of his covering letter applying for the position, as well as the questions that were asked of him at the final interview and the answers he provided. This clearly points to a leak but, at least in the case of the candidates' names, the list of possible sources expands of necessity to include all members of Council, given that they all received advance notice of the names on that final short-list.

Indeed, the accuracy with which the Toronto Sun reporters earlier identified all seven names on the long short-list is also strong evidence of a prior leak. However, the fact that the reporters erroneously stated that the seven were all interviewed on the same day indicates that the leak was of the initial agenda list rather than the amended agenda or by word of mouth after the meeting from the committee members, advisers/ observers, or attending staff.

(5) Observations

Even if there was not a direct leak of Mr. Mukherjee's name as the successful candidate, it is regrettable that this process was tainted by some degree of breach of the obligations of confidentiality. What is also clear is that leaks of such personnel information are not uncommon in the City of Toronto. In the seven months since I have been Integrity Commissioner, there have been at least two other significant leaks of that kind of information. On November 8, 2004, a Toronto Star article revealed not only the name but also the test scores of an unsuccessful candidate for appointment to the Toronto Licensing Tribunal. This article appeared in the wake of an *in camera* Council debate of the relevant nominating committee's choice. Then, just last week, on April 7, 2005, the Toronto Star published the purported vote of the Police Services Board on the selection of the new Chief of Police. If that is accurate and was the product of a leak, it too was a major violation of the confidentiality rules.

All of this suggests that some members of Council and/or staff do not take at all seriously the strictures on holding confidential information secret. When that information is obtained on assurances (either directly or through the relevant rules and policies on applications) of a confidential evaluation process,⁴ it constitutes a serious abuse of the good faith of those who put their names forward for consideration for such important positions. That aside, it also engenders cynicism on the part of the public and, perhaps even more importantly, potential future candidates as to the probity of the process. This does not serve the City's interests well.

4 See e.g. the City's web page "Citizen appointments to City of Toronto agencies, boards and commissions". Under the heading "How are appointments made", there is an assurance of an *in camera* process: http://w.w.w.city.toronto.on.ca/council/citizen_appointments.htm

It might, of course, be argued that all such processes should be much more transparent and open. Indeed, some of the more general statements of principle in the 2004 Appointments Policy and Processes speak to a commitment to openness. Nonetheless, that is not the way in which it is set up at the moment and breaches of the confidentiality rules cannot be a surrogate for the direct adoption of a policy that provides for much greater transparency. That makes a mockery out of the existing rules and the promise they make to applicants.

In the course of my various interviews and particularly those with Councillors and members of the City Clerk's staff, there were a number of suggestions as to how the process might be changed to ensure greater protection of confidential information.

Some of those suggestions were about the need for greater security in the handling of confidential documents, such as the development and strict enforcement of a stronger policy on the handing back or destruction of all such documents at the end of all meetings at which they were distributed.⁵ There were also suggestions that the distribution of the confidential Committee agenda items to all Councillors should cease and perhaps even that Councillors not have an automatic right of access to meetings of Committees at which applications for appointments to City Agencies, Boards, Commissions and Corporations were being considered.

However, these changes would not serve to prevent any illicit word of mouth communication of confidential information, such as the names on a short-list. Moreover, as far as the second suggestion is concerned, some Councillors were strongly of the view that this would interfere with their entitlement to participate effectively in an important part of Council's business. In short, they saw it as critical that, at least in theory, all members of Council have access to the agenda and meetings of all Committees of Council.

Other suggestions focussed on stronger confidentiality provisions (including sanctions for violations). Among the possibilities were the adoption of a provision to the effect that members of any such committees and Councillors receiving confidential agenda items or attending committee meetings should be required to give an oath or affirmation of secrecy. This is required of members of the Police Services Board under regulations to the *Police Services Act*, and a range of sanctions is provided for ranging from reprimand to possible removal.⁶ Indeed, this could possibly be included among the impending amendments to the *City of Toronto Act*, along with specific provisions spelling out the confidentiality obligations of Councillors and staff and making violations a provincial offence subject to prosecution in the Ontario Court of Justice. Nevertheless, in this domain, as the possible leak of the vote of the Police Services Board on the new Chief of Police makes clear, stronger laws do not necessarily lead to changes in conduct especially where the threat of detection is low.

5 None of these concerns related to the manner in which the City Clerk's Office handled reports from the Nominating Committee. For my part, that process appear well-suited to preserving confidentiality and to involve minimum access to confidential information in the period leading up to its consideration by Council.

6 See O. Reg. 144/91 (amended to O. Reg. 499/95), section 1, and O. Reg. 421/97 (amended to O. Reg. 277/00), sections 7, 15.

It was also asserted that there was a lack of clarity as to the precise obligations of confidentiality that surrounded the operations of the Nominating Committee. It was not spelled out clearly enough or with sufficient detail in the Appointments Policy and Processes. My own review of that document in fact confirmed that claim. Aside from the statement that the relevant committee should meet in private to review the names of the qualified applicants and develop an initial short-list, the confidential nature of the process from that point on is in fact a matter of inference, not direct statement.

In the end, what may, however, be most profitable is a gradual consensual changing of the culture with respect to such matters. In the course of my interviews with all Councillors, several first time members of Council expressed dismay at the extent to which leaks of confidential information occur. Maybe over time, these sentiments will come to be the dominant ones. In the meantime, what is clear is that the City's reputation for probity suffers when sensitive, confidential information is leaked to the media. Real change will occur only with the realization of the harm that breaches of confidentiality can cause and the development of a sense that ultimately political advantage is not assured by such practices.

Conclusions:

My investigation did not uncover sufficient evidence to convince me that there was a leak of the name of the Nominating Committee's nominee to the vacant City appointment to the Police Services Board. However, there were almost certainly leaks at two other points at least in this process, leaks involving the names of those on the long and final short-lists. I did not come close to finding out who was responsible for those leaks. Aside from the fact that my office does not have the investigative powers and resources of the police (and maybe that is a good thing), this outcome was not unexpected given that the primary recipients of any such information, members of the media, have such a strong legal and ethical commitment to protecting their sources of information.

What is, however, clear is that there are almost certainly too many leaks of this kind in the City of Toronto. The culture of some members of Council and/or staff is apparently not sufficiently committed to the policy of confidentiality, which forms the basis of rules constraining the release of such information. As long as Council retains a confidential process for civilian appointments to its agencies, boards, commissions, corporations, and external special purpose bodies, that will remain a problem.

It is hoped that some of the cure for that problem will come as a result of reports such as this. That and a continued institutional and leadership commitment to respect for confidentiality aside, there are some changes that might assist. In particular, I would recommend that the Appointments Policy and Processes be reviewed and amended to spell out much more explicitly the existence and precise nature of the confidentiality obligations that attend such processes. That might include more specific directions as to the distribution and retention of relevant confidential materials. Council itself may wish to review in the context of the current reassessment of the Procedural By-law whether

Councillors who are not members of nominating committees or panels should have access to the confidential agenda items and meetings of those committees and panels. Finally, serious consideration should be given to including explicit and strict confidentiality provisions governing the operation of this and other Council processes in any amendments to the *City of Toronto Act*.

Contact:

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ATTACHMENT 10 [Notice of Motion J(40)]

Report (April 11, 2005) from the Commissioner of Corporate Services, entitled "Update on Acquisition of Toronto District School Board's Wanita Road Site (Ward 44 - Scarborough East)". (See Minute 4.137, Page 162):

Purpose:

To update Council respecting negotiations with the Toronto District School Board to acquire the Wanita Road site.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff be directed to communicate to the TDSB the City's continued interest in the property for open space purposes and that the City is not interested in a competitive bidding process against developers;
- (2) the Commissioner of Urban Development Services be requested to delay any Official Plan Amendment and Zoning By-law Amendment to redesignate the Wanita Road lands to "open space" until the TDSB has agreed to sell the subject property to the City; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting of February 1, 2 and 3, 2005, City Council adopted Clause 22b of Report 9 (2004) of the Administration Committee thereby, among other items, directing that staff negotiate with the Toronto District School Board (the "TDSB") and report back to the Works Committee on the cost to acquire the Wanita Road site at its December 2004 meeting. City Council, adopted this report, as amended such that this direction required staff to report back to the Works Committee meeting of March 8, 2005.

In adopting this report, City Council also directed the Chief Planner to initiate an Official Plan Amendment and Zoning By-law Amendment to designate the Wanita Road lands owned by the TDSB to 'open space' and bring these amendments forward to the June meeting of Scarborough Community Council. The report also requested the Commissioner of Urban Development Services to continue discussions with the TDSB about the Wanita Road site, such discussions to also be used as an opportunity to discuss a creative solution to the management of school lands in a way that mutually benefits the School Board and the City.

Pursuant to these requests, at its meeting of March 8, 2005, the Works Committee had before it for its information a confidential report dated March 7, 2005 advising that staff would continue to pursue a purchase of this property with TDSB and with regard to the requests for actions by the Commissioner of Urban Development Services, would, in consideration of these requests and other cross corporate issues identified, including but not limited to, planning, financial/funding, legal and liability issues, report to the Policy and Finance Committee at its meeting to be held on March 31, 2005.

Comments:

Staff continued to pursue a purchase of this property with TDSB and investigate the other matters, however did not have sufficient information to report to the March 31, 2005 meeting of Policy and Finance Committee.

Subsequently, by letter dated March 31, 2005, staff of TDSB advised that City staff's offer is significantly below TDSB's recent appraised value for the property. In addition, they advise they have received numerous enquiries and expressions of interest in this property from potential purchasers. Staff of TDSB advised that accordingly, they will be requesting authorization from their Board to bring the Wanita Road property to market through a Request for Proposal process for which the City, should it choose, can participate and make a submission.

In consideration of TDSB's advice respecting their plans for the Wanita Road site and in that the City is interested in this property for open space purposes and in paying the value/cost reflected by this use, it is evident that the City would be unsuccessful in bidding with developers in a competitive bidding process. Staff should therefore be directed to communicate to the TDSB the City's continued interest in the property for open space purposes and that the City is not interested in a competitive bidding process against developers.

With regard to Council's request that the Commissioner of Urban Development Services continue discussions with the TDSB about creative solutions to the management of school lands in general to mutually benefit the School Board and the City, I am advised that discussions with TDSB continue and will be the subject of a future report to the Planning and Transportation Committee and Council.

Conclusions:

For the reasons set out in this report, staff should be requested to communicate to the TDSB the City's continued interest in the property for open space purposes as outlined in this report. In addition, the Commissioner of Urban Development Services should be requested to delay any Official Plan Amendment and Zoning By-law Amendment to redesignate the Wanita Road lands to 'open space' until the TDSB has agreed to sell the subject property to the City.

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FISCAL IMPACT STATEMENT SUMMARY
Notices of Motion
Submitted by the Chief Financial Officer and Treasurer
 Council Meeting – April 12, 13 and 14, 2005

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
F(1)	Consolidating the Naming of the Community Council Boundaries with the Service Districts of the City of Toronto	\$0	\$0	Consider.
F(2)	Request to Renew the Façade Program for the York Eglinton Business Improvement Area	\$0	\$0	Consider. See FIS.
F(3)	Waiving of Fees for Community Festivals on St. Clair Avenue West	TTC: \$30,000 - \$40,000 per year. Police: TBD		Consider. See FIS.
F(4)	Support for International Car Free Day	\$0	\$0	Consider.
F(5)	Disclosure of Proponents' Responses to Certain Sections of Request for Proposal (RFP) 3401-04-3216 – Supply, Delivery and Installation of Desktop and Notebook Computers and Related Products and Services	\$0	\$0	Consider.
I(1)	New <i>City of Toronto Act</i> – Governance Changes	TBD		Consider. See FIS.
I(2)	Promoting Environmentally – Friendly Buildings in Toronto	\$0	\$0	Consider.
J(1)	“Poetry in the Street” Project – Report Request	\$0	\$0	See Picture Attached to Motion.
J(2)	Licensing of Clothing Drop Boxes	TBD		Consider. See FIS.
J(3)	GO Transit Georgetown Corridor Expansion Environmental Assessment	\$0	\$0	Consider.
J(4)	Introduction of Overnight On-Street Permit Parking on Floyd Avenue, between Burley Avenue and Logan Avenue	\$0	\$0	Consider.
J(5)	Proclamation of Falun Dafa Week: May 9 – 15, 2005	\$0	\$0	Consider.
J(6)	Appointment of Deputy City Managers (2 positions)			<i>See Confidential Report Attached to Motion. Has been dealt with Council on April 12,</i>

Minutes of the Council of the City of Toronto
April 12, 13 and 14, 2005

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
				2005.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(7)	Legislation to Prohibit the Sale of Knives to Minors			<i>See Confidential Report Attached to Motion.</i>
J(8)	925 Weston Road – Opposition to Application for a Liquor Licence	\$0	\$0	Consider.
J(9)	Amendment to Council Authority for the Transitional Housing Project at the North/West Corner of Wellesley/Sherbourne (Ward 27 – Toronto-Centre Rosedale)	\$0	\$0	Consider.
J(10)	Recognition of Contribution of Those Involved with Enhancements to the Churchill Statue in Nathan Phillips Square	\$0	\$0	Consider.
J(11)	Recorded Vote Participation	\$0	\$0	Consider.
J(12)	Statutory Offers of Compensation – Expropriations for North York Centre Plan Service Road			<i>Confidential. See FIS.</i>
J(13)	Monthly Maintenance of Canadian Flags on Municipal Facilities	\$0	\$0	Consider.
J(14)	Bill 60, an Act to Amend the <i>Ontario Heritage Act</i>	\$0	\$0	Consider.
J(15)	Mirvish Village Business Improvement Area	\$0	\$0	See Report Attached to Motion.
J(16)	Enactment of the Development Approvals for OPA and Rezoning Application 04 160357 ESC 38 OZ, The Goldman Group Lands Adjacent to Albert Campbell Square	\$0	\$0	Consider.
J(17)	Prevention of Needless Deaths of Thousands of Migratory Birds per Year in the City of Toronto	\$0	\$0	Consider.
J(18)	Same-sex Survivor Benefits	\$0	\$0	Consider.
J(19)	Request for Approval for Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code, for Illuminated First Part and Incidental Fascia Signs at 2267 Islington Avenue (Scotiabank)	\$0	\$0	See Report Attached to Motion.
J(20)	Ontario Municipal Board Hearing – 700 Evans Avenue (Ward 5 - Etobicoke-Lakeshore)			<i>Confidential. See FIS.</i>
J(21)	Request from the Ontario Fallen Fire Fighters Memorial Foundation	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	for Temporary Street Closings – Queen’s Park Circle East from College Street to Grosvenor Street – June 5, 2005			
J(22)	Water Resolution	\$0	\$0	Consider.
J(23)	Banner for Wabash Community Centre Project	TBD		See Report Attached to Motion, and see FIS.
J(24)	Appointment to Yonge-Dundas Square Board of Management	\$0	\$0	Consider.
J(25)	Request for City Legal Representation at OMB Appeal for 44 Old Forest Hill Road	\$0	\$0	See Report Attached to Motion.
J(26)	To Revise the Reasons for Listing for 111 St. Clair Avenue West (Imperial Oil Building)	\$0	\$0	See Report Attached to Motion.
J(27)	Purchase of Property to Replace Tapscott Garage – Status Report and Approval for Initial Negotiations			<i>Confidential. See FIS.</i>
J(28)	Accessible Taxicab Plates	\$0	\$0	Consider.
J(29)	Use and Form of Employment Contracts for Senior Staff			<i>Confidential. See FIS.</i>
J(30)	To State an Intention to Designate the Property at 49 Highland Crescent (Jacobine Jones House) under Part IV of the <i>Ontario Heritage Act</i>	\$0	\$0	See Report Attached to Motion.
J(31)	Appointments to Wexford Heights Business Improvement Area Board of Management	\$0	\$0	Consider.
J(32)	New Toronto Industrial Zoning Area	\$0	\$0	Consider.
J(33)	Toronto City Centre Airport Community Advisory Committee	\$0	\$0	Consider.
J(34)	Interim Report of the Integrity Commissioner	\$0	\$0	See Report Attached to Motion.
J(35)	Report of Integrity Commissioner on Complaint of Violation of Councillor’s Code of Conduct (Complaint 1)			<i>Confidential. See FIS.</i>
J(36)	Report of Integrity Commissioner on Complaint of Violation of Councillor’s Code of Conduct	\$0	\$0	See Report Attached to Motion.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
	(Complaint 2)			
J(37)	Report of Integrity Commissioner on Alleged Leak of Name of Nominee to City Position on Toronto Police Services Board	\$0	\$0	See Report Attached to Motion.
J(38)	Instructions to Staff on Rezoning Application - 5949 Yonge Street	\$0	\$0	Consider.
J(39)	Request to Receive Voluntary Contribution from Shoppers Drug Mart for Streetscape Improvements	\$(16,391)		Consider. See FIS.
J(40)	Update on Acquisition of Toronto District School Board's Wanita Road Site	\$0	\$0	See Report Attached to Motion.
J(41)	Request for Direction Report, Site Plan Appeal by Portlands Energy Centre L.P. ("PEC") to the Ontario Municipal Board	\$20,000		Consider. See FIS.

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION F(2)]
(See Minute 4.95, Page 95)

Financial Implications:

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____(positions)	

<input checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$55,000 _____ (net)	<input type="checkbox"/> Future year impacts: \$ TBD _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(2) – Contrary to Policy on Façade program, refer to the Commissioner of Economic Development, Culture and Tourism for a report to Standing Committee on the policy and financing implications.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: February 2, 2005

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION F(3)]
(See Minute 4.96, Page 96)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: TTC: \$30,000 to 40,000 per year (net) Police: TBD	<input type="checkbox"/> Future year impacts: \$ _____ (net) <input type="checkbox"/> Following year <input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net) <input type="checkbox"/> Following year <input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(3) – Based on 3 events per year the TTC has estimated the operating costs to be \$30,000 to \$40,000 per year. There are no funds in the 2005 TTC Operating Budget to cover such costs. The TTC normally recovers these costs from the BIA(s). If this motion were adopted, these costs would have to be absorbed by the TTC. The Police costs are TBD.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: April 13, 2005

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION I(1)]
(See Minute 4.99, Page 100)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>TBD</u> (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – I(1) – Refer to CAO for consideration with the review of the *City of Toronto Act*.

- Consider
- Refer to Standing Committee

Submitted by: _____

Chief Financial Officer and Treasurer

Date: April 13, 2005

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(2)]
(See Minute 4.102, Page 106)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>TBD</u>	<input checked="" type="checkbox"/> Future year impacts: <u>\$ TBD</u>
<input type="checkbox"/> Following year	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(2) - Urban Development Services (UDS) and Works and Emergency Services (WES) staff be requested to prepare a further report on the costs related to the administration and enforcement of clothing drop boxes, and identify what will have to be deferred in the Clean and Beautiful City budget to accommodate this initiative. There is no provision in the UDS and WES budgets to cover any related costs specifically for this purpose.

- Consider
- Refer to Standing Committee

Submitted by:

Minutes of the Council of the City of Toronto
April 12, 13 and 14, 2005

Chief Financial Officer and Treasurer

Date: April 13, 2005

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(23)]
(See Minute 4.121, Page 140)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>TBD</u>	<input checked="" type="checkbox"/> Future year impacts: <u>\$ TBD</u>
<input type="checkbox"/> Following year	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(23) – Urban Development Services (UDS) staff be requested to prepare a further report on the costs associated with the application and processing fees for the Wabash Community Center Banner. The costs may be nominal, but there is no provision in the UDS budget to cover costs specifically for this purpose.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: April 13, 2005

FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(39)]
(See Minute 4.136, Page 161)

Financial Implications:

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____	<input type="checkbox"/> Future year impacts: \$ _____
<input type="checkbox"/> Following year	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$ (16,391) (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(39) – Funding received to be used to streetscape improved capital project.

- Consider
- Refer to Standing Committee

Submitted by: _____
Chief Financial Officer and Treasurer

Date: April 13, 2005

FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(41)]
(See Minute 4.138, Page 164)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$20,000	<input type="checkbox"/> Future year impacts: \$
<input type="checkbox"/> Following year	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ (net)	
<input type="checkbox"/> Impact on staffing levels: (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ (net)	<input type="checkbox"/> Future year impacts: \$ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ (net)	
<input type="checkbox"/> Debt service costs: \$ (net)	

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(41) – If the City Solicitor needs to hire outside planning consultants to support the City's position, there will be additional costs of approximately \$20,000 which can be funded from the Legal Services 2005 Operating Budget.

- Consider
- Refer to Standing Committee

Submitted by:

Chief Financial Officer and Treasurer

Date: April 13, 2005