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These Minutes were to be confirmed by City Council on October 26, 2005.

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**WEDNESDAY, SEPTEMBER 28, 2005,
THURSDAY, SEPTEMBER 29, 2005, AND
FRIDAY, SEPTEMBER 30, 2005**

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

CALL TO ORDER - 9:38 a.m.

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

The meeting opened with O Canada.

9.2 CONFIRMATION OF MINUTES

Councillor Feldman, seconded by Councillor Shiner, moved that the Minutes of Council from its regular meeting on July 19, 20 and 21, 2005, and its special meeting on July 26, 2005, be confirmed in the form supplied to the Members, which carried.

9.3 PETITIONS

(a) Councillor Carroll submitted a petition consisting of approximately 275 letters in support of the creation and funding of a No-Fault Basement Flooding Grant Program, and a Basement Isolation Subsidy Program.

The above petition was received and considered with Policy and Finance Committee Report 8, Clause 38, entitled "Status of Rain Damage Resulting from the August 19, 2005 Storm".

- (b) Councillor Thompson submitted a petition consisting of approximately 267 letters in support of the proposed redevelopment of the land at 59 Wynford Drive.

The above petition was received and considered with North York Community Council Report 7, Clause 13, headed "Intention to Designate under Part IV of the *Ontario Heritage Act* - 59 Wynford Drive (Bata International Building) (Ward 26 - Don Valley West)".

9.4 ENQUIRY AND ANSWER

Council had before it the following:

- (1) Enquiry (August 11, 2005) from Councillor Michael Walker, regarding the City's Tsunami Relief Effort (See Attachment 1, Page 197); and
- (2) Answer (September 26, 2005) from Mayor David Miller (See Attachment 2, Page 198).

Disposition:

Council received the Enquiry and Answer.

PRESENTATION OF REPORTS

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

Deferred Clauses from July 19, 20, 21 and 26, 2005:

Policy and Finance Committee Report 7, Clauses 38a and 45a
Administration Committee Report 6, Clauses 3a and 28a
Audit Committee Report 3, Clause 12a
Etobicoke York Community Council Report 6, Clause 8a
North York Community Council Report 6, Clauses 8a and 23a

New Committee Reports:

Policy and Finance Committee Report 8
Administration Committee Report 7
Community Services Committee Report 7
Economic Development and Parks Committee Report 8
Planning and Transportation Committee Report 7
Striking Committee Report 4
Works Committee Report 8

Policy and Finance Committee and Economic Development and Parks Committee
Joint Report 1

New Community Council Reports:

- Etobicoke York Community Council Report 7
- North York Community Council Report 7
- Scarborough Community Council Report 7
- Toronto and East York Community Council Report 7

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

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

Planning and Transportation Committee Report 8,

and moved, seconded by Councillor Mihevc, 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, the vote upon which was taken as follows:

Yes - 40	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Shiner

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

9.7 **DECLARATIONS OF INTEREST**

Councillor Jenkins declared his interest in Administration Committee Report 7, Clause 1, headed "Annual Information Technology Systems Maintenance Contracts Renewal", in that he is a retired employee, in receipt of a pension, from IBM Canada Ltd.

Councillor Pitfield stated that she had consulted with the Integrity Commissioner and had sought legal advice and was advised that she did not have a conflict of interest with respect North York Community Council Report 7, Clause 13, headed “Intention to Designate under Part IV of the *Ontario Heritage Act* - 59 Wynford Drive (Bata International Building) (Ward 26 - Don Valley West)”, but had decided to refrain from participating in the discussion.

Councillor Shiner declared his interest in Toronto and East York Community Council Report 7, Clause 7, headed “Supplementary Report – Rezoning Application - 430 King Street West (Trinity-Spadina, Ward 20)”, in that his family owns property in the immediate vicinity.

CONSIDERATION OF REPORTS CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Policy and Finance Committee Report 7, Deferred Clauses 38a and 45a.

Administration Committee Report 6, Deferred Clauses 3a and 28a.

Audit Committee Report 3, Deferred Clause 12a.

Etobicoke York Community Council Report 6, Deferred Clause 8a.

North York Community Council Report 6, Deferred Clauses 8a and 23a.

Policy and Finance Committee Report 8, Clauses 1, 3, 4, 5, 8, 9, 12, 15, 16, 17, 19, 23, 24, 27, 35, 38, 41, 42, 44, 46, 47, 49, 51, 53, 54, 55 and 56.

Administration Committee Report 7, Clauses 1, 2, 7, 8, 9, 10, 12, 13 and 15.

Community Services Committee Report 7, Clause 6.

Economic Development and Parks Committee Report 8, Clauses 2, 8, 10, 11, 13 and 18.

Planning and Transportation Committee Report 7, Clauses 3, 4, 5, 6, 8 and 10.

Planning and Transportation Committee Report 8, Clauses 1 and 2.

Works Committee Report 8, Clauses 1, 2, 5, 6, 8, 10 and 14.

Policy and Finance Committee and Economic Development and Parks Committee Joint Report 1, Clause 1.

Etobicoke York Community Council Report 7, Clauses 3, 13, 20, 27, 28 and 37.

North York Community Council Report 7, Clauses 10, 11, 13, 14, 32, 38 and 39.

Scarborough Community Council Report 7, Clauses 2 and 26.

Toronto and East York Community Council Report 7, Clauses 1, 4, 11, 17, 27, 35, 47, 48, 49, 50, 54, 55, 56, 65, 92 and 103.

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

Policy and Finance Committee Report 8, Clauses 24, 35, 49 and 56.

Administration Committee Report 7, Clauses 1, 2, 10, 12 and 13.

Economic Development and Parks Committee Report 8, Clauses 10 and 13.

Planning and Transportation Committee Report 7, Clauses 4, 5 and 6.

Planning and Transportation Committee Report 8, Clauses 1 and 2.

Works Committee Report 8, Clause 1.

North York Community Council Report 7, Clause 10.

Scarborough Community Council Report 7, Clause 2.

Toronto and East York Community Council Report 7, Clauses 11 and 17.

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

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

- 9.9 **Policy and Finance Committee Report 8, Clause 23, headed “Memorandum of Agreement between the City of Toronto and Canadian Union of Public Employees (CUPE), Local 2998, the City and the Association of Community Centres (AOCCs)”.**

Vote:

Adoption of Clause, without amendment:

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

Carried by a majority of 37.

- 9.10 **Policy and Finance Committee Report 8, Clause 27, headed “Comments on Proposed Carbon Offsets System for Canada”.**

The Clause was submitted without recommendation.

Motion:

Deputy Mayor Pantalone moved that Council adopt the following recommendations of the Roundtable on the Environment contained in the communication (September 26, 2005) from Deputy Mayor Pantalone, Chair, Roundtable on the Environment:

“That:

- (1) the City of Toronto:
 - (a) sell offset credits only to the Government of Canada Climate Fund on the condition that the offset credits be retired by the Federal Government;

- (b) take immediate steps to ensure that new contracts with suppliers secure the City's ownership of carbon offset credits; and
 - (c) ensure that any funds raised through the sale of offset credits are directed to supplementing funding for environmental initiatives such as transit, thereby multiplying the benefits of the original emissions reductions;
- (2) Legal Services be requested to report to the Policy and Finance Committee on the appropriate wording to be included in contracts with suppliers who provide services or technologies with potential carbon offset credits (e.g. energy efficiency measures, renewable energy technologies, green roof technologies, methane recovery technologies, etc.);
- (3) the City Manager be requested to investigate and report to the Roundtable on the Environment and to the Policy and Finance Committee on any other offset credit sales which may result in environmental benefits; and
- (4) the City of Toronto endorse and submit the following comments to Natural Resources Canada on the proposed Renewable Power Production Incentive:
 - (a) that NRCan reconsider the limit of 450 megawatts (MW) per province/territory of renewable power eligible for incentives. It is likely that some of the smaller provinces and territories may not reach their limit, whereas Ontario might exceed it. NRCan should consider allocating limits on incentives on a per-capita basis, rather than a common cap;
 - (b) that the 1 cent per kilowatt hour subsidy does not recognize the fact that different technologies produce different greenhouse gas emission reductions. For example, methane from landfill biogas is roughly twenty times more powerful than carbon dioxide in terms of its greenhouse impact, but the RPPI does not provide any extra incentive for methane as a renewable fuel. Therefore, NRCan should consider providing an extra methane incentive, or consider implementing another funding program for methane capture, in much the same way that a separate program has been created for wind power;
 - (c) that NRCan consider increasing the subsidy for solar energy. Industry experts have suggested that a subsidy of 1 cent per kW hour for solar is not enough to make photovoltaic installations economically viable. Most new renewable energy technologies require a higher degree of subsidy in their early stages, but can move to market readiness if properly incubated;

- (d) that NRCan allow the aggregation of smaller projects to meet the 100 kW minimum threshold. It is also unclear whether installations must be connected to the electricity grid or if off-grid projects are eligible for the incentive. It is in the best interest of the City if aggregation and off-grid installations are permitted, enabling projects similar to the transit shelter solar lighting installations and SOLARWALL project at the Fleet Services' Central Garage to qualify for the incentive; and
 - (e) that NRCan look towards developing a streamlined or 'class' environmental assessment process for smaller renewable energy projects. Subjecting each project to a federal environmental assessment process might create barriers, particularly for the smaller projects that the RPPI is intended to encourage; and
- (5) a copy of these recommendations be forwarded to the Toronto Atmospheric Fund and the Federation of Canadian Municipalities.”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

9.11 North York Community Council Report 7, Clause 14, headed “Parking Prohibitions - Wilmont Drive (Ward 8 - York West)”.

Motion:

Councillor Li Preti moved that the Clause be referred back to the North York Community Council for further consideration.

Vote:

The motion by Councillor Li Preti carried.

9.12 North York Community Council Report 7, Clause 39, headed “Property at South West Corner of Churchill Avenue and Basswood Road and a Decision of the Ontario Municipal Board (Ward 23 - Willowdale)”.

Motion:

Councillor Filion 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 (September 26, 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 Motion for Leave to Appeal to the Divisional Court be abandoned; and
- (2) Council direct the City Solicitor to request the Ontario Municipal Board to review its decision of August 26, 2005, pursuant to Section 43 of the *Ontario Municipal Board Act*.”

Votes:

The motion by Councillor Filion carried.

The Clause, as amended, carried.

9.13 **Scarborough Community Council Report 7, Clause 26, headed “Final Report OPA and Rezoning Application 04 203847 ESC 39 OZ Draft Plan of Subdivision Application 04 203850 ESC 39 SB Waltman Building Group (Buttermill Developments Inc.) 25 Canongate Trail at Sanwood Boulevard Steeles Community (Ward 39 - Scarborough Agincourt)”.**

Motion:

Councillor Del Grande moved that the Clause be amended by adding to Condition 33, contained in Attachment 8, headed “Conditions of Draft Plan of Subdivision Approval”, the words “and in keeping with City policy, 25 percent of which shall be used for Parks Improvements in Sanwood Park”, so that the Condition now reads as follows:

- “33. As a condition of the building permit process, the Owner agrees and acknowledges that a 5 percent cash-in-lieu of parkland dedication payment is to be paid in fulfillment of the statutory parkland dedication requirement, and in keeping with City policy, 25 percent of which shall be used for Parks Improvements in Sanwood Park.”

Votes:

The motion by Councillor Del Grande carried.

The Clause, as amended, carried.

- 9.14 **Toronto and East York Community Council Report 7, Clause 35, headed “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 383 Spadina Road (St. Paul’s, Ward 22)”.**

Motion:

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

Vote:

The motion by Councillor Walker carried.

- 9.15 **Toronto and East York Community Council Report 7, Clause 65, headed “Removal of Thursday Parking Prohibition - St. Clarens Avenue, between College Street and Bloor Street West (Davenport, Ward 18)”.**

Motion:

Councillor Giambrone moved that the Clause be received.

Vote:

The motion by Councillor Giambrone carried.

(See also Motion J(17), Minute 9.91, Page 131.)

Deputy Mayor Pantalone in the Chair.

- 9.16 **Policy and Finance Committee Report 7, Deferred Clause 38a, headed “Reduction of Solid Waste Bag Limit from Six to Four Items in Single-Family Homes”.**

Motions:

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

“That the Acting General Manager, Solid Waste Management, be requested to report to the Works Committee in April 2006 and April 2007 on the progress made on the increase in citizen source separation of waste and by-law compliance.”

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

“That:

- (1) the City’s exemption program for extraordinary household situations, such as

large families, where the household is unable to manage their household residual solid waste within the set-out limit while utilizing the City's mandatory diversion programs, be reviewed to determine the most appropriate system, this review to include the present geographic and calendar exceptions to accommodate feast and holy day periods; and

- (2) the Acting General Manager, Solid Waste Management, be requested to design an active information campaign directed at rural and small town Ontario to actively bring to the public's attention the City's efforts and successes in diverting its waste."
- (c) Councillor Soknacki moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee and replacing it with the following:

"That Council adopt the staff recommendations contained in the Recommendations Section of the report (June 16, 2005) from the General Manager, Solid Waste Management Services, as contained in the Clause."

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

"That City Council support, in principle, an initiative of positive recognition for our taxpayers in the City of Toronto to continue to reduce solid waste and the Acting General Manager, Solid Waste Management, be requested to report to the Works Committee on the establishment of this initiative."

- (e) Councillor Pitfield moved that, in the event motion (c) by Councillor Soknacki fails, the Clause be amended by adding the following:

"That the Works Committee be requested to consider a \$1.00 bag tag after the results of the impact of the reduction to a five (5) bag limit is measured and reported to Works Committee."

- (f) Councillor Lindsay Luby moved that the Clause be amended by adding the following:

"That:

- (1) prior to any bag tag program being implemented, a full roll out of the Scarborough blue box pilot take place across the City and/or that all recycling take place on a weekly basis to encourage people to recycle; and
- (2) efforts be made to encourage mandatory waste diversion by personal visits to residents affected."

Deputy Mayor Bussin in the Chair.

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

“That the Acting General Manager, Solid Waste Management, be requested to increase the communication and education of the cart program, in the event that a big blue bin pilot program is implemented City wide.”

- (h) Councillor Cho moved that the Clause be referred back to the Works Committee for further consideration.

Vote on Referral:

Adoption of motion (h) by Councillor Cho:

Yes - 8	
Councillors:	Cho, Feldman, Grimes, Milczyn, Ootes, Shiner, Stintz, Watson
No - 25	
Councillors:	Altobello, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Thompson

Lost by a majority of 17.

Motion:

- (i) Councillor Giambrone moved that motion (e) by Councillor Pitfield be amended by deleting the words “\$1.00 bag tag”, and inserting instead the words “per bag fee”.

Votes:

Adoption of motion (c) by Councillor Soknacki:

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

Lost by a majority of 32.

Adoption of motion (a) by Councillor Carroll:

Yes - 42
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0

Carried, without dissent.

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

Yes - 27
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Shiner, Soknacki, Stintz
No - 15
Councillors: Balkissoon, Carroll, Chow, Davis, Del Grande, Giambrone, Grimes, Kelly, Ootes, Pitfield, Rae, Saundercook, Thompson, Walker, Watson

Carried by a majority of 12.

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

Yes - 6
Mayor: Miller
Councillors: Bussin, De Baeremaeker, Li Preti, Lindsay Luby, Moscoe
No - 36
Councillors: Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 30.

Adoption of motion (d) by Councillor Saundercook:

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

Carried by a majority of 32.

Adoption of motion (i) by Councillor Giambrone:

Yes - 9	
Councillors:	Augimeri, Carroll, De Baeremaeker, Filion, Fletcher, Giambrone, Mihevc, Pitfield, Soknacki
No - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 24.

Adoption of motion (e) by Councillor Pitfield, without amendment:

Yes - 11	
Councillors:	Carroll, Chow, De Baeremaeker, Jenkins, Kelly, Mihevc, Milczyn, Palacio, Pitfield, Soknacki, Watson
No - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Stintz, Thompson, Walker

Lost by a majority of 20.

Deputy Mayor Bussin, due to the above decisions of Council, declared Part (1) of motion (f) by Councillor Lindsay Luby, redundant.

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

Yes - 20	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Saundercook, Soknacki
No - 22	
Councillors:	Altobello, Ashton, Balkissoon, Carroll, Cho, Chow, Del Grande, Di Giorgio, Feldman, Filion, Hall, Li Preti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Rae, Shiner, Stintz, Thompson, Walker, Watson

Lost by a majority of 2.

Adoption of motion (g) by Councillor Thompson:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Thompson, Walker, Watson
No - 10	
Councillors:	Ashton, Cho, Davis, Feldman, Fletcher, Grimes, Minnan-Wong, Rae, Shiner, Stintz

Carried by a majority of 22.

Adoption of Clause, as amended:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Thompson, Watson,
No - 10	
Councillors:	Cho, Feldman, Filion, Grimes, Holyday, Minnan-Wong, Ootes, Shiner, Stintz, Walker

Carried by a majority of 22.

Summary:

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

“That:

- (1) City Council support, in principle, an initiative of positive recognition for our taxpayers in the City of Toronto to continue to reduce solid waste, and the Acting General Manager, Solid Waste Management, be requested to report to the Works Committee on the establishment of this initiative;
- (2) the City’s exemption program for extraordinary household situations, such as large families, where the household is unable to manage their household residual solid waste within the set-out limit while utilizing the City’s mandatory diversion programs, be reviewed to determine the most appropriate system, this review to include the present geographic and calendar exceptions to accommodate feast and holy day periods; and
- (3) the Acting General Manager, Solid Waste Management, be requested to:
 - (a) increase the communication and education of the cart program, in the event that a big blue bin pilot program is implemented City wide; and
 - (b) report to the Works Committee in April 2006 and April 2007 on the progress made on the increase in citizen source separation of waste and by-law compliance.”

9.17 **North York Community Council Report 7, Clause 13, headed “Intention to Designate under Part IV of the *Ontario Heritage Act* - 59 Wynford Drive (Bata International Building) (Ward 26 - Don Valley West)”.**

Motion:

- (a) Councillor Cowbourne moved that consideration of the Clause be deferred until the Aga Khan Foundation submits a site plan to the City, and the applicant be requested to work with the Architect to incorporate the Bata International Building into the site plan.

Vote on Deferral:

Adoption of motion (a) by Councillor Cowbourne:

Yes - 2 Councillors:	Cowbourne, Grimes
No - 34 Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 32.

Motion:

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

“That the Aga Khan Foundation be requested to consider making a payment to the City of Toronto (Heritage Preservation Services), in the amount of \$150,000.00, to allow for a study, report and recommendations for the identification and protection of Toronto's modernist buildings c.1930 to c.1970.”

Vote Be Now Taken:

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

Yes - 30 Councillors: Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson
No - 8 Councillors: Bussin, Chow, Del Grande, Holyday, Kelly, Milczyn, Moscoe, Shiner

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

Votes:

Adoption of motion (b) by Councillor Jenkins:

Yes - 16 Councillors: Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Giambrone, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Pantalone, Rae, Watson
No - 21 Councillors: Cho, Davis, Del Grande, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Holyday, Kelly, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Shiner, Soknacki, Stintz, Thompson

Lost by a majority of 5.

Adoption of Clause, without amendment:

Yes - 36 Councillors:	Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1 Councillor:	Cowbourne

Carried by a majority of 35.

Deputy Mayor Pantalone in the Chair.

9.18 **Etobicoke York Community Council Report 7, Clause 27, headed “Status Report - Site Plan Approval Application Applicant: Eros Fiacconi, EGF Associates 164 Edenbridge Drive (Ward 4 - Etobicoke Centre)”.**

The Clause was submitted without recommendation.

Motion:

Councillor Nunziata moved that Council adopt the following staff recommendation contained in the Recommendation Section of the report (September 27, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council require the applicant to provide in writing, a commitment to reschedule the appeal to the Ontario Municipal Board and withdraw said appeal pending satisfactory completion of the conditions contained within Attachment 1 of this report; and authorize the Chief Planner or his designate to give final approval to the site plan when those conditions as set out in Attachment 1 of this report have been fulfilled.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

9.19 Etobicoke York Community Council Report 7, Clause 28, headed “Status and Directions Report; Site Plan Approval Application, Applicant: Bob Dragicevic, Walker Nott Dragicevic Associates Limited, 21 Oak Street (Ward 11 - York South-Weston)”.

The Clause was submitted without recommendation.

Motion:

Councillor Nunziata moved that Council adopt the following:

“That:

- (1) further to the owner’s verbal commitment at the public meeting, the applicant be requested to confirm his willingness to make a community contribution with respect to this development; and
- (2) Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 27, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) authorize the City Solicitor and Community Planning Staff to appear at the Ontario Municipal Board to:
 - (a) support the applicant’s proposed Site Plan Approval application subject to:
 - (i) the drawings listed in Attachment 1, with revisions incorporated as necessary, to address the various site plan comments; and
 - (ii) the conditions to approval as set out in Attachment 2 of this report to be satisfied prior to Site Plan Approval; and
 - (b) request the Board to withhold its order until informed by the City that the conditions to approval have been satisfied;
- (2) direct the City Solicitor to make such stylistic and technical changes to the conditions to approval as may be required and to prepare any necessary Site Plan Agreement; and
- (3) authorize the Director of Community Planning, Etobicoke York District to execute the Agreement.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

9.20 **North York Community Council Report 7, Clause 32, headed “Sale of Surplus Property - Portion of the Keswick Road and Plewes Road Road Allowance (Ward 9 - York Centre)”.**

Motion:

Councillor Augimeri moved that the Clause be amended by deleting staff Recommendation (1) contained in the Recommendations Section of the report (August 26, 2005) from the Chief Corporate Officer, and inserting instead the following new Recommendation (1):

- “(1) the Offer to Purchase from Avvro Developments Inc. to purchase a portion of the City-owned Keswick Road road allowance located at the east terminus of Plewes Road on the east side of Keswick Road, shown as Part 1 on Sketch No. PS-2004-100b; and to purchase another portion of City-owned property at Plewes Road located at the north terminus of Keswick Road on the north side of Gilley Road, shown as Part 3 on Sketch No. PS-2004-100b (the ‘Highway’), in the amount of \$305,000.00, plus GST, and subject to retaining a permanent easement in favour of the City on Closing for existing services located on the Property, be accepted substantially on the terms and conditions outlined in the body of this report, subject to the inclusion of an additional condition that Avvro Developments Inc. release its interest, if any, in the benefit of restrictive covenants which are registered against City-owned lands located south of Sheppard Avenue West and east of the William Allen Road, and that either one of the Chief Corporate Officer or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;”.

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

- 9.21 **Toronto and East York Community Council Report 7, Clause 4, headed “Final Report - Application to Amend the Official Plan and Zoning By-law - 77 Charles Street West (Toronto Centre-Rosedale, Ward 27)”.**

Motion:

Councillor Rae moved that consideration of this Clause be postponed to the next regular meeting of City Council on October 26, 2005.

Vote:

The motion by Councillor Rae carried.

Deputy Mayor Bussin in the Chair.

- 9.22 **Policy and Finance Committee Report 8, Clause 8, headed “City of Toronto Nominee to the Municipal Property Assessment Corporation (MPAC) Board of Directors”.**

Motion:

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

“That Council adopt the following recommendation of the Striking Committee contained in the communication (September 28, 2005) from the Committee:

‘The Striking Committee recommended that Council appoint the following Member as Council’s nominee to the Municipal Property Assessment Corporation (MPAC) Board:

C. Jenkins.’ ”

Votes:

The motion by Deputy Mayor Pantalone carried.

The Clause, as amended, carried.

- 9.23 **Policy and Finance Committee Report 8, Clause 9, headed “Update on Bill 206 ‘An Act to Revise the Ontario Municipal Employees Retirement System Act, 2005’ ”.**

Motion:

Councillor Soknacki moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee and inserting instead the following:

“That the report (September 6, 2005) from the City Manager be adopted.”

Votes:

Adoption of motion by Councillor Soknacki:

Yes - 8 Councillors:	Ashton, Del Grande, Holyday, Milczyn, Nunziata, Pitfield, Soknacki, Watson
No - 23 Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Ootes, Palacio, Rae, Saundercook, Stintz, Walker

Lost by a majority of 15.

Adoption of Clause, without amendment:

Yes - 24 Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mihevc, Moscoe, Ootes, Rae, Saundercook, Stintz, Walker, Watson
No - 7 Councillors:	Del Grande, Holyday, Milczyn, Nunziata, Palacio, Pitfield, Soknacki

Carried by a majority of 17.

9.24 **Administration Committee Report 7, Clause 7, headed “Disposition of a Vacant Parcel of Land East of Portia Street (Ward 43 - Scarborough East)”.**

Motion:

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

“That Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 23, 2005) from the Chief Corporate Officer:

‘It is recommended that:

- (1) the Offer to Purchase from Bordeaux (Niagara) Inc. to purchase the vacant land east of Portia Street, being Parts 2, 6, 7 and 8 on

Reference Plan 66R-20609, also shown as Parts 2, 6, 7 and 8 on the attached Sketch PS-2003-014 (the "Property"), in the amount of \$811,500.00, be accepted substantially on the terms and conditions outlined in the body of this report, and that either one of the Chief Corporate Officer or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;

- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to the Property;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing date and other related transaction dates to such earlier or later date(s), and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' "

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

9.25 **Toronto and East York Community Council Report 7, Clause 103, headed "Heritage Designation of the St. Stephen-in-the-Fields Church (Trinity Spadina, Ward 20)."**

The Clause was submitted without recommendation.

Motion:

Councillor Chow moved that City Council adopt the following staff recommendations contained in the Recommendations Section of the report (September 27, 2005) from the Chief Planner and Executive Director, City Planning:

"It is recommended that:

- (1) City Council authorize the amending of By-law No. 380-77 designating the property at 103 Bellevue Avenue (St. Stephen-in-the-Fields Anglican Church) under Part IV of the *Ontario Heritage Act*;
- (2) if there are no objections to the amending of the designation by-law in accordance with Section 30.1 (7) of the *Ontario Heritage Act*, the City 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 30.1 (6) of the *Ontario Heritage Act*, the City 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.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.26 Etobicoke York Community Council Report 7, Clause 3, headed “Request for Approval of Variance(s) from Chapter 297, Signs, of the former City of Toronto Municipal Code to Permit, for Third Party Advertising Purposes, an Illuminated Roof Sign at 1294 St. Clair Avenue West (Ward 17 - Davenport)”.

Motion:

Councillor Chow moved that the Clause be amended by deleting the recommendation of the Etobicoke York Community Council and inserting instead the following:

“That City Council adopt the staff recommendation contained in the Recommendation Section of the report (August 22, 2005) from the Director, Community Planning, Etobicoke York District.”

Votes:

Adoption of motion by Councillor Chow:

Yes - 9	
Councillors:	Bussin, Chow, Davis, Del Grande, Filion, Holyday, Mihevc, Saundercook, Shiner
No - 24	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Ford, Hall, Jenkins, Kelly, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 15.

The Clause was adopted, without amendment.

9.27 Works Committee Report 8, Clause 10, headed “Establishment of a Wet Weather Flow Management Master Plan Implementation Advisory Committee”.

Motion:

Councillor Davis moved that the Clause be amended by amending Recommendation (i)(b) of the Works Committee so that it now read as follows:

“(b) that Item (4) headed ‘Membership’ be amended by adding the following to the list of members:

- Friends of the Don East;
- Rouge Park Alliance; and
- two citizens to be recommended by the Works Committee; and”.

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

9.28 Works Committee Report 8, Clause 5, headed “Pedestrian Safety in Toronto”.

Motion:

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

“That Councillor Saundercook also be invited to participate in the development of the Pedestrian Plan.”

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

9.29 Policy and Finance Committee Report 8, Clause 16, headed “Cost of Living Adjustment for Non-Union Staff”.

Vote:

Adoption of Clause, without amendment:

Yes - 25	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Ootes, Palacio, Rae, Shiner, Thompson, Walker, Watson
No - 9	
Councillors:	Del Grande, Ford, Milczyn, Minnan-Wong, Nunziata, Pitfield, Saundercook, Soknacki, Stintz

Carried by a majority of 16.

9.30 North York Community Council Report 6, Deferred Clause 8a, headed “Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)”.

The Clause was submitted without recommendation.

September 28, 2005:

Motion:

Councillor Augimeri moved that Council adopt the staff recommendation contained in the Recommendation Section of the report (March 29, 2005) from the Director, Transportation Services, North York District.

Votes:

The motion by Councillor Augimeri carried.

The Clause, as amended, carried.

September 29, 2005:*Motion to Re-Open:*

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

September 30, 2005:*Procedural Motion:*

Moved by Councillor Soknacki:

“That all motions moved at the September 28-30, 2005 meeting of City Council on this Clause be forwarded to the next regular meeting of Council on October 26, 2005, and these motions be deemed to be moved.”

Vote:

The motion by Councillor Soknacki carried.

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on October 26, 2005.

Deputy Mayor Feldman in the Chair.

9.31 Policy and Finance Committee Report 8, Clause 38, headed “Status of Rain Damage Resulting from the August 19, 2005 Storm”.**September 29, 2005:***Motions:*

Councillor Carroll moved that the Clause be amended by adding to Recommendation (a) of the Works Committee the words “and those homeowners deemed eligible for this program subsequent to the storms of 2000 and the Blackout of 2003” after the words “as a result of the August 19, 2005 rainstorm”, so that the Recommendation now reads as follows:

- “(a) City Council reinstate the Basement Flooding Protection Subsidy Program, referred to in Report 6, Clause 11 of the Works Committee, entitled ‘Basement Flooding in the Area of the Lower Beaches and Ashbridges Bay Due to August 14, 2003 Electrical Power Outage’, adopted by City Council on July 20, 21 and 22, 2004, and that the criteria outlined in this Clause on sewer back-up be utilized for all properties that were flooded as a result of the August 19, 2005 rainstorm and those homeowners deemed eligible for this program subsequent to the storms of 2000 and the Blackout of 2003; and further, that the work plan for this Program include:”.

Councillor Carroll, on behalf of Councillor Del Grande, further moved that the Clause be amended by adding the following:

“That the City Manager be requested to conduct a complete review of all operational and communications efforts following the storm of August 19, 2005, to identify where improvement can be made, and that the findings be reported to the Works Committee before the end of 2005.”

Votes:

The motions by Councillor Carroll carried.

The Clause, as amended, carried.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Motion to Re-Open:

Councillor Carroll, 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 Carroll moved that the Clause be further amended by deleting from Part (vi) of Recommendation (a) of the Works Committee, the date “December 1, 2005”, and inserting instead the dated “February 1, 2006”, so that Part (vi) now reads as follows:

- “(vi) applications be on a first come, first served basis with a February 1, 2006 cut-off;”.

Votes:

The motion by Councillor Carroll carried.

The Clause, as further amended, carried.

Summary:

In summary, Council amended this Clause by:

- (1) adding to Recommendation (a) of the Works Committee the words “and those homeowners deemed eligible for this program subsequent to the storms of 2000 and the Blackout of 2003” after the words “as a result of the August 19, 2005 rainstorm”, so that the Recommendation now reads as follows:

“(a) City Council reinstate the Basement Flooding Protection Subsidy Program, referred to in Report 6, Clause 11 of the Works Committee, entitled ‘Basement Flooding in the Area of the Lower Beaches and Ashbridges Bay Due to August 14, 2003 Electrical Power Outage’, adopted by City Council on July 20, 21 and 22, 2004, and that the criteria outlined in this Clause on sewer back-up be utilized for all properties that were flooded as a result of the August 19, 2005 rainstorm and those homeowners deemed eligible for this program subsequent to the storms of 2000 and the Blackout of 2003; and further, that the work plan for this Program include:”;

- (2) deleting from Part (vi) of Recommendation (a) of the Works Committee, the date “December 1, 2005”, and inserting instead the dated “February 1, 2006”, so that Part (vi) now reads as follows:

“(vi) applications be on a first come, first served basis with a February 1, 2006 cut-off;”;

- (3) adding the following:

“That the City Manager be requested to conduct a complete review of all operational and communications efforts following the storm of August 19, 2005, to identify where improvement can be made, and that the findings be reported to the Works Committee before the end of 2005.”

Mayor Miller in the Chair.

- 9.32 **Policy and Finance Committee Report 8, Clause 41, headed “Casa Loma - Extension of License Agreement and New Caretaking Agreement for the Hunting Lodge (Wards 21 and 22 - St. Paul’s)”.**

Motions:

- (a) Councillor Mihevc moved that the Clause be amended by deleting the recommendation of the Policy and Finance Committee, and inserting instead the following:

“That Council adopt the recommendations of the Administration Committee contained in the communication (September 14, 2005) from the Committee, as contained in the Clause.”

- (b) Councillor Kelly moved that the Clause be referred back to the Administration Committee for further consideration and the hearing of speakers.

Vote on Referral:

Adoption of motion (b) by Councillor Kelly:

Yes - 5	
Councillors:	Del Grande, Di Giorgio, Kelly, Lindsay Luby, Pantalone
No - 32	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 27.

Votes:

Adoption of motion (a) by Councillor Mihevc:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fillion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Di Giorgio

Carried by a majority of 35.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause by deleting the recommendation of the Policy and Finance Committee, and inserting instead the following:

“That Council adopt the recommendations of the Administration Committee contained in the communication (September 14, 2005) from the Committee, as contained in the Clause.”

9.33 Policy and Finance Committee Report 7, Deferred Clause 45a, headed “Building Condition Assessment and Analysis of Required Capital Reserve Funds in the Toronto Community Housing Corporation’s Downloaded Social Housing Portfolio”.

Deputy Mayor Feldman in the Chair.

September 29, 2005:*Extension to Question:*

Councillor Palacio asked questions for a period of five minutes. Councillor Nunziata, seconded by Councillor De Baeremaeker, 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 Palacio be granted a further period of five minutes to ask questions, the vote upon which was taken as follows:

Yes - 21 Councillors: Altobello, Augimeri, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Nunziata, Palacio, Rae, Shiner, Thompson
No - 5 Councillors: Davis, Feldman, Mihevc, Pitfield, Saundercook

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

Motion:

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

“That:

- (1) the General Manager, Shelter, Support and Housing Administration, after consultation with the Toronto Community Housing Corporation (TCHC), be requested to report to Council, through the appropriate Standing Committee, on the scope of the state of disrepair of former MTHA and Ontario Housing complexes that were downloaded by the Province without appropriate funding for maintenance and repair, and the cost of bringing these buildings to a state of good repair;
- (2) the TCHC Board of Directors be requested to proceed with thorough building audits in all of its properties, to ascertain the precise scope of the capital maintenance backlog;
- (3) the TCHC Board of Directors be requested to provide quarterly written updates on the status and timelines of the TCHC developments included in TCHC’s Building Renewal Program (BRP) to the appropriate Ward Councillors;
- (4) Council’s request to upload social housing funding responsibilities to the Province be referred to the Mayor to include as part of his ongoing City-Provincial “New Deal” and City of Toronto Act negotiations;
- (5) the Executive Director, Municipal Licensing and Standards be requested to report to Council, through the appropriate Standing Committee, on:
 - (a) the number of all outstanding Orders to Comply and Notices of Violation in all Toronto Community Housing Corporation buildings throughout the City, the number that have been complied with over the

past two years, and in consultation with TCHC, a total estimated cost of the outstanding mandatory repairs outlined in these Orders and Notices; and

- (b) the outstanding Orders to Comply and Notices of Violation for the pilot project in Ward 17, and a plan for enforcement.”

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Moved by Councillor Soknacki:

“That:

- (1) all motions moved at the September 28-30, 2005 meeting of City Council on this Clause be forwarded to the next regular meeting of Council on October 26, 2005, and these motions be deemed to be moved; and
- (2) the speaker’s list from the September 28-30, 2005 meeting of City Council on this Clause be carried forwarded to the next regular meeting of Council on October 26, 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:

The motion by Councillor Soknacki carried.

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on October 26, 2005.

Deputy Mayor Bussin in the Chair.

- 9.34 **Toronto and East York Community Council Report 7, Clause 1, headed “Final Report - Official Plan and Rezoning Application – 100 Spadina Road and 97 Walmer Road and Request for Authority to Enter into a Heritage Easement Agreement and Approval of Alterations to a Heritage Building - 100 Spadina Road (Trinity-Spadina, Ward 20)”.**

Motion:

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

Vote:

The motion by Councillor Chow carried.

9.35 **Policy and Finance Committee Report 8, Clause 17, headed “City of Toronto Role and Responsibilities for the International Dragon Boat Federation and Dragon Boat Canada”.**

The Clause was submitted without recommendation.

Motion:

Councillor Chow moved that Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (September 26, 2005) from Deputy City Manager Sue Corke, subject to:

- (a) amending Recommendation (2) by deleting the words ‘for the Local Organizing Committee’, and inserting instead the words ‘of the Toronto Dragon Boats 2006’; and
- (b) adding the following new Recommendation (3) which reads as follows:
 - “(3) a member of the Toronto Chinese Business Association also be recommended onto the Board of the Toronto Dragon Boats 2006;”;

and renumbering the existing Recommendation (3) and Recommendation (4), so that the staff recommendations, as amended, now read as follows:

“It is recommended that:

- (1) City Council approve the installation of IDBF CCWC banners on two bridges over expressways (Don Valley Parkway and Wynford Drive southbound and Gardiner Expressway and Sunnyside eastbound) from August 1 to August 14, 2006, inclusive, subject to the applicant:
 - (a) supplying, installing, maintaining and removing the banners, including any repair of the bridges or utility poles required as a result of banner installation;
 - (b) meeting Transportation Division’s banner manufacturing, installation and maintenance specifications and other required approvals; and

- (c) restricting corporate recognition to no more than twenty percent (20%) of the total area of the banner and incidental to the overall design;
- (2) the Councillor for Ward 14 (Parkdale-High Park) be recommended as the City of Toronto's representative on the Board of Directors of the Toronto Dragon Boats 2006;
- (3) a member of the Toronto Chinese Business Association also be recommended onto the Board of the Toronto Dragon Boats 2006; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.36 **Planning and Transportation Committee Report 7, Clause 3, headed "New Provincial Regulation for the Clean Up of Contaminated Sites".**

Motion:

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

"That the forthcoming report from the Chief Planner and Executive Director, City Planning and the Chief Building Official and Executive Director, Building Division, to the October 6, 2005, meeting of the Planning and Transportation Committee, be prepared in consultation with the Medical Officer of Health, such report to address Public Health's potential role under the new legislation and the feasibility and benefits of having some or all of the proposed new staff in Public Health."

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

9.37 **Etobicoke York Community Council Report 7, Clause 37, headed "(1) Curfew for Teens 16 years of age and under; (2) 24-hour on-site security at Toronto Community Housing Communities and Acceleration of Building Investments for selected communities; and (3) Information from all School Boards in Toronto".**

September 30, 2005:

Motion:

Councillor Mammoliti moved that the Clause be amended by revising the recommendations of the Etobicoke York Community Council, so that the Operative Paragraphs in the Clause now read as follows:

- “(a) THAT the Deputy City Manager in consultation with the City Solicitor be requested to report to the Policy and Finance Committee, with broad public consultation, as soon as possible on:
 - (i) the success or effectiveness of curfews in municipalities where they have been instituted; and
 - (ii) the feasibility of a curfew by-law for the Etobicoke York Community Council area on a pilot basis.”;
- (b) THAT the Toronto Community Housing Corporation be requested to provide 24 hours 7 days on-site security for all of its projects identified within the TCHC developments within the Etobicoke York Community Council area, including the two buildings identified as pilot projects in Ward 17.
- (c) THAT the Toronto District School Board, the Toronto Catholic School Board, the French Language Public District School Board and the French Language Catholic District School Board, be requested to submit reports to the Etobicoke York Community Council on police involvement in the daily curriculum and on absenteeism of schools within the community council area, and on how such information is documented.
- (d) THAT the Toronto Police Services Board be forwarded a copy of this motion for information.”

Ruling by Deputy Mayor:

Councillor Soknacki requested Deputy Mayor Bussin to rule on whether the motion by Councillor Mammoliti was in order.

Deputy Mayor Bussin ruled the motion by Councillor Mammoliti in order, as he had revised the Operative Paragraphs in the recommendations of the Etobicoke York Community Council to be report requests.

Councillor Soknacki challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

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

Carried by a majority of 8.

Procedural Motion:

Moved by Councillor Soknacki:

“That all motions moved at the September 28-30, 2005 meeting of City Council on this Clause be forwarded to the next regular meeting of Council on October 26, 2005, and these motions be deemed to be moved.”

Vote:

The motion by Councillor Soknacki carried.

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on October 26, 2005.

9.38 Policy and Finance Committee Report 8, Clause 5, headed “Toronto Water 2005 Multi-Year Business Plan Response to Request to Report on the Protection of the Source of Toronto’s River Systems (All Wards)”.

Motion:

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

“That Deputy City Manager Fareed Amin, in consultation with the appropriate City officials, be directed to initiate discussions with upstream municipalities, in conjunction with the Toronto and Region Conservation Authority, to develop a co-ordinated strategy for increased senior level government investment in source water protection in the headwaters.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.39 Policy and Finance Committee Report 8, Clause 19, headed “Request for City Council Funding Approval - CLRV Life Extension Program Contract Commitments”.

Motion:

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

“That:

- (1) the Toronto Transit Commission (TTC) be requested to request the Chief General Manager to report back to the October meeting of the Budget Advisory Committee with a life cycle business case and the costs associated with refurbishing 196 (CLRVs) streetcars and the financial implications of deferring the refurbishment of 96 streetcars;
- (2) the appropriate provisions be made in the contracts relating to the refurbishing of the 100 streetcars, such that there are no financial penalties incurred in the event that it is decided, within the next six (6) months, that an additional 96 streetcars are added back into the program; and
- (3) TTC staff be requested to make a presentation to the October meeting of the Budget Advisory Committee outlining the Future Streetcar Fleet Requirements and Plan along with the financial implications of the plan.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

9.40 Toronto and East York Community Council Report 7, Clause 27, headed “Removal of One Privately Owned Tree – 219 Hillside Avenue East (St. Paul’s, Ward 22)”.

Motion:

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

“That Deputy City Managers Fareed Amin and Sue Corke be requested to report to the Planning and Transportation Committee prior to December 31, 2005, on a

procedure to ensure that the City's staff deal with all known issues related to an Ontario Municipal Board (OMB) application or appeal so as to avoid the need to have residents return to the OMB repeatedly to deal with various aspects of the same application or appeal."

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

9.41 **Economic Development and Parks Committee Report 8, Clause 11, headed "Joint City-School Playground Program with Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) (All Wards)".**

Motion:

Councillor Mihevc moved that the Clause be referred to the General Manager, Parks, Forestry and Recreation, to allow for further discussions and negotiations with the Toronto Catholic District School Board on the issue of social housing development charges, and report back to City Council in November 2005, through the Economic Development and Parks Committee.

Vote:

The motion by Councillor Mihevc carried.

9.42 **Economic Development and Parks Committee Report 8, Clause 2, headed "A Fair Deal for Toronto Pearson - Airport Rent".**

Motion:

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

"That:

- (1) a fair deal for Pearson International Airport include a fair deal for Toronto taxis, and the City request that the Greater Toronto Airport Authority meet with officials of the City to negotiate the terms of an access agreement that would determine the conditions under which Toronto taxis would have access to fares at Pearson; and
- (2) a fair deal for Pearson include a fair deal for Toronto, and the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on PILTS paid by Pearson for property located within the City's boundaries and what those payments would be if they were paid as

taxes based on provincial assessments.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of Clause, as amended:

Yes - 37	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

9.43 **Economic Development and Parks Committee Report 8, Clause 8, headed “Design and Implementation of a Commercial Façade Improvement Program (CFIP) for Business Improvement Areas (All Wards)”.**

Motion:

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

“That the City Clerk be requested to forward the strip mall rehabilitation plan which was tabled at the Planning and Transportation Committee meeting and referred to the Roundtable on a Beautiful City, to the Economic Development and Parks Committee for consideration at its next meeting on October 17, 2005.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

9.44 **Administration Committee Report 7, Clause 9, headed “Expropriation of Land at the Rear of 303 Nantucket Boulevard for Transit Purposes (Ward 37 - Scarborough Centre)”.**

Vote:

Adoption of Clause, without amendment:

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

Carried by a majority of 37.

9.45 **Toronto and East York Community Council Report 7, Clause 92, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (St. Paul’s, Ward 21 and Toronto-Danforth, Ward 29)”.**

Motion:

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

“That City Council, for liquor licensing purposes, advise the Alcohol and Gaming Commission of Ontario that it is aware of the event being held by the Ontario College of Art and Design on October 6, 2005, from 6:00 p.m. to 9:30 p.m., in Butterfield Park off McCaul Street, and that City Council has no objection to this event taking place.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

9.46 **Policy and Finance Committee Report 8, Clause 51, headed “Financial Impact of Hiring 150 Police Officers (All Wards)”.**

Motions:

- (a) Councillor Ootes moved that the Clause be amended by amending the recommendations of the Budget Advisory Committee by adding the following new

Recommendations (2), (3) and (4):

- “(2) the City of Toronto ensure that appropriate funding is made available to the Toronto Police Service to facilitate the hiring of 150 new officers, with funding to be provided through a combination of Toronto Police Services surpluses and matching provincial funds (as announced in fall, 2004) thereby making the total number of authorized police officer positions 5,456;
- (3) the Chair of the Toronto Police Services Board be requested to report to the October 26, 2005 meeting of City Council, through the Policy and Finance Committee, outlining the specific number of new, uniformed Officers that will be hired in the 2005 calendar year, and in the 2006 calendar year, and report on the total complement of Officers that will be in place by December 2005, and by December 2006; and
- (4) the Chair of the Toronto Police Services Board be requested to report to the June 2006 meeting of City Council, through the Policy and Finance Committee, regarding the number of uniformed officers in place as of that time, and the number of uniformed officers that are expected to be in place by December 2006;”

and renumbering the existing Recommendation (2) as Recommendation (5) so that the recommendations of the Budget Advisory Committee now read as follows:

“The Budget Advisory Committee recommended to the Policy and Finance Committee and City Council that:

- (1) authority be granted immediately to hire an additional 50 police officers in December 2005 and that priority be given in the Police Services budget to hiring additional officers in 2006 (phased over April and August 2006 classes);
- (2) the City of Toronto ensure that appropriate funding is made available to the Toronto Police Service to facilitate the hiring of 150 new officers, with funding to be provided through a combination of Toronto Police Service surpluses and matching provincial funds (as announced in fall, 2004) thereby making the total number of authorized police officer positions 5,456;
- (3) the Chair of the Police Services Board be requested to report to the October 26, 2005 meeting of City Council, through the Policy and Finance Committee, outlining the specific number of new, uniformed officers that will be hired in the 2005 calendar year, and in the 2006 calendar year, and report on the total complement of officers that will

be in place by December 2005, and by December 2006; and

- (4) the Chair of the Toronto Police Services Board be requested to report to the June 2006 meeting of City Council, through the Policy and Finance Committee, regarding the number of uniformed officers in place as of that time, and the number of uniformed officers that are expected to be in place by December 2006; and
- (5) the Deputy City Manager and Chief Financial Officer report back to the Budget Advisory Committee with the preliminary 2005 year-end variance report in February 2006 on the use of the Toronto Police Services 2005 projected operating budget surplus.”
- (b) Councillor Ford moved that the Clause be amended by striking out the recommendation of the Policy and Finance Committee and inserting instead the following:
- ”That the Toronto Police Services Board be requested to hire an additional 500 police officers, as soon as possible.”
- (c) Councillor Mammoliti moved that the Clause be amended by adding the following:
- “That City Council request the Toronto Police Services Board to request the Chief of Police to revisit and reconsider his position to not allow OPP officers to fill the gap between now and when the new officers are ready to assume their duties, and that the OPP officers be placed on Toronto streets as soon as possible.”
- (d) Councillor Del Grande moved that the Clause be amended by adding the following:
- “That City Council request the Toronto Police Services Board to report to the Policy and Finance Committee advising what service improvements will be made with the addition of 150 police officers.”
- (e) Councillor Cho moved that the Clause be amended by adding the following:
- “That City Council request the Toronto Police Services Board to report to the Policy and Finance Committee providing a formula for the future hiring of police officers to establish a ratio of police officers, auxiliary police and civilian staff.”

Votes:

Adoption of motion (b) by Councillor Ford:

Yes - 7

Councillors:	Altobello, Augimeri, Grimes, Mammoliti, Minnan-Wong, Nunziata, Palacio
No - 32	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Ootes, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 25.

Adoption of motion (a) by Councillor Ootes:

Yes - 39	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (c) by Councillor Mammoliti:

Yes - 35	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 4	
Councillors:	Augimeri, Davis, Giambrone, Watson

Carried by a majority of 31.

Adoption of motion (d) by Councillor Del Grande:

Yes - 39	
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Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, 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, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (e) by Councillor Cho:

Yes - 31	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 8	
Councillors:	Augimeri, Filion, Jenkins, McConnell, Mihevc, Moscoe, Ootes, Shiner

Carried by a majority of 23.

Adoption of Clause, as amended:

Yes - 38	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, 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, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Augimeri

Carried by a majority of 37.

Summary:

In summary, Council amended this Clause by:

- (1) amending the recommendations of the Budget Advisory Committee by adding the following new Recommendations (2), (3) and (4):
 - “(2) the City of Toronto ensure that appropriate funding is made available to the Toronto Police Service to facilitate the hiring of 150 new officers, with funding to be provided through a combination of Toronto Police Services surpluses and matching provincial funds (as announced in fall, 2004) thereby making the total number of authorized police officer positions 5,456;
 - (3) the Chair of the Toronto Police Services Board be requested to report to the October 26, 2005 meeting of City Council, through the Policy and Finance Committee, outlining the specific number of new, uniformed Officers that will be hired in the 2005 calendar year, and in the 2006 calendar year, and report on the total complement of Officers that will be in place by December 2005, and by December 2006; and
 - (4) the Chair of the Toronto Police Services Board be requested to report to the June 2006 meeting of City Council, through the Policy and Finance Committee, regarding the number of uniformed officers in place as of that time, and the number of uniformed officers that are expected to be in place by December 2006;”;

and renumbering the existing Recommendation (2) as Recommendation (5) so that the recommendations of the Budget Advisory Committee now read as follows:

“The Budget Advisory Committee recommended to the Policy and Finance Committee and City Council that:

- (1) authority be granted immediately to hire an additional 50 police officers in December 2005 and that priority be given in the Police Services budget to hiring additional officers in 2006 (phased over April and August 2006 classes);
- (2) the City of Toronto ensure that appropriate funding is made available to the Toronto Police Service to facilitate the hiring of 150 new officers, with funding to be provided through a combination of Toronto Police Service surpluses and matching provincial funds (as announced in fall, 2004) thereby making the total number of authorized police officer positions 5,456;
- (3) the Chair of the Police Services Board be requested to report to the October 26, 2005 meeting of City Council, through the Policy and

Finance Committee, outlining the specific number of new, uniformed officers that will be hired in the 2005 calendar year, and in the 2006 calendar year, and report on the total complement of officers that will be in place by December 2005, and by December 2006; and

- (4) the Chair of the Toronto Police Services Board be requested to report to the June 2006 meeting of City Council, through the Policy and Finance Committee, regarding the number of uniformed officers in place as of that time, and the number of uniformed officers that are expected to be in place by December 2006; and
- (5) the Deputy City Manager and Chief Financial Officer report back to the Budget Advisory Committee with the preliminary 2005 year-end variance report in February 2006 on the use of the Toronto Police Services 2005 projected operating budget surplus.”; and

- (2) adding the following:

“That City Council request the Toronto Police Services Board to:

- (a) request the Chief of Police to revisit and reconsider his position to not allow OPP officers to fill the gap between now and when the new officers are ready to assume their duties, and that the OPP officers be placed on Toronto streets as soon as possible; and
- (b) report to the Policy and Finance Committee:
 - (i) advising what service improvements will be made with the addition of 150 police officers; and
 - (ii) providing a formula for the future hiring of police officers to establish a ratio of police officers, auxiliary police and civilian staff.”

9.47 **Planning and Transportation Committee Report 7, Clause 8, headed “Spadina Subway Extension Environmental Assessment Study Phase Two Public Consultation Results”.**

Motions:

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

“That Council adopt the following motion:

‘**WHEREAS** the TTC’s Spadina Subway Environmental Assessment (EA) Study recommends a preferred alignment as per the attachment; and

WHEREAS a station at Downsview Park and the CN GO Bradford Line would greatly benefit the Federal Government's lands known as "Park Downsview Parc (PDP)"; and

WHEREAS the City of Toronto owns approximately 73 acres of land at the south east corner of Allen Road and Sheppard Avenue West (City Lands); and

WHEREAS the City Lands are prohibited from achieving their "highest and best use" by restrictive covenants that limit the "Use and Height" of development on these lands; and

WHEREAS the City of Toronto is being denied a potential land value in the neighborhood of \$75 million by these restrictive covenants; and

WHEREAS the lands that benefit from these covenants are the "PDP Lands" that are owned by the federal government, Bombardier and potentially by others; and

WHEREAS the federal government may be preparing to transfer ownership of some of these lands to the PDP Board; and

WHEREAS this will further complicate and expand the number of beneficiaries of these restrictive covenants; and

WHEREAS a new subway station at Downsview Park and the CN GO Bradford Line will benefit the value of the roughly 1,000 acres of federal government lands known as "Park Downsview Parc (PDP)"; and

WHEREAS some of the 1000 acres are slated for high density development;

THEREFORE BE IT RESOLVED THAT the City of Toronto Council will not support the alignment that is recommended by the EA until the Federal Government delivers to the City of Toronto documentation that removes any and all (Bombardier and others) restrictive covenants on the City Lands;

AND BE IT FURTHER RESOLVED THAT the Federal Government be requested to pay for fifty percent of the cost of construction of the subway station at Downsview Park and the CN GO Bradford Line that directly benefits their PDP Lands. This money is to be over and above any other financial assistance the Federal Government might otherwise be providing for the construction of the Spadina Subway Extension;

AND BE IT FURTHER RESOLVED THAT the City Clerk immediately advise the Federal Government and its appropriate departments of this action.' "

- (b) Councillor Moscoe moved that motion (a) by Councillor Augimeri be amended by deleting the first and second Operative Paragraphs and inserting instead the following:

“THEREFORE BE IT RESOLVED THAT an approach be made to the Federal Government to seek its participation in the Capital funding of the two subway stations that directly benefit the Park Downsview Parc and other federal properties in the vicinity;

AND BE IT FURTHER RESOLVED THAT the Federal Government be requested to lift the covenant that restricts and limits development of the 73 acres surrounding the Downsview Subway Station;”.

Votes:

Motion (b) by Councillor Moscoe carried.

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

The Clause, as amended, carried.

Summary:

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

“That Council adopt the following motion:

‘WHEREAS the TTC’s Spadina Subway Environmental Assessment (EA) Study recommends a preferred alignment as per the attachment; and

WHEREAS a station at Downsview Park and the CN GO Bradford Line would greatly benefit the Federal Government’s lands known as “Park Downsview Parc (PDP)”; and

WHEREAS the City of Toronto owns approximately 73 acres of land at the south east corner of Allen Road and Sheppard Avenue West (City Lands); and

WHEREAS the City Lands are prohibited from achieving their “highest and best use” by restrictive covenants that limit the “Use and Height” of development on these lands; and

WHEREAS the City of Toronto is being denied a potential land value in the neighborhood of \$75 million by these restrictive covenants; and

WHEREAS the lands that benefit from these covenants are the “PDP Lands”

that are owned by the federal government, Bombardier and potentially by others; and

WHEREAS the federal government may be preparing to transfer ownership of some of these lands to the PDP Board; and

WHEREAS this will further complicate and expand the number of beneficiaries of these restrictive covenants; and

WHEREAS a new subway station at Downsview Park and the CN GO Bradford Line will benefit the value of the roughly 1,000 acres of federal government lands known as “Park Downsview Parc (PDP)”; and

WHEREAS some of the 1000 acres are slated for high density development;

THEREFORE BE IT RESOLVED THAT an approach be made to the Federal Government to seek its participation in the Capital funding of the two subway stations that directly benefit the Park Downsview Parc and other federal properties in the vicinity;

AND BE IT FURTHER RESOLVED THAT the Federal Government be requested to lift the covenant that restricts and limits development of the 73 acres surrounding the Downsview Subway Station;

AND BE IT FURTHER RESOLVED THAT the City Clerk immediately advise the Federal Government and its appropriate departments of this action.’ ”

9.48 **Works Committee Report 8, Clause 2, headed “Publication Dispensing Box By-law and Related Issues - Beautiful City Initiative (All Wards)”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by amending Part (1) of Section (H), headed “Seizure and Disposal” of the proposed by-law, to include graffiti and/or third party advertising however it may have been affixed to the publication box.
- (b) Councillor Carroll moved that the Clause be amended by adding the following:

“That the General Manager, Transportation Services, be requested to report to the November meeting of the Works Committee on proposed new fees for the publication dispensing boxes and that Notice of the proposed fees be given as required by the *Municipal Act, 2001*.”

Votes:

Adoption of motion (a) by Councillor Moscoe:

Yes - 39	
Councillors:	Altobello, Augimeri, 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, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillors:	Ashton

Carried by a majority of 38.

Adoption of motion (b) by Councillor Carroll:

Yes - 38	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Del Grande, Ootes

Carried by a majority of 36.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause by:

- (1) amending Part (1) of Section (H), headed "Seizure and Disposal" of the proposed by-law, to include graffiti and/or third party advertising however it may have been affixed to the publication box; and

(2) adding the following:

“That the General Manager, Transportation Services, be requested to report to the November meeting of the Works Committee on proposed new fees for the publication dispensing boxes and that Notice of the proposed fees be given as required by the *Municipal Act, 2001*.”

9.49 **Works Committee Report 8, Clause 6, headed “Streetcar Right-of-Way on Fleet Street - Modification to Environmental Assessment”.**

Motion:

Councillor Moscoe moved that consideration of this Clause be postponed to the next regular meeting of City Council on October 26, 2005, and the Chief Planner and Executive Director, City Planning, be requested to report directly to Council, for consideration with this matter, on the effectiveness of narrowing the road from the perspective of landscaping, sidewalks and turning movement.

Vote:

The motion by Councillor Moscoe carried.

9.50 **Administration Committee Report 7, Clause 8, headed “Application for Approval to Expropriate Eight Properties: 47, 48, 50 and 51 Hounslow Avenue; 49 and 50 Horsham Avenue; 30 Churchill Avenue and 5437 Yonge Street for the North York Centre Plan Service Road (Ward 23 - Willowdale)”.**

Motion:

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

“That the Executive Director of Facilities and Real Estate be requested to respond to the owner of 5437 Yonge Street on his concerns in a prompt fashion, if possible.”

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

9.51 **Administration Committee Report 7, Clause 15, headed “Corporate Access and Privacy (CAP) Office Renewal Update”.**

Motion:

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

“That staff bring a video surveillance policy report to the Administration Committee for discussion that addresses camera technology as it relates to compliance with privacy legislation; and City staff consult with staff of the Toronto Transit Commission and the Toronto Police Video Services Unit in this regard.”

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

9.52 **Administration Committee Report 6, Deferred Clause 28a, headed “Court Service Agreement with GO Transit for Provincial Offences Fines”.**

September 30, 2005:

Motion:

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

“That a parallel agreement on the same subject be negotiated with the Toronto Transit Commission.”

Procedural Motion:

Moved by Councillor Soknacki:

“That all motions moved at the September 28-30, 2005 meeting of City Council on this Clause be forwarded to the next regular meeting of Council on October 26, 2005, and these motions be deemed to be moved.”

Vote:

The motion by Councillor Soknacki carried.

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the next regular meeting of City Council on October 26, 2005.

9.53 Council considered the following Clauses concurrently:

Etobicoke York Community Council Report 7:

- Clause 13 - “Request for Traffic Calming (Speed Humps) on Beverly Hills Boulevard (Ward 7 - York West)”.**
- Clause 20 - “Installation of Speed Humps - Amendment to the Existing Plan Humbercrest Boulevard, between Baby Point Road and Humberview Road (Ward 13 - Parkdale-High Park)”.**

North York Community Council Report 7:

- Clause 11 - “Traffic Calming Measures - (speed humps) - Hillhurst Boulevard, Bathurst Street to the west limit of cul-de-sac (Ward 15 - Eglinton-Lawrence)”.**

Toronto and East York Community Council Report 7:

- Clause 47 - “Speed Hump Poll Results - Arlington Avenue, Winona Drive and Wychwood Avenue (St. Paul’s West, Ward 21)”.**
- Clause 48 - “Speed Hump Poll Results - Hallam Street, between Dufferin Street and Dovercourt Road (Davenport, Ward 18)”.**
- Clause 49 - “Speed Hump Poll Results - Kilbarry Road, between Spadina Road and Dunloe Road (St. Paul’s, Ward 22)”.**
- Clause 50 - “Installation of Additional Speed Bump - North/South public lane, north of St. Clair Avenue West, between Raglan Avenue and Bathurst Street (St. Paul’s, Ward 21)”.**
- Clause 54 - “Installation of Speed Humps - Lewis Street, between Queen Street East and Eastern Avenue (Toronto-Danforth, Ward 30)”.**
- Clause 55 - “Installation of Speed Humps - Doris Drive, between Denvale Road and St. Clair Avenue East; and Denvale Road, between Northdale Boulevard and St. Clair Avenue East (Beaches-East York, Ward 31)”.**
- Clause 56 - “Installation of Speed Humps - Waverley Road between Kingston Road and Norway Avenue (Beaches-East York, Ward 32)”.**

Vote:

Adoption of the Clauses, without amendment:

Yes - 31 Councillors: Altobello, Ashton, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3 Councillors: Augimeri, Del Grande, Holyday

Carried by a majority of 28.

Motion to Re-Open:

Councillor Mihevc, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto and East York Community Council Report 7, Clause 47, headed “Speed Hump Poll Results - Arlington Avenue, Winona Drive and Wychwood Avenue (St. Paul’s West, Ward 21)”, be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Mihevc moved that the Clause be amended:

- (1) to provide that speed humps be installed on Winona Drive; and
- (2) by adding the following:

“That:

- (a) a draft by-law be prepared for the alteration of the roadway on Winona Drive, between St. Clair Avenue West and Tyrrel Avenue, for traffic calming purposes as described below:

‘The construction of four speed humps on Winona Drive between St. Clair Avenue West and Tyrrel Avenue, generally as shown on the attached print of Drawing No. 421F-7746, dated January 2005’;
- (b) pursuant to the requirements of the *Municipal Class Environmental Assessment Act*, Notice of Completion be issued; and

- (c) the speed limit on Winona Drive between St. Clair Avenue West and Tyrrel Avenue, be reduced to 30 km/h, coincident with the installation of speed humps.”

Vote:

Adoption of the motion by Councillor Mihevc:

Yes - 22	
Councillors:	Ashton, Bussin, Cho, Chow, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Giambrone, Jenkins, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Thompson, Walker, Watson
No - 9	
Councillors:	Augimeri, Feldman, Holyday, Lindsay Luby, Minnan-Wong, Saundercook, Shiner, Soknacki, Stintz

Carried by a majority of 13.

The Clause, as amended, carried.

9.54 **North York Community Council Report 6, Deferred Clause 23a, headed “Encroachment Agreement - 21 De Vere Gardens (Ward 16 - Eglinton-Lawrence)”.**

Motion:

Councillor Stintz moved that consideration of the Clause be postponed to the next regular meeting of City Council on October 26, 2005.

Vote:

The motion by Councillor Stintz carried.

9.55 **Policy and Finance Committee Report 8, Clause 42, headed “Pending Purchase of Two Properties Adjacent to One Another - Property 1 - 1034, 1036, 1036 1/2 St. Clair Avenue West, and 117 and 119 Glenholme Avenue, Property 2 - 1032 St. Clair Avenue West (Ward 17 – Davenport)”.**

Motion:

Councillor Palacio moved that the Clause be received.

Vote:

Adoption of motion by Councillor Palacio:

Yes - 29 Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Thompson, Walker, Watson
No - 3 Councillors: Feldman, Shiner, Stintz

Carried by a majority of 26.

- 9.56 **North York Community Council Report 7, Clause 38, headed “Final Report - Draft Official Plan Amendment No. 567 - 05 117545 NPS TM - North York Centre Secondary Plan - Proposed Amendments to Density Incentives for Bicycle Storage (Wards 23 and 24 - Willowdale)”.**

Motion:

Councillor Shiner moved that consideration of the Clause be postponed to the next regular meeting of City Council on October 26, 2005.

Vote:

The motion by Councillor Shiner carried.

- 9.57 **Policy and Finance Committee Report 8, Clause 1, headed “Proposed Transaction between the Hummingbird Centre and Castlepoint Development”.**

Motions:

- (a) Councillor Stintz moved that the Clause be amended by amending Recommendation (2)(e) of the Policy and Finance Committee to now read as follows:

“(2)(e) that staff be authorized to negotiate all aspects of the contingency being Option 3(B) including but not limited to the length of the lease and details and options for the early termination of the lease and staff ensure that in the report to the December Council meeting the potential mitigation of risks associated with the City’s interests in the implementation of Option 3(B) is addressed and include a review of other civic options including but not limited to:

- (i) humanitas project;

- (ii) a facility to promote environmental advancements, innovation and sustainability projects; and
 - (iii) sports complex.”
- (b) Councillor McConnell moved that the Clause be amended by amending the recommendations of the Policy and Finance Committee as follows:
 - (1) inserting in Recommendation (2)(1), after the words “City staff”, the words “in conjunction with HC”, so that Recommendation (2)(1) now reads as follows:

“(2)(1) authority be granted to City staff, in conjunction with HC, to negotiate a sponsorship agreement with any naming sponsor, and taking into account the City’s Sign By-law, the terms of such agreement be brought back to Council for approval and in order that all necessary steps to change the name of the Theatre and the Board be taken, including any required By-law amendments;” and
 - (2) adding the following new Recommendations (2)(p), (q) and (r):

“(2)(p) authority be granted to the City and HC to jointly retain Borden Ladner Gervais to provide legal services in respect of the proposed redevelopment project, in accordance with the fee schedule attached as Schedule ‘A’; and

(q) authority be granted to the City and HC to jointly retain PriceWaterhouseCoopers to conduct the due diligence review of Castlepoint Realty Partners Limited and its principals and to provide any other such advice and assistance as is appropriate with respect to the Project in accordance with the fee schedule attached as Schedule ‘B’; and

(r) funds from the Hummingbird Centre Capital Improvement Reserve Fund, Cost Centre XR 3003, be used to continue to retain Borden Ladner Gervais in the range of \$60,000.00 and PriceWaterhouseCoopers in the range of \$50,000.00 to \$100,000.00 in accordance with Chapter 227 of the Municipal Code;”;
- (c) Councillor Lindsay Luby moved that:
 - (1) the Clause be amended by adding the following:
 - (a) a Working Committee comprised of City of Toronto staff and the Hummingbird Board and its staff be established; and

- (b) the following staff recommendations contained in the Recommendations Section of the supplementary report (September 29, 2005) from the Chief Corporate Officer, be adopted:

‘It is recommended that:

- (1) Council recognize the market value of the residential component in the Part 1 lands is \$19.3 million based on a value of \$45.00/ft² of permissible GFA of 428,571 ft², with an appropriate amount to be deducted for the expected incremental construction costs to be borne by Castlepoint, and that the resultant purchase price shall in no event be less than \$15 million;
 - (2) Council recognize the market value for the 99-year lease on the commercial/retail component is \$4.5 million based on a value of \$45.00/ft² of permissible GFA of 100,000 ft², with an appropriate amount to be deducted for the expected incremental construction costs to be borne by Castlepoint, and that the resultant value shall in no event be less than \$3.5 million;
 - (3) City staff, in conjunction with HC, be directed to audit the details/breakdown of the incremental costs provided by Castlepoint with a view to verifying the appropriate amount that is attributable to the expected additional construction costs to be borne by Castlepoint of the HC site development and report to Council in December, 2005; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”; and
- (2) the following portion of motion (a) by Councillor Stintz be referred to the Working Committee comprised of City of Toronto staff and the Hummingbird Board and its staff for a report to the December meeting of Council, through the Policy and Finance Committee:

‘and include a review of other civic options, including but not limited to:

- (i) a humanitas project;

- (ii) a facility to promote environmental advancements, innovation and sustainability projects; and
- (iii) a sports complex.’ ”

Votes:

Adoption of motions (b) and (c) by Councillors McConnell and Lindsay Luby, respectively, and motion (a) by Councillor Stintz, as amended:

Yes - 31 Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson
No - 1 Councillor:	Walker

Carried by a majority of 30.

The Clause, as amended, carried.

Summary:

In summary, Council amended this Clause by:

- (1) amending the recommendations of the Policy and Finance Committee as follows:
 - (a) revising Recommendation (2)(e) to now read as follows:

“(2)(e) that staff be authorized to negotiate all aspects of the contingency being Option 3(B), including but not limited to the length of the lease and details and options for the early termination of the lease and staff ensure that, in the report to the December Council meeting, the potential mitigation of risks associated with the City’s interests in the implementation of Option 3(B) is addressed;”;
 - (b) inserting in Recommendation (2)(1), after the words “City staff”, the words “in conjunction with HC”, so that Recommendation (2)(1) now reads as follows:

“(2)(1) authority be granted to City staff, in conjunction with HC, to negotiate

a sponsorship agreement with any naming sponsor, and taking into account the City's Sign By-law, the terms of such agreement be brought back to Council for approval and in order that all necessary steps to change the name of the Theatre and the Board be taken, including any required By-law amendments;"; and

(c) adding the following new Recommendations (2)(p), (q) and (r):

“(2)(p) authority be granted to the City and HC to jointly retain Borden Ladner Gervais to provide legal services in respect of the proposed redevelopment project, in accordance with the fee schedule attached as Schedule ‘A’; and

(q) authority be granted to the City and HC to jointly retain PriceWaterhouseCoopers to conduct the due diligence review of Castlepoint Realty Partners Limited and its principals and to provide any other such advice and assistance as is appropriate with respect to the Project in accordance with the fee schedule attached as Schedule ‘B’; and

(r) funds from the Hummingbird Centre Capital Improvement Reserve Fund, Cost Centre XR 3003, be used to continue to retain Borden Ladner Gervais in the range of \$60,000.00 and PriceWaterhouseCoopers in the range of \$50,000.00 to \$100,000.00 in accordance with Chapter 227 of the Municipal Code;”;

so that the recommendations of the Policy and Finance Committee now read as follows:

“The Policy and Finance Committee recommends that:

(1) City Council pursue Options 3(A) and 3(B) of the Hummingbird Business Plan;

(2) the following steps be taken:

(a) all discussions regarding the development plan be conducted without prejudice or legal obligation on either party until and unless approved by Council, including, but not limited to, any fettering of the discretion or derogation from Council's responsibilities as a planning authority in accordance with the laws of the Province of Ontario;

(b) a portion of the property municipally known as 1 Front Street East, being part of Water Lot 1 on Plan 5A Toronto; part of Walks and Gardens on Plan 5A Toronto; part of bank of Toronto Bay lying between southeasterly limits of Walks and

Gardens and northeasterly limits of Water Lots 1 and 36 on Plan 5A Toronto, shown as Parts 1 and 2 on Sketch No. PS-2005-070 (the 'Private Lands'), attached to this Appendix "A", be declared surplus to the City's requirements, with the intended manner of disposal to be by way of a sale and/or lease to Castlepoint Realty Partners Limited;

- (c) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken;
- (d) authority be granted to City staff in conjunction with HC to enter into negotiations with Castlepoint Realty Partners Limited of an umbrella agreement, taking into account the Proposed Memorandum which is attached as Appendix 'A' to the Business Plan, such umbrella agreement to include a greater role for the City in decision making, and as a minimum, decision making with respect to the Development Agreement, and containing the key terms of the sale of land and/or lease, naming and parking arrangements, securing a world-class quality architect such as Libeskind, compliance with Housing First Policy, and such other agreements as are necessary to protect the City's interests on terms satisfactory to the Deputy City Manager and Chief Financial Officer and the Chief Corporate Officer and in a form satisfactory to the City Solicitor, and to report back on the results of such negotiations and all legal, operational, financial and budget considerations, by the December 2005 Council meeting;
- (e) that staff be authorized to negotiate all aspects of the contingency being Option 3(B), including but not limited to the length of the lease and details and options for the early termination of the lease and staff ensure that, in the report to the December Council meeting, the potential mitigation of risks associated with the City's interests in the implementation of Option 3(B) is addressed;
- (f) authority be granted to request a comprehensive due diligence report regarding Castlepoint Realty Partners Limited and its principals to the satisfaction of the City Solicitor and Deputy City Manager/Chief Financial Officer;
- (g) any structure or building proposed to be built be required to comply with the new St. Lawrence Neighbourhood Focused Community Urban Design Guidelines;
- (h) any proposed development be required to adhere to Council's

policies in respect of obtaining public benefits for increases in height and/or density;

- (i) authority be granted to City staff in conjunction with HC to enter into negotiations with GO Transit and/or Castlepoint with respect to parking with the understanding that no above-grade parking will be requested as part of the development;
- (j) authority be granted for a request to be made to the Province of Ontario for amending legislation, to expand the scope of the statutory purposes of the Board of Directors of HC for the Performing Arts to include (i) the authority to present theatrical performances in theatres other than HC and (ii) the authority to own and/or operate parking spaces;
- (k) authority be granted to HC to market the naming rights to the theatre in compliance with the City's Sign By-Law including that no sign will be erected on a location on a wall facing the street and shall not be erected above the 4th floor or 15 metres above grade on the condominium tower;
- (l) authority be granted to City staff, in conjunction with HC, to negotiate a sponsorship agreement with any naming sponsor, and taking into account the City's Sign By-law, the terms of such agreement be brought back to Council for approval and in order that all necessary steps to change the name of the Theatre and the Board be taken, including any required By-law amendments;
- (m) authority be granted to establish a reserve fund for the purposes of extraordinary programming, as contemplated in the Business Plan;
- (n) HC provide an interim report to Council on the status of its fundraising in March 2006;
- (o) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;
- (p) authority be granted to the City and HC to jointly retain Borden Ladner Gervais to provide legal services in respect of the proposed redevelopment project, in accordance with the fee schedule attached as Schedule 'A';

- (q) authority be granted to the City and HC to jointly retain PriceWaterhouseCoopers to conduct the due diligence review of Castlepoint Realty Partners Limited and its principals and to provide any other such advice and assistance as is appropriate with respect to the Project in accordance with the fee schedule attached as Schedule 'B'; and
 - (r) funds from the Hummingbird Centre Capital Improvement Reserve Fund, Cost Centre XR 3003, be used to continue to retain Borden Ladner Gervais in the range of \$60,000.00 and PriceWaterhouseCoopers in the range of \$50,000.00 to \$100,000.00 in accordance with Chapter 227 of the Municipal Code; and
- (3) City staff be directed to begin the process of heritage designation of the building.”; and

(2) adding the following:

“That:

- (a) a Working Committee comprised of City of Toronto staff and the Hummingbird Board and its staff be established;
- (b) the following words, which were a proposed amendment to revised Recommendation (2)(e) of the Policy and Finance Committee, be referred to the Working Group outlined in Recommendation (1), above, for a report to the December meeting of Council, through the Policy and Finance Committee:

‘and include a review of other civic options, including but not limited to:

- (i) a humanitas project;
 - (ii) a facility to promote environmental advancements, innovation and sustainability projects; and
 - (iii) a sports complex;’; and
- (c) the following staff recommendations contained in the Recommendations Section of the supplementary report (September 29, 2005) from the Chief Corporate Officer, be adopted:

‘It is recommended that:

- (1) Council recognize the market value of the residential component in the Part 1 lands is \$19.3 million based on a value of \$45.00/ft² of permissible GFA of 428,571 ft², with an appropriate amount to be deducted for the expected incremental construction costs to be borne by Castlepoint, and that the resultant purchase price shall in no event be less than \$15 million;
- (2) Council recognize the market value for the 99-year lease on the commercial/retail component is \$4.5 million based on a value of \$45.00/ft² of permissible GFA of 100,000 ft², with an appropriate amount to be deducted for the expected incremental construction costs to be borne by Castlepoint, and that the resultant value shall in no event be less than \$3.5 million;
- (3) City staff, in conjunction with HC, be directed to audit the details/breakdown of the incremental costs provided by Castlepoint with a view to verifying the appropriate amount that is attributable to the expected additional construction costs to be borne by Castlepoint of the HC site development and report to Council in December, 2005; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

9.58 **Policy and Finance Committee Report 8, Clause 53, headed “Reserves and Reserve Funds Quarterly Variance Report June 30, 2005”.**

Motion:

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

“That the Deputy City Manager and Chief Financial Officer be requested to conduct an annual analysis of the reserves/reserve funds balance January 1 and December 31 of each year, such report to include, generally, how the adequacy of the reserve is assessed and the annual contributions to the reserve and withdrawals from the reserve during the year.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.59 Policy and Finance Committee Report 8, Clause 54, headed “Operating Variance Report - for the Six-Month Period Ended June 30, 2005”.

Motion:

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

“That the Deputy City Manager and Chief Financial Officer be requested to find efficiencies so as not to affect service levels.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.60 Policy and Finance Committee Report 8, Clause 3, headed “Five-Year Business Plan/Ten-Year Forecast for Toronto Waterfront”.

Motion:

- (a) Councillor Chow moved that the Clause be amended to provide that \$1 million of the City’s unallocated Waterfront resources be moved from the 2010-2014 Capital Budget to the 2006 Capital Budget to address issues related to the Martin Goodman Trail in the Central Waterfront, with the need for these resources being re-affirmed for consideration as part of Council’s 2006 Budget process, following receipt of a report from the Chief Planner and Executive Director, City Planning, on this matter in November 2005.

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled motion (a) by Councillor Chow out of order, as Council did not have the 2006 Capital Budget before it for consideration.

Councillor Chow challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 30 Councillors: Altobello, Ashton, Balkissoon, Bussin, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7 Councillors: Augimeri, Cho, Chow, Davis, Giambrone, Mihevc, Moscoe

Carried by a majority of 23.

Motion:

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

“That:

- (1) the reports and actions requested by Council during the 2005 Budget Process, as they relate to the Front Street Extension and related projects, be completed prior to Council considering the future of the Gardiner Expressway and Lake Shore Corridor;
- (2) no funds be allocated to or expended on the Front Street Extension until a final decision is made on the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor;
- (3) the Five-Year Business Plan/Ten-Year Forecast for the Toronto Waterfront be brought forward for review when Council considers the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor; and
- (4) consideration of the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor include a consideration of the Harbourfront LRT Western Extension.”

Votes:

Motion (b) by Councillor Watson carried.

The Clause, as amended, carried.

Summary:

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

“That:

- (1) the reports and actions requested by Council during the 2005 Budget Process, as they relate to the Front Street Extension and related projects, be completed prior to Council considering the future of the Gardiner Expressway and Lake Shore Corridor;
- (2) no funds be allocated to or expended on the Front Street Extension until a final decision is made on the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor;
- (3) the Five-Year Business Plan/Ten-Year Forecast for the Toronto Waterfront be brought forward for review when Council considers the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor; and
- (4) consideration of the future of the Front Street Extension/Gardiner Expressway/Lake Shore Corridor include a consideration of the Harbourfront LRT Western Extension.”

9.61 Policy and Finance Committee Report 8, Clause 55, headed “Capital Variance Report - for the Six-Month Period Ended June 30, 2005”.

Motion:

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

“That Deputy City Manager Sue Corke be requested to report to Council, through the Policy and Finance Committee, on plans to complete the Capital budget projects by year end.”

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

9.62 Policy and Finance Committee Report 8, Clause 44, headed “Toronto Community Housing Corporation Request for \$5 million from City of Toronto Social Housing Stabilization Fund for Urgent Capital Repair Needs”.

Motions:

- (a) Councillor Thompson moved that the Clause be amended:
 - (1) to provide that:
 - (a) the amount requested from the City of Toronto Social Housing Stabilization Fund be increased by a further \$20 million and that the General Manager, Shelter, Support and Housing Administration, be requested to report to the next meeting of the Community Services Committee with a list of the additional properties requiring urgent repair; and
 - (b) this matter be referred to the Community Services Committee and the Budget Advisory Committee for review; and
 - (2) by adding the following:

“That:

 - (a) all Councillors and the Mayor be requested to spend one week in a Toronto Community Housing Corporation (TCHC) apartment/townhouse before the 2006 Budget deliberations;
 - (b) Council invite the Federal and Provincial Ministers of Housing to spend a week in a Toronto Community Housing Corporation facility; and
 - (c) Deputy City Manager Sue Corke be requested to meet with the Chief Executive Officer of the Toronto Community Housing Corporation to consider mechanisms that would give qualified residents of TCHC first priority for jobs at TCHC facilities.”
- (b) Councillor Fletcher moved that motion (a) by Councillor Thompson be referred to the Board of Directors of the Toronto Community Housing Corporation for consideration.

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

“That:

- (1) the following Part (12) of the Resolution of the Board of Directors of the Toronto Community Housing Corporation, entitled ‘Acceleration of Building Investments for Selected TCHC Communities (TCHC:2005-82)’, as contained in Attachment 2 to the communication (undated) addressed to Councillor Joe Mihevc, Chair, Community Services Committee, from the Chief Executive Officer, Toronto Community Housing Corporation, be referred to the Mayor to facilitate the advocacy campaign:

‘(12) that TCHC, in consultation with the City of Toronto, draft a campaign to advocate for the necessary funding for TCHC’s deferred capital needs in order to maintain and upgrade TCHC buildings and that the Board and residents of TCHC buildings and supportive organizations be included in such a campaign;’
and

- (2) the Chief Executive Officer of the Toronto Community Housing Corporation be requested to report to Council, through the Community Services Committee, on the outcome of the review of the Building Renewal Program of the Toronto Community Housing Corporation and a Capital funding plan necessary to repair and replace building infrastructure to an identified state of good repair.”

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

“That:

- (1) City Council endorse and encourage TCHC’s direction to hire youth living in the neighbourhoods for general building improvements, in consultation and assistance with unions, to provide employment and training opportunities; and
- (2) the Chief Executive Officer of the Toronto Community Housing Corporation be requested to report to the Community Services Committee and the Mayor’s Advisory Panel on Community Safety on the youth training and employment plan of the Toronto Community Housing Corporation.”

Votes:

Motion (b) by Councillor Fletcher carried.

Motion (c) by Councillor Ashton carried.

Motion (d) by Councillor Chow carried.

Adoption of Clause, as amended:

Yes - 34 Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 0

Carried, without dissent.

Summary:

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

“That:

- (1) the following Part (12) of the Resolution of the Board of Directors of the Toronto Community Housing Corporation, entitled ‘Acceleration of Building Investments for Selected TCHC Communities (TCHC:2005-82)’, as contained in Attachment 2 to the communication (undated) addressed to Councillor Joe Mihevc, Chair, Community Services Committee, from the Chief Executive Officer, Toronto Community Housing Corporation, be referred to the Mayor to facilitate the advocacy campaign:
 - ‘(12) that TCHC, in consultation with the City of Toronto, draft a campaign to advocate for the necessary funding for TCHC’s deferred capital needs in order to maintain and upgrade TCHC buildings and that the Board and residents of TCHC buildings and supportive organizations be included in such a campaign;’
- (2) City Council endorse and encourage TCHC’s direction to hire youth living in the neighbourhoods for general building improvements, in consultation and assistance with unions, to provide employment and training opportunities;
- (3) the Chief Executive Officer of the Toronto Community Housing Corporation be requested to:
 - (a) report to the Community Services Committee and the Mayor’s Advisory Panel on Community Safety on the youth training and employment plan of the Toronto Community Housing Corporation; and
 - (b) report to Council, through the Community Services Committee, on the

outcome of the review of the Building Renewal Program of the Toronto Community Housing Corporation and a Capital funding plan necessary to repair and replace building infrastructure to an identified state of good repair; and

- (4) the following motions be referred to the Board of Directors of the Toronto Community Housing Corporation for consideration:

Moved by Councillor Thompson:

‘That:

- (a) all Councillors and the Mayor be requested to spend one week in a Toronto Community Housing Corporation apartment/townhouse before the 2006 Budget deliberations; and
- (b) Council invite the Federal and Provincial Ministers of Housing to spend a week in a Toronto Community Housing Corporation facility.’

Further moved by Councillor Thompson:

‘That the Clause be amended to provide that:

- (a) the amount requested from the City of Toronto Social Housing Stabilization Fund be increased by a further \$20 million and that the General Manager, Shelter, Support and Housing Administration, be requested to report to the next meeting of the Community Services Committee with a list of the additional properties requiring urgent repair; and
- (b) this matter be referred to the Community Services Committee and the Budget Advisory Committee for review.’ ”

Further moved by Councillor Thompson:

‘That Deputy City Manager Sue Corke be requested to meet with the Chief Executive Officer of the Toronto Community Housing Corporation to consider mechanisms that would give qualified residents of TCHC first priority for jobs at TCHC facilities.’ ”

September 28, 2005:

Deputy Mayor Pantalone in the Chair.

Procedural Motion:

Councillor Kelly, at 2:59 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Policy and Finance Committee and Economic Development and Parks Committee Joint Report 1, Clause 1, headed “Portlands Film Industry/Media Complex Status Report and Lease Approval, and Available Suitable Space (All Wards)”, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality or Local Board.

Vote:

The motion by Councillor Kelly carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:07 p.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 4:04 p.m., and met in public session in the Council Chamber.

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

9.64 **Policy and Finance Committee and Economic Development and Parks Committee Joint Report 1, Clause 1, headed “Portlands Film Industry/Media Complex Status Report and Lease Approval, and Available Suitable Space (All Wards)”.**

Report of the Committee of the Whole:

Deputy Mayor Pantalone, 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 this Clause.

Deputy Mayor Pantalone called for additional motions on this Clause.

Motion:

- (a) Councillor Walker moved that the Clause be referred to the Auditor General, with a request that he review this agreement and report to the next meeting of Council on October 26, 2005, through a joint meeting of the Policy and Finance Committee and the Economic Development and Parks Committee, as to whether he is satisfied with the terms outlined in the confidential report (September 15, 2005) from the President and CEO, TEDCO, and the Vice President, Development, TEDCO.

Vote on Referral:

Adoption of motion (a) by Councillor Walker:

Yes - 10	
Councillors:	Del Grande, Holyday, Jenkins, Kelly, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Walker
No - 27	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, Milczyn, Minnan-Wong, Pantalone, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 17.

Motions:

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

“That City Council:

- (1) request the Premier of Ontario to show further provincial support to the Film Industry in Toronto by requesting the Ontario Realty Corporation not to evict the tenants currently in this space without providing affordable replacement space to the various businesses that provide support services to the film industry; and
 - (2) request representatives of the Ontario Realty Corporation to attend the next Mayor’s Film Board meeting to advise the City what can be done to further support the industries that need to have affordable rent in the Port Lands.”
- (c) Councillor Fletcher moved that motion (b) by Councillor Shiner be referred to the Film Board for further discussion.

Votes:

Adoption of motion (c) by Councillor Fletcher:

Yes - 23	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Milczyn, Moscoe, Pantalone, Rae, Soknacki
No - 16	
Councillors:	Altobello, Augimeri, Cho, Feldman, Holyday, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson, Walker, Watson

Carried by a majority of 7.

Adoption of Clause, as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Li Preti, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 6	
Councillors:	Del Grande, Holyday, Jenkins, Kelly, Ootes, Walker

Carried by a majority of 27.

Summary:

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

“That the following motion be referred to the Film Board for further discussion:

Moved by Councillor Shiner:

‘That City Council:

- (1) request the Premier of Ontario to show further provincial support to the Film Industry in Toronto by requesting the Ontario Realty Corporation not to evict the tenants currently in this space without providing affordable replacement space to the various businesses that provide support services to the film industry; and

- (2) request representatives of the Ontario Realty Corporation to attend the next Mayor's Film Board meeting to advise the City what can be done to further support the industries that need to have affordable rent in the Port Lands.' ”

September 29, 2005:

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Deputy Mayor Feldman, at 5:00 p.m., with the permission of Council, 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) Policy and Finance Committee Report 8, Clause 15, headed “Memorandum of Agreement between the City of Toronto and Canadian Union of Public Employees (CUPE), Local 79”, as it contains information pertaining to labour relations or employee negotiations;
- (b) Policy and Finance Committee Report 8, Clause 46, headed “MFP Financial Services Limited - Status of Litigation”, as it contains information pertaining to litigation or potential litigation; and
- (c) a briefing from the City Manager on a personnel matter, as it contains personal information about identifiable individuals.

Vote:

The motion by Deputy Mayor Feldman carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:05 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 7:25 p.m., and met in public session in the Council Chamber.

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

- 9.65 **Policy and Finance Committee Report 8, Clause 15, headed “Memorandum of Agreement between the City of Toronto and Canadian Union of Public Employees (CUPE), Local 79”.**

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 the Clause.

Vote:

Adoption of Clause, without amendment:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Walker, Watson
No - 8	
Councillors:	Del Grande, Holyday, Kelly, Mammoliti, Milczyn, Minnan-Wong, Ootes, Stintz

Carried by a majority of 21.

9.66 Policy and Finance Committee Report 8, Clause 46, headed “MFP Financial Services Limited - Status of Litigation”.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that Council had not concluded its consideration of this Clause. (See Minute 9.68, Page 81)

9.67 Briefing from City Manager on a Personnel Matter.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that Council had received a briefing from the City Manager on a personnel matter, which is to remain confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Deputy Mayor Feldman, at 2:41 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) Policy and Finance Committee Report 8, Clause 4, headed “Street and Expressway Lighting Asset Sale”, as it contains information pertaining to the security of the property of the municipality; and
- (b) Policy and Finance Committee Report 8, Clause 46, headed “MFP Financial Services Limited - Status of Litigation”, as it contains information pertaining to litigation or potential litigation.

Vote:

Adoption of motion by Deputy Mayor Feldman:

Yes - 24	Councillors: Augimeri, Balkissoon, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Moscoe, Pitfield, Rae, Shiner, Soknacki, Stintz, Thompson, Walker
No - 11	Councillors: Ashton, Chow, Cowbourne, Grimes, Mammoliti, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Saundercook

Carried by a majority of 13.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:50 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 4:16 p.m., and met in public session in the Council Chamber.

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

9.68 **Policy and Finance Committee Report 8, Clause 46, headed “MFP Financial Services Limited - Status of Litigation”.** (See also Minute 9.66, Page 79)

The Clause was submitted without recommendation.

Report of the Committee of the Whole:

Deputy Mayor Bussin, 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 the Clause:

Motions:

- (a) Councillor Stintz moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (September 28, 2005) from the City Solicitor.
- (b) Councillor Nunziata moved that Council adopt the following:
 “That the City Solicitor, in consultation with the Deputy City Manager and Chief Financial Officer, be requested to submit a report to Council, through the Policy and Finance Committee, providing an itemized list of the total cost of the MFP Inquiry, including outside consultants and all legal fees (both for City of Toronto employees and outside consultants).”

Further Report of the Committee of the Whole:

Deputy Mayor Bussin, in accordance with the provisions of the *Municipal Act, 2001*, further reported that Council, at the in-camera portion of its meeting, had also issued confidential instructions to staff which are to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information pertaining to litigation or potential litigation.

Votes:

Confirmation of confidential instructions to staff:

Yes - 21	Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Fletcher, Giambrone, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pitfield, Thompson, Walker, Watson
No - 16	Councillors: Del Grande, Di Giorgio, Feldman, Filion, Grimes, Hall, Holyday, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz

Carried by a majority of 5.

Adoption of motion (a) by Councillor Stintz, as amended by confidential instructions to staff, and motion (b) by Councillor Nunziata:

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

Carried by a majority of 28.

Adoption of Clause, as amended:

Yes - 34	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Augimeri, Grimes, Mammoliti, Nunziata

Carried by a majority of 30.

Summary:

In summary, Council adopted the following recommendations:

“That:

- (1) the staff recommendations contained in the Recommendations Section of the confidential report (September 28, 2005) from the City Solicitor, be adopted, subject to confidential instructions to staff, such report and confidential instructions to remain confidential, in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information pertaining to litigation or potential litigation; and
- (2) the City Solicitor, in consultation with the Deputy City Manager and Chief Financial Officer, be requested to submit a report to Council, through the Policy and Finance Committee, providing an itemized list of the total cost of the MFP Inquiry, including outside consultants and all legal fees (both for City of Toronto employees and outside consultants).”

9.69 **Policy and Finance Committee Report 8, Clause 4, headed “Street and Expressway Lighting Sale”.**

Report of the Committee of the Whole:

Deputy Mayor Bussin, 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 the Clause:

Motions:

- (a) Councillor Del Grande moved that the Clause be received.
- (b) Councillor Ootes 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 next meeting of Council, through the Policy and Finance Committee, on the status of the tax pre-ruling from the Provincial Minister of Finance.”

Deputy Mayor Bussin called for further motions in regard to this Clause.

Motion in Public Session:

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

“That the President and Chief Executive Officer of Toronto Hydro be requested to report to Council, through the Policy and Finance Committee, on how they will accommodate the purchase of the assets in their budget.”

Votes:

Adoption of motion (a) by Councillor Del Grande:

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

Lost by a majority of 9.

Motion (b) by Councillor Ootes carried.

Motion (c) by Councillor Ashton carried.

Adoption of Clause, as amended:

Yes - 24 Councillors:	Altobello, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Saundercook, Shiner, Soknacki, Walker, Watson
No - 13 Councillors:	Ashton, Augimeri, Balkissoon, Del Grande, Grimes, Holyday, Li Preti, Mammoliti, Minnan-Wong, Ootes, Pitfield, Stintz, Thompson

Carried by a majority of 11.

Summary:

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

“That:

- (1) the President and Chief Executive Officer of Toronto Hydro be requested to report to Council, through the Policy and Finance Committee, on how they will accommodate the purchase of the assets in their budget; and

- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the next meeting of Council, through the Policy and Finance Committee, on the status of the tax pre-ruling from the Provincial Minister of Finance.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

9.70 I(1) Leaf Blower Use Restriction in the City of Toronto

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“**WHEREAS**, at the present time, the Noise By-law for the City of Toronto prohibits the creation of noise by the use of leaf blowers, known as ‘powered property service tool’, between the hours of 9:00 p.m. and 7:30 a.m., or 9:00 a.m. in the case of Sundays or holidays; and

WHEREAS gas powered leaf blowers produce sound with a strong tonality, which is particularly objectionable, and levels generally measure in the range of 80-90 dBA; and

WHEREAS as of January 1, 1992, leaf blowers which produce sound levels in excess of 70 dBA at 15 metres are considered to be in violation of the Noise By-law and are, therefore, essentially banned in the City; and

WHEREAS the number of noise complaints resulting from the use of leaf blowers increases steadily each year, as outlined in the Committee Report (January 10, 1996) submitted from the Acting Commissioner of Public Works and the Environment for the City of Toronto; and

WHEREAS the Noise By-law is authorized by section 9(1) of the *City of Toronto Act*, 1971, which reads, ‘...The Council of the Corporation may pass by-laws for prohibiting or regulating the making, causing or permitting of noises or any class or classes of noises within the municipality or any defined area or areas thereof which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.’; and

WHEREAS the pollution caused by leaf blowers extends beyond noise to dust, debris, mould, hydrocarbons, carbon monoxide, and ground level ozone, all of which increase the levels of pollution and/or smog in the City, resulting in a loss of quality of life for all residents; and

WHEREAS the City of Vancouver, B.C., has already taken the initiative to support a City-wide ban of leaf blowers (Noise Control By-law No. 6555 - November 18, 2003);

NOW THEREFORE BE IT RESOLVED THAT City Council amend the Noise By-law (adopted by Council on June 18-20, 2002) to include the following staff Recommendation (2)(a) contained in the Recommendations Section of the report (November 5, 2001) from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee:

‘(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

- (i) at all times in Quiet Zones;
- (ii) at all times on residential properties except during the months of October and November for leaf removal;
- (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
- (iv) on Smog Alert days;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff, by mechanism of the Noise and Pollution by-laws, investigate unconditionally banning the operation of any powered leaf blower, electric or gas, in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the appropriate City staff take the necessary actions to give effect to the foregoing.”

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 Planning and Transportation 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 Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 235)

Procedural Vote:

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

Yes - 19	
Councillors:	Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Fillion, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Soknacki, Walker
No - 18	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Holyday, Kelly, Li Preti, Minnan-Wong, Moscoe, Pantalone, Rae, Stintz, Thompson, Watson

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

Disposition:

Motion I(1) was referred to the Planning and Transportation Committee.

9.71 **I(2) Licensing of Livery Vehicles**

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

Moved by: Councillor Stintz

Seconded by: Councillor Saundercook

“WHEREAS City Council at its meeting on May 17, 18 and 19, 2005, by its adoption, without amendment, of Planning and Transportation Report 4, Clause 1, headed ‘Licensing of Livery Vehicles in the City of Toronto’, amended the Toronto Municipal Code, Chapter 545, by adopting several new provisions relative to the licensing of livery vehicles in the City of Toronto; and

WHEREAS the new licensing provisions relative to the livery industry are intended, in part, to bring unlicensed limousine activity under the regulatory umbrella; and

WHEREAS the new sedan vehicle/stretch vehicle ratio provisions are designed as a method of ensuring that new companies coming under the regulatory umbrella are legitimate, full-service limousine companies; and

WHEREAS the new provisions are not intended to impact negatively on the business operations of existing limousine companies already operating legally within the current Municipal Code provisions;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Report 4, Clause 1, headed 'Licensing of Livery Vehicles in the City of Toronto', be re-opened for further consideration, only as it pertains to the ratio of sedan vehicles to stretch vehicles required to obtain a limousine service company licence for existing limousine companies, who held three or more valid livery owner's licences at the time of the passing of the by-law;

AND BE IT FURTHER RESOLVED THAT City Council consider amending Chapter 545, Licensing, so that existing limousine companies, who held three or more valid livery owner's licences at the time of the passing of the by-law, be exempt from the sedan vehicle/stretch vehicle ratio as it pertains to their existing fleet of vehicles, other than meeting the minimum licence requirement of at least one stretch vehicle, and the sedan vehicle/stretch vehicle ratio apply to these companies on a go-forward basis as they increase the size of their existing fleets;

AND BE IT FURTHER RESOLVED THAT the Planning and Transportation Committee hold a public meeting to consider this matter and that notice of the meeting be given, as required by the *Municipal Act, 2001*, and Chapter 162, Notice, Public."

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Motion:

Councillor Stintz moved that Motion I(2) be referred to the Planning and Transportation Committee.

Vote on Referral:

The motion by Councillor Stintz carried.

9.72 **I(3) Damage Resulting from Severe Storm on July 4, 2005 - Request for City Staff to Either Remove Debris or Waive Transfer Station Disposal Fees**

Councillor Kelly, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Kelly

Seconded by: Councillor Jenkins

“WHEREAS a recent storm hit parts of Scarborough and North York on the night of July 4, 2005, with a force reportedly not experienced in 25 years; and

WHEREAS, as a result of this violent weather, trees in some parts of North York and Scarborough were severely damaged or uprooted; and

WHEREAS seniors, due to disability, fragile physical condition or limited incomes, are seeking help from the City of Toronto to assist in the clean-up and removal of uprooted trees and debris from their private property;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto, upon request, remove storm damaged trees and debris by either picking up the debris free of charge or waiving the fees for seniors dropping off the debris at the City’s Transfer Stations and dump sites within two weeks of the passing of this motion.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 236)

9.73 **I(4) 2005 Pedestrian Sundays in Kensington Market**

Councillor Mihevc, with the permission of Council, withdrew the following Motion:

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“WHEREAS City Council, at its June 14-16, 2005 meeting, adopted, as amended, Toronto and East York Community Council Report 5, Clause 66, headed ‘Car Free Sundays in Kensington Market’, and in so doing, decided it would not continue to sponsor the 2005 Pedestrian Sundays in Kensington Market, as in 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 5, Clause 66, headed ‘Car Free Sundays in Kensington Market’, be re-opened for further consideration, only insofar as it pertains to whether the City will sponsor the event in 2005;

AND BE IT FURTHER RESOLVED THAT the City of Toronto continue to sponsor 2005 Pedestrian Sundays in Kensington Market, as in 2004.”

Fiscal Impact Statement:

City Council had before it, for consideration with Motion I(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 237)

9.74 **I(5) Proposed Lease Agreement Between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation**

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

Moved by: Councillor Kelly

Seconded by: Councillor Ootes

“**WHEREAS** various representatives of the film industry in Toronto have expressed concerns over the proposed contract with Toronto Film Studios Inc. for the development of the Port Lands owned by the Toronto Economic Development Corporation (TEDCO); and

WHEREAS members of the industry have repeatedly expressed concerns that the proposed ‘Mega Studio’ deal undermines the principles of fair and healthy competition and threatens the growth of the Toronto film industry; and

WHEREAS the City of Toronto and all of its subsidiaries must be fully accountable to the Toronto taxpayer and show full transparency in all its signed and proposed contracts; and

WHEREAS the City of Toronto has the responsibility to foster and encourage fair competition to support the growth of the film industry in Toronto;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) any proposed leasing agreement between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation be reported to Economic Development and Parks Committee, prior to submission to the next regular meeting of City Council;
- (2) the Auditor General be requested to review any lease between Toronto Film Studios Inc. and TEDCO and report to the Policy and Finance Committee for its meeting on September 20, 2005, on:
 - (a) general adherence within such a lease to the principles identified in TEDCO's January 2004 Request for Proposals (RFP) for the development of a film studio in the Toronto Port Lands;
 - (b) the specific details of any divergence from the Request for Proposals, in particular with respect to the term of any lease and the inclusion of any significant additional parcels of land not contemplated in the RFP;
 - (c) any provisions within a proposed lease agreement that exceed the mandate of TEDCO; and
 - (d) the propriety of processing an application for a rezoning of Toronto Film Studios Inc. 629 Eastern Avenue property while, at the same time, negotiating an agreement and lease for a 'mega-studio' in the Port Lands with the same company;
- (3) the Chief Planner and Executive Director, City Planning, be requested to review the consequences to the film industry in Toronto of a 'no competition' clause within any lease between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation;
- (4) in view of the Province's recent efforts to stabilize the film industry through expanded tax credits and the City of Toronto's establishment of a Film Board, the Chief Planner and Executive Director, City Planning, be requested to report to the Policy and Finance Committee on whether the land use/land ownership policies of the Province and the Ontario Realty Corporation and the City of Toronto and its agencies are conducive to the goals of enhancing and expanding the film industry in Toronto, and whether land of sufficient dimension and characteristics (including land value) is available to satisfy the current and reasonable expansion needs of film entities being or about to be displaced by Provincial and City of Toronto agencies; and
- (5) the City Solicitor be requested to report to the Policy and Finance Committee on the issue of TEDCO claiming exemption from the *Municipal Freedom of Information and Protection of Privacy Act*, notwithstanding the fact that the City of Toronto, TEDCO's sole shareholder, is subject to that Act."

Disposition:

This Motion was received by City Council.

(See also Council's action on Joint Policy and Finance Committee and Economic Development and Parks Committee Report 1, Clause 1, headed "Portlands Film Industry/Media Complex Status Report and Lease Approval, and Available Suitable Space (All Wards)", Minute 9.64, Page 75.)

9.75 J(1) Request for Government Action to Lower Gasoline Prices

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 Altobello

“WHEREAS current government taxation on gasoline accounts for approximately 15 cents/litre in provincial taxes, 11 cents/litre in federal excise taxes; and

WHEREAS the federal government charges 7 percent GST on top of all provincial and federal excise taxes (double taxation) which together account for approximately 40 percent of the pump price, thereby taxing the existing tax; and

WHEREAS citizens of the City of Toronto, as well in other towns and cities, are consistently subjected to exorbitant and unexplainable increases in gasoline prices that have occurred to excess over this last several weeks; and

WHEREAS given the vast, natural layout of our country, many citizens outside of downtown urban areas must commute long distances to work via automobile and are increasingly unable to afford this due to substantial increases in gasoline prices; and

WHEREAS the auto industry is one of the largest job creators in Canada and the recent increase in gasoline prices will directly and negatively affect both the manufacturing and distribution of automobiles and automobile parts; and

WHEREAS domestic and foreign trade will undergo significant change as transporters will no longer be able to maintain current contracts as their variable cost of gasoline has far surpassed any normal or projected foreseeable increase; and

WHEREAS individual station franchisees cannot possibly argue that gas prices reflect localized supply and demand when centralized offices set the prices for these locations (Petro-Canada, Shell, Imperial Oil, Suncor, etc); and

WHEREAS Canada's Big Four Oil Cartel (Petro-Canada, Shell, Imperial Oil, Suncor) raked in record profits last year of well over \$6 billion and at today's prices, profits are likely to be in excess of \$12 billion this year; and

WHEREAS Canada has the second largest reserves of petroleum in the world and as such should be immune to these current price fluctuations; and

WHEREAS Canada exports over 2 million barrels of crude oil each day and has a refining capacity greater than its domestic consumption, suggesting that it can easily maintain 'Oil Self-Sufficiency'; and

WHEREAS there has been an ongoing public concern as to the possibility of price fixing among the oil companies that cannot be justified in a democracy, especially in our country with its reserves and refining capacity; and

WHEREAS the federal government continuously is running up large annual budget surpluses;

NOW THEREFORE BE IT RESOLVED THAT City Council demand the federal government to at least temporarily remove the GST on gasoline (petroleum products);

AND BE IT FURTHER RESOLVED THAT City Council demand that the federal and/or provincial governments impose price controls on gasoline prices within the province and the country and develop a 'Made-in-Canada' pricing system for 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(1) 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, for consideration with Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

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

Yes - 9 Councillors:	Altobello, Ashton, Balkissoon, De Baeremaeker, Del Grande, Nunziata, Ootes, Palacio, Walker
No - 28 Mayor: Councillors:	Miller Augimeri, Carroll, Chow, Cowbourne, Davis, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Watson

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

Disposition:

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

9.76 **J(2) Parking for Motorized Scooters and Motorcycles**

Councillor Ootes 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 Ootes

Seconded by: Councillor De Baeremaeker

“WHEREAS the City of Toronto should do all it can to encourage its residents to use environmentally-friendly modes of transportation, and not penalize them; and

WHEREAS Canada is committed to the Kyoto protocol; and

WHEREAS Torontonians are being urged to do their part in the federal government’s One-Tonne Challenge (Canada to reduce our annual greenhouse gas emissions by one tonne); and

WHEREAS the definition of ‘motorcycle’ under the *Ontario Highway Traffic Act*, means ‘a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle’; and

WHEREAS motorcycles, as defined in the *Ontario Highway Traffic Act*, use up to 90 percent less gasoline than a regular car or truck; and

WHEREAS motorcycles are significantly smaller than other vehicles, use far less road space, thus helping to reduce gridlock, and occupy less parking space when parked at an angle to the curb; and

WHEREAS motorcycle operators in Toronto currently experience significant parking problems because other motorists often steal their Pay and Display parking receipts; and

WHEREAS the theft of a motorcycle operator's Pay and Display receipt often results in the rider receiving a parking ticket; and

WHEREAS the above situations dissuade motorcycle operators from using their more environmentally-friendly vehicles;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to exempt motorcycles, as defined in the *Ontario Highway Traffic Act*, from standard parking fees at all on-street parking meters or parking machines;

AND BE IT FURTHER RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to allow motorcycles, as defined in the *Ontario Highway Traffic Act*, to park, where on-street parking is lawfully allowed, at an angle, but not more than sixty (60) degrees to the curb;

AND BE IT FURTHER RESOLVED THAT given the smaller size of motor scooters, appropriate staff of the City of Toronto be requested to review and report to the Works Committee on the feasibility and amendments required to the relevant by-laws to separately define and allow 'motor scooters' to park on sidewalks;

AND BE IT FURTHER RESOLVED THAT the Toronto Parking Authority (the 'TPA') submit a report to the Works Committee detailing how the TPA could designate a small area at all of their indoor and outdoor 'Green P' lots where motorcycles, as defined in the *Ontario Highway Traffic Act*, may park for free."

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 Works 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(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 238)

Procedural Vote:

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

Yes - 18	
Councillors:	Augimeri, Carroll, Chow, Cowbourne, De Baeremaeker, Feldman, Grimes, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Soknacki, Stintz, Thompson, Walker
No - 20	
Mayor:	Miller
Councillors:	Altobello, Ashton, Balkissoon, Davis, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Pantalone, Saundercook, Watson

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

Council also had before it, for consideration with Motion J(2), a communication (undated) from Dave McKillop, which is on file in the City Clerk's Office.

Disposition:

Motion J(2) was referred to the Works Committee.

9.77 **J(3) Aid to Disaster Stricken Areas in Southern United States**

Councillor Ootes 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 Ootes

Seconded by: Councillor Walker

“WHEREAS on August 29, 2005, Hurricane Katrina caused massive flooding in large sections of the states of Louisiana, Mississippi and Alabama in the Unites States; and

WHEREAS this disaster has directly affected millions of Americans; and

WHEREAS the magnitude of this disaster has been amplified by a public health

epidemic of bacterial infections because the flood waters are contaminated; and

WHEREAS Canada has a close relationship with the United States, and this was most recently confirmed by the kind words of appreciation from the U.S. Ambassador to Canada, David Wilkins; and

WHEREAS children, women and men are presently living in terrible conditions without adequate shelter, food or clean water; and

WHEREAS there is an opportunity to aid these stricken communities by fostering education programs for the many impoverished children and adults of this region over the course of rebuilding their communities; and

WHEREAS the metropolitan centre of New Orleans was the most devastated of all the cities and Toronto, as a large city, can empathize with New Orleans during this disaster and can appreciate the many challenges it faces;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council hereby stands in recognition of the immensity of the Hurricane Katrina flood disaster in Louisiana, Mississippi and Alabama;

AND BE IT FURTHER RESOLVED THAT on behalf of the citizens of Toronto, City Council approve a contribution of \$1 million towards education programs and rehabilitation aid projects for the relief efforts;

AND BE IT FURTHER RESOLVED THAT this donation be distributed through established relief agencies.”

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 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(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 239)

Procedural Vote:

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

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

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

Disposition:

Motion J(3) was referred to the Policy and Finance Committee.

9.78 **J(4) Enhancing Tourism in Toronto with a Recreational Vehicle Campground**

Councillor Ootes 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 Ootes

Seconded by: Councillor Ashton

“WHEREAS the City of Toronto and Tourism Toronto should do all they can to increase tourism to our City; and

WHEREAS Toronto must be seen as a destination of choice for all types of vacationers, not only those people who stay in hotels and motels; and

WHEREAS currently there are no campground facilities in our City that are near the downtown core that accommodate recreational vehicle (RV) enthusiasts; and

WHEREAS the potential exists to attract tens of thousands of new tourists to Toronto each year, if our City had such a campground; and

WHEREAS Toronto loses a very significant amount of potential revenue from RV travelers who, because of necessity, camp outside of the ‘416’ area (e.g. tourists who camp in the Niagara area) and who may not visit our City at all, or visit for just one day;

NOW THEREFORE BE IT RESOLVED THAT the Deputy City Manager and the

General Manager of Parks, Forestry and Recreation, working in conjunction with Tourism Toronto, be requested to prepare a report for Council that addresses how we could attract RV tourism to Toronto, including these specific issues:

- (a) potential sites near the downtown core that are easily accessible to public transit (e.g. Exhibition Place, Downsview Park);
- (b) assessment of properties that could accommodate RV campsites, providing access to utilities such as electricity, water and sewage disposal; and
- (c) ideas on how to effectively promote Toronto as a prime camping destination for RV, trailer and motor home enthusiasts;

AND BE IT FURTHER RESOLVED THAT staff contact relevant stakeholders to request their input in this process (i.e. the Recreational Vehicle Industry Association, ‘Go RVing’, etc);

AND BE IT FURTHER RESOLVED THAT the staff report be included on an agenda of the Economic Development and Parks Committee, no later than February 2006.”

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(4) 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(4), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(4) to the Economic Development and Parks Committee was taken as follows:

Yes - 17 Councillors:	Ashton, Balkissoon, Cowbourne, Del Grande, Feldman, Giambrone, Grimes, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Soknacki, Walker
No - 22 Mayor: Councillors:	Miller Altobello, Augimeri, Carroll, Chow, Davis, De Baeremaeker, Di Giorgio, Filion, Hall, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Stintz, Thompson, Watson

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

Disposition:

Motion J(4) was referred to the Economic Development and Parks Committee.

9.79 **J(5) Contingency Plan For Toronto's Garbage**

Councillor Ootes 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 Ootes

Seconded by: Councillor Balkissoon

“WHEREAS the City of Toronto currently ships 105 truck loads of garbage to Michigan each day; and

WHEREAS there is growing evidence that the state of Michigan may choose to close its border with Ontario and make it illegal to deliver, dispose of, or accept municipal garbage generated outside of the United States; and

WHEREAS many City of Toronto Councillors are on record as being opposed to any type of state-of-the-art incineration methods to deal with our garbage, such as those used in European countries; and

WHEREAS many of these same Councillors opposed the City sending our garbage to

Kirkland Lake; and

WHEREAS the Mayor of Toronto has repeatedly stressed the need for Toronto City Council to operate in an open and transparent manner, to benefit the citizens of our City; and

WHEREAS the Mayor of Toronto has spoken about his belief that ‘every elected official in every government must have a personal and professional commitment to honesty, transparency, and responsibility’; and

WHEREAS the Mayor of Toronto has spoken about the need to undertake a governance review to make Councillors and Committees more accountable, and work to improve and increase the information we provide to the public about business at City Hall; and

WHEREAS the Chair of the City’s Works Committee was recently quoted as saying that a ‘confidential contingency plan’ exists, should Michigan close its border to our garbage; and

WHEREAS the City’s impending garbage disposal crisis is of great importance to Toronto’s residents; and

WHEREAS Toronto citizens have a right to know what contingency plans have been made, should Michigan ever refuse to accept our garbage;

NOW THEREFORE BE IT RESOLVED THAT the Chair of the Works Committee bring forward a report to the October 26, 2005 meeting of City Council, that outlines the details of this ‘confidential contingency plan’ and make it a matter of public record;

AND BE IT FURTHER RESOLVED THAT the Works Committee ensure that the public is given an opportunity to make deputations regarding this garbage disposal contingency plan, at the earliest opportunity.”

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(5) 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(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(5) to the Works Committee was taken as follows:

Yes - 16 Councillors:	Ashton, Balkissoon, Del Grande, Feldman, Grimes, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Stintz, Walker
No - 23 Mayor: Councillors:	Miller Altobello, Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Soknacki, Thompson, Watson

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

Disposition:

Motion J(5) was referred to the Works Committee.

9.80 **J(6) Involvement of Members in Matters Arising in Other Members' Wards**

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 on February 1, 2 and 3, 2005, by its adoption of Policy and Finance Committee Report 2, Clause 19, requested the Integrity Commissioner to consider whether it is appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another member’s ward, and if so, under what circumstances; and

WHEREAS the Integrity Commissioner has prepared the attached report dated

September 12, 2005 in response to Council's request;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (September 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, during consideration of Motion J(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Council also had before it, during consideration of Motion J(6), a report (September 12, 2005) from the Integrity Commissioner (See Attachment 3, Page 200).

Motion:

Councillor Hall moved that Motion J(6) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the protocol to be developed for Members of Council be consistent with and support the staff protocol that was approved by City Council on February 1, 2 and 3, 2005.”

Votes:

The motion by Councillor Hall carried.

Motion J(6), as amended, carried.

Summary:

In adopting Motion J(6), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (September 12, 2005) from the Integrity Commissioner:

“It is recommended that Council:

- (1) affirm the principle that a Member of Council may intervene on a ward matter in another Member's ward;

- (2) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council a Protocol on Members of Council intervening on a ward matter in another Member's ward; and
- (3) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council amendments to the Code of Conduct for Members of Council reflecting the Protocol's standards for intervention on a ward matter in another Member's ward."

9.81 **J(7) Report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry**

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

Moved by: Mayor Miller

Seconded by: Deputy Mayor Feldman

"WHEREAS on September 12, 2005, Madam Justice Denise Bellamy transmitted her report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry to the Mayor and Members of Council; and

WHEREAS Madam Justice Bellamy has recommended that the Mayor report to Council, at the first Council meeting after the first anniversary of the release of her report, on the progress made to implement the report's recommendations;

NOW THEREFORE BE IT RESOLVED THAT the City Manager be directed to review the findings and recommendations contained in Madam Justice Bellamy's report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry, and report to the Policy and Finance Committee meeting on November 22, 2005, on a work plan and timeline for implementation of the recommendations."

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(7) 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(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 240)

Procedural Vote:

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

Deputy Mayor Feldman in the Chair.

Motions:

(a) Mayor Miller moved that Motion J(7) be amended by:

(1) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT:

- (i) the report of Madam Justice Bellamy be referred to the Toronto Police Service for forwarding to another Police Service for investigation; and
- (ii) the City Solicitor be requested to report to the Policy and Finance Committee on any civil remedies that the City may have with respect to this matter.” and

(2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT City Council extend its appreciation to Madam Justice Denise Bellamy and her staff for their excellent work on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry.”

(b) Councillor Moscoe moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the report of Madam Justice Bellamy be referred to Canada Customs and Revenue (Revenue Canada) with attention drawn to the report as it pertains to Jim Andrew, Dash Domi, Tom Jakobek, and Jeff Lyons.”

- (c) Councillor Watson moved that Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Manager be requested to include in her report mechanisms for providing information to Council concerning investigations being undertaken with respect to alleged impropriety or inappropriate conduct by staff or Members of Council.”

Deputy Mayor Bussin in the Chair.

- (d) Councillor Del Grande moved that Motion J(7) be amended by:

- (1) inserting in the first Operative Paragraph, the words “consult with all Members of Council and”, after the words “be directed to”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City Manager be directed to consult with all Members of Council and review the findings and recommendations contained in Madam Justice Bellamy’s report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry, and report to the Policy and Finance Committee meeting on November 22, 2005, on a work plan and timeline for implementation of the recommendations;”; and

- (2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Integrity Commissioner be requested to consult independently with all Members of Council on the findings and recommendations contained in Madam Justice Bellamy’s report, and submit his findings and recommendations to the same City Council meeting when the City Manager’s report comes forward to Council.”

Deputy Mayor Feldman in the Chair.

- (e) Councillor Mammoliti moved that:

- (1) Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Integrity Commissioner be requested to look into the Province’s conflict of interest and declaration policy for elected officials and senior staff, and report to Council, through the Policy and Finance Committee.”;

- (2) motion (b) by Councillor Moscoe be referred to the Council Advisory Task Force to Assist the Integrity Commissioner for consideration; and
- (3) motion (c) by Councillor Watson be referred to the Council Advisory Task Force to Assist the Integrity Commissioner for consideration.

Mayor Miller in the Chair.

(f) Councillor Walker moved that:

- (1) motion (b) by Councillor Moscoe be amended to include the name “Wanda Liczyk”; and

- (2) Motion J(7) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Clerk, on behalf of City Council, be requested to:

- (i) file a complaint to the Institute of Chartered Accountants of Ontario with respect to Wanda Liczyk’s conduct as Chief Financial Officer and Treasurer of the City of Toronto, as evidenced in Madam Justice Bellamy’s report; and
- (ii) request the Law Society of Upper Canada to investigate the conduct of Jeff Lyons, as evidenced in Madam Justice Bellamy’s report.”

(g) Councillor Saundercook moved that Motion J(7) be amended by:

- (1) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Clerk be requested to provide a summary sheet of the Council procedural rules for the reference of Members of Council for each meeting of City Council.”; and

- (2) adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Manager be requested to report to the Policy and Finance Committee on ways to ensure that new and existing employees acknowledge the requirements of the Conflict of Interest Policy.”

- (h) Councillor Davis moved that Motion J(7) be amended by inserting in the first Operative Paragraph, the words “in consultation with the Integrity Commissioner and the Auditor General”, after the words “City Manager”, so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City Manager, in consultation with the Integrity Commissioner and the Auditor General, be directed to review the findings and recommendations contained in Madam Justice Bellamy’s report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry, and report to the Policy and Finance Committee meeting on November 22, 2005, on a work plan and timeline for implementation of the recommendations;”.

Votes:

Adoption of Part (1) of motion (a) by Mayor Miller:

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Li Preti

Carried by a majority of 41.

Adoption of Part (2) of motion (e) by Councillor Mammoliti:

Yes - 4	
Councillors:	Grimes, Mammoliti, Minnan-Wong, Palacio
No - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 35.

Adoption of Part (1) of motion (f) by Councillor Walker:

Yes - 29	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Palacio, Pitfield, Rae, Saundercook, Soknacki, Walker, Watson
No - 15	
Councillors:	Carroll, Cho, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Li Preti, Minnan-Wong, Moscoe, Ootes, Pantalone, Shiner, Stintz, Thompson

Carried by a majority of 14.

Adoption of motion (b) by Councillor Moscoe, as amended:

Yes - 42	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Kelly, 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:	Grimes, Li Preti

Carried by a majority of 40.

Adoption of Part (3) of motion (e) by Councillor Mammoliti:

Yes - 5 Councillors:	Ashton, Li Preti, Mammoliti, Minnan-Wong, Palacio
No - 39 Mayor: Councillors:	Miller Altobello, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson

Lost by a majority of 34.

Adoption of motion (c) by Councillor Watson, without amendment:

Yes - 44 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

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

Yes - 44 Mayor: Councillors:	Miller Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (h) by Councillor Davis:

Yes - 44	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Due to the above decisions of Council, Mayor Miller declared Part (2) of motion (d) by Councillor Del Grande redundant.

Adoption of Part (1) of motion (e) by Councillor Mammoliti:

Yes - 41	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Carroll, Giambrone, Minnan-Wong

Carried by a majority of 38.

Adoption of Part (2)(i) of motion (f) by Councillor Walker:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Stintz, Thompson, Walker, Watson
No - 9	
Councillors:	Di Giorgio, Feldman, Filion, Giambrone, Grimes, Li Preti, Mammoliti, Shiner, Soknacki

Carried by a majority of 26.

Adoption of Part (2)(ii) of motion (f) by Councillor Walker:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 7	
Councillors:	Cho, Di Giorgio, Feldman, Grimes, Kelly, Li Preti, Mammoliti

Carried by a majority of 30.

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

Yes - 30	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker
No - 14	
Councillors:	Altobello, Ashton, Balkissoon, Davis, Del Grande, Di Giorgio, Filion, Kelly, Milczyn, Minnan-Wong, Pantalone, Shiner, Thompson, Watson

Carried by a majority of 16.

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

Yes - 44	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Part (2) of motion (a) by Mayor Miller carried unanimously.

Adoption of Motion J(7), as amended:

Yes - 43	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Li Preti

Carried by a majority of 42.

In summary, Council amended Motion J(7) by:

- (1) amending the first Operative Paragraph by:
 - (a) inserting the words “to consult with all Members of Council and”, after the words “be directed”; and
 - (b) inserting the words “in consultation with the Integrity Commissioner and the Auditor General”, after the words “City Manager”,

so that the first Operative Paragraph now reads as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City Manager, in consultation with the Integrity Commissioner and the Auditor General, be directed to consult with all Members of Council and review the findings and recommendations contained in Madam Justice Bellamy’s report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry, and report to the Policy and Finance Committee meeting on November 22, 2005, on a work plan and timeline for implementation of the recommendations;” and

- (2) adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT the report of Madam Justice Bellamy be referred to:

- (1) the Toronto Police Service for forwarding to another Police Service for

investigation; and

- (2) Canada Customs and Revenue (Revenue Canada) with attention drawn to the report as it pertains to Jim Andrew, Dash Domi, Tom Jakobek, Wanda Liczyk and Jeff Lyons;

AND BE IT FURTHER RESOLVED THAT the City Manager be requested to:

- (1) include in her report mechanisms for providing information to Council concerning investigations being undertaken with respect to alleged impropriety or inappropriate conduct by staff or Members of Council; and
- (2) report to the Policy and Finance Committee on ways to ensure that new and existing employees acknowledge the requirements of the Conflict of Interest Policy;

AND BE IT FURTHER RESOLVED THAT the Integrity Commissioner be requested to look into the Province's conflict of interest and declaration policy for elected officials and senior staff, and report to Council, through the Policy and Finance Committee;

AND BE IT FURTHER RESOLVED THAT the City Clerk, on behalf of City Council, be requested to:

- (1) file a complaint to the Institute of Chartered Accountants of Ontario with respect to Wanda Liczyk's conduct as Chief Financial Officer and Treasurer of the City of Toronto, as evidenced in Madam Justice Bellamy's report;
- (2) request the Law Society of Upper Canada to investigate the conduct of Jeff Lyons, as evidenced in Madam Justice Bellamy's report; and
- (3) provide a summary sheet of the Council procedural rules for the reference of Members of Council for each meeting of City Council;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to report to the Policy and Finance Committee on any civil remedies that the City may have with respect to this matter;

AND BE IT FURTHER RESOLVED THAT City Council extend its appreciation to Madam Justice Denise Bellamy and her staff for their excellent work on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry.”

9.82 **J(8) Amendment to By-law No. 646-2005 which Levied Certain Amounts on Public Hospitals and Provincial Mental Health Facilities for the Years 1999, 2000 and 2001**

Councillor Soknacki 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 Soknacki

Seconded by: Councillor Rae

“WHEREAS on July 19, 20, 21 and 26, 2005, City Council enacted By-law No. 646-2005, being a by-law to amend By-laws Nos. 594-1999, 504-2000 and 656-2001, being by-laws to levy amounts on certain Public Hospitals and Provincial Mental Health Facilities for the years 1999, 2000 and 2001 respectively, in response to revised capacity figures issued by the Ministry of Municipal Affairs and Housing; and

WHEREAS the ‘2000 Amount’ for the Wellesley Central Hospital in Section 2(2) of By-law No. 646-2005 was incorrectly transcribed as \$44,500.00;

NOW THEREFORE BE IT RESOLVED THAT Council approve that By-law No. 646-2005, be amended by correctly identifying the 2000 amount for the Wellesley Central Hospital in subsection 2(2) as \$44,550.00;

AND BE IT FURTHER RESOLVED THAT authority be provided for the introduction of the necessary bills in Council, and 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(8) 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(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(8) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(8) was adopted, without amendment.

9.83 **J(9) Amendment to By-law No. 293-2005 respecting the Northern Elms Branch Library, 123 Rexdale Boulevard**

Councillor Soknacki 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 Soknacki

Seconded by: Councillor Ford

“WHEREAS City Council at its meeting on April 12, 13 and 14, 2005, adopted By-law No. 293-2005, being a by-law 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; and

WHEREAS By-law No. 293-2005 incorrectly identifies 994480 Ontario Limited as the ‘Owner’ of 123 Rexdale Boulevard;

WHEREAS 994480 Ontario Limited is, in fact, not the owner of this property, but a long-term lessee by virtue of a ground lease of 123 Rexdale Boulevard;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 4, Clause 27, headed ‘Tax Exemption for Northern Elms Branch Library (Ward 2 - Etobicoke North)’, be re-opened for further consideration, only for the purpose of correcting the references to 994480 Ontario Limited;

AND BE IT FURTHER RESOLVED THAT By-law No. 293-2005 be amended to accurately reflect that 994480 Ontario Limited is a long-term lessee by virtue of a ground lease of 123 Rexdale Boulevard;

AND BE IT FURTHER RESOLVED THAT authority be provided for the introduction of the necessary bills in Council, and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Votes:

The first Operative Paragraph contained in Motion J(9) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(9) was adopted, without amendment.

9.84 **J(10) Joint Marketing Campaign for the “You Belong Here” Tagline/Slogan**

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: Mayor Miller

“WHEREAS the Marketing Working Group of the Toronto Film Board has agreed to a joint marketing campaign to be used by the Ontario Media Development Corporation, FilmOntario, and the City of Toronto; and

WHEREAS a joint marketing campaign is needed to attract the film and television business to the City of Toronto; and

WHEREAS the Toronto Film Board at its meeting on September 22, 2005, approved the use of the tagline/slogan ‘You Belong Here’ for this marketing campaign; and

WHEREAS the Ontario Media Development Corporation and FilmOntario have also agreed to use the tagline/slogan ‘You Belong Here’; and

WHEREAS the City’s Legal Division advises that Council approval is required to authorize this slogans use by parties other than the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the use of ‘You Belong Here’ by the City’s film and television industry partners for use on a Web site and other marketing materials and that authority be delegated to the Manager of the Toronto Film and Television Office to manage the use of the slogan for the purposes of marketing the film and television industry.”

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 Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

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, without amendment.

9.85 J(11) Request for City Legal Representation - OMB Appeal, 1601 Birchmount Road

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 Moscoe

“WHEREAS the owners of the land at 1601 Birchmount Road made applications to the Committee of Adjustment to permit a total of 37 parking spaces for all uses on the property, whereas the Zoning By-law requires 49 parking spaces for all uses on the property; and

WHEREAS the Committee of Adjustment on March 10, 2004 granted a minor variance to permit 37 parking spaces for all uses on the property, whereas 46 parking spaces were required; and

WHEREAS the Committee of Adjustment, Scarborough Panel, refused to approve the applications because of the concerns regarding insufficient on site parking and the impact of the spill-over parking on adjacent streets and abutting properties; and

WHEREAS the owners have appealed the Committee of Adjustment's Decisions to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the hearing of the Ontario Municipal Board and be authorized to hire outside planning staff to support the Committee of Adjustment's decision to refuse the applications."

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 Scarborough 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(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Scarborough 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(11), a Notice of Decision (August 10, 2005) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, which is on file in the City Clerk's Office.

Vote:

Motion J(11) was adopted, without amendment.

9.86 J(12) Request to Setup a Special Account for Donations to Develop the Ward 37 Skateboard Park

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 City Council, at its meeting on February 21, 22 and 23, 2005, approved a Capital Budget Allocation in the amount of \$50,000.00 for a public consultation process which included hiring a consultant to find a location and design a skateboard park in Ward 37; and

WHEREAS the Parks, Forestry and Recreation Division, in collaboration with the Ward Councillor, sponsored a public consultation meeting which was held on September 22, 2005 at the Ellesmere Community Centre; and

WHEREAS the public consultation meeting/workshop was well attended by youth, parents and grandparents from all parts of Ward 37; and

WHEREAS those in attendance at the consultation meeting enthusiastically supported the creation of a skateboard park in Ward 37, as well as volunteering to assist with everything from design to fundraising activities; and

WHEREAS a number of companies and individuals have expressed an interest in donating funds and/or in-kind services to assist with the development of the skateboard park;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff, in consultation with the Ward Councillor, be requested to prepare a report to the next Economic Development and Parks Committee as to the specifics required in setting up an obligatory reserve fund called ‘Ward 37 Skateboard Park Reserve Fund’ for receiving donations towards the development of the skateboard park.”

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 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(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(12) to the Economic Development and Parks Committee was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Balkissoon, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Ashton, Del Grande, Kelly, Milczyn

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

Vote:

Motion J(12) was adopted, without amendment.

9.87 **J(13) Moratorium on Front Yard Parking Applications in Ward 26 (Don Valley West)**

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

Moved by: Councillor Pitfield

Seconded by: Councillor Mihevc

“**WHEREAS** City Council, at its meeting on June 14, 15 and 16, 2005, adopted, as amended, Toronto and East York Community Council Report 5, Clause 25, headed ‘Front Yard Parking and Driveway Widening (All Wards)’; and

WHEREAS included in this report was a request ‘that the Acting General Manager, Transportation Services, be requested to report to the Works Committee on adopting a policy prohibiting Front Yard Parking in Ward 26’; and

WHEREAS the General Manager, Transportation Services has indicated that his report will be coming forward to the November 8, 2005 meeting of the Works Committee; and

WHEREAS at its September 19, 2005 meeting, the Toronto and East York Community Council approved a motion by Councillor Mihevc which requests that a moratorium on front yard parking applications south of St. Clair Avenue West, be put in place [TEYCC 7(95) refers];

NOW THEREFORE BE IT RESOLVED THAT a moratorium be placed on front yard parking applications in Ward 26, Don Valley West, until such time as the General Manager’s report on a policy prohibiting Front Yard Parking in Ward 26, Don Valley West, has been considered by City Council.”

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 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(13), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

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

Vote:

Motion J(13) was adopted, without amendment.

9.88 J(14) Request for Further Appeal to Ontario Municipal Board - 15 Glen Morris Street

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“**WHEREAS** the developer appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, as amended, Council’s refusal to enact a proposed amendment to the Official Plan for the City to redesignate 15 Glen Morris Street to permit the development of a residential apartment building of up to 25 metres (8 storeys) in height; and

WHEREAS the City defended its refusal at the Ontario Municipal Board; and

WHEREAS the development is more than double the height allowed in the area and six times the density; and

WHEREAS, the Ontario Municipal Board, in its decision of September 20, 2005, allowed the appeal and approved the amendments to the Official Plan and to the by-law;

NOW THEREFORE BE IT RESOLVED THAT the City take leave to re-appeal the Ontario Municipal Board’s decision and request that the file be re-heard by a different Board member.”,

the vote upon which was taken as follows:

Yes - 35	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 4	
Councillors:	Balkissoon, Del Grande, Kelly, Watson

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

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 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(14), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(14) to the Toronto and East York Community Council was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Balkissoon, Del Grande, Kelly

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

Council also had before it, during consideration of Motion J(14), a copy of Ontario Municipal Board Decision/Order No. 2464 (September 20, 2005), which is on file in the City Clerk's Office.

Vote:

Motion J(14) was adopted, without amendment.

9.89 J(15) Liquor Licence Matters - 240 Richmond Street West - Krave Nightclub Inc.

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) is reviewing the application for additional facilities for the liquor sales licence of 1648569 Ontario Inc. operating as Krave Nightclub Inc., located at 240 Richmond Street West, Toronto, Ontario, under AGCO licence number 201419, since approximately June 2005; and

WHEREAS Krave Nightclub Inc. holds a business licence issued by the City of Toronto for the premises in which Krave Nightclub Inc. operates at 240 Richmond Street West, Toronto, Ontario; and

WHEREAS local residents, 52 Division - Toronto Police Service and the Ward Councillor’s Office have significant concerns with respect to the numerous Provincial Offences and breaches in the City’s Municipal Code that have occurred in the past, when the establishment operated as The Pearl Lounge, and similar problems are continuing under the new name; and

WHEREAS the AGCO advises that Paul Facecchia is an Officer of 1648569 Ontario Inc., and Krave Nightclub Inc. and Emilio Ciampa has a beneficial interest in 1648569 Ontario Inc., and both are involved in the management of Krave Nightclub Inc., and were previously involved in the management of The Pearl Lounge; and

WHEREAS when these premises operated as The Pearl Lounge, the AGCO ordered the suspension of its liquor licence on two occasions; in 2004 there was a thirty (30) day suspension for violations of the *Liquor Licence Act* including overcrowding, permitting disorderly and quarrelsome conduct and permitting removal of liquor from premises; in 2005 there was a seventy (70) day suspension (served between February 27, 2005 to May 8, 2005) for violations of the *Liquor Licence Act*, including overcrowding, promoting immoderate consumption, permitting drunkenness and permitting use of narcotics on the premises; and

WHEREAS the management of the operations has not changed significantly from when it operated The Pearl Lounge to show any appreciation for compliance with the applicable laws, regulations and responsible business practices; and

WHEREAS there is further indication that poor management practices will continue, as there are similar complaints regarding another licensed establishment located nearby at 296 Richmond Street West, Toronto, Ontario, by another company in which Mr. Facecchia is listed as an officer, Metro Bar Inc.; and

WHEREAS Metro Bar Inc. has had over 14 charges of violations laid by Toronto Police Services over eight separate dates in 2005 alone (described in Schedule ‘A’ attached) and Toronto Police Services has advised the Ward Councillor that despite several warnings, management continues to violate applicable laws and regulations in particular those activities in which there have been previous Provincial Offence charges and disciplinary action taken by the AGCO; and

WHEREAS Toronto Police Services has also advised the Ward Councillor that there is an ongoing threat to public safety to patrons, pedestrians, neighbours and police officers in the area because of the nature of the violations taking place, and as such Toronto Police Services is not in support of an expansion of the current liquor licence; and

WHEREAS the past and present conduct of management of these operations affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty, and further, for the above listed reasons, an expansion of this liquor licence is not in the public interest having regard to the needs and wishes of the residents of the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT Council advise the AGCO of the City of Toronto's opposition to the expansion of this 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 a review of the application for expansion of the liquor sales licence of 1648569 Ontario Inc. operating as Krave Nightclub Inc. and that the City Solicitor and necessary staff be authorized to participate in any such proceedings.”

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 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(15), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(15) 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(15), a Schedule “A” - Current Charges against Metro Bar Inc., 296 Richmond Street West (See Attachment 4, Page 206).

Vote:

Motion J(15) was adopted, without amendment.

9.90 **J(16) Liquor Licence Matters - 296 Richmond Street West - Metro Bar Inc.**

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

Moved by: Councillor Chow

Seconded by: Deputy Mayor Pantalone

“WHEREAS Metro Bar Inc. operates an entertainment facility called Metro Bar at 296 Richmond Street West, Toronto, Ontario, which holds a current liquor licence issued by the Alcohol and Gaming Commission of Ontario (AGCO) and a business licence issued by City of Toronto, Municipal Licensing and Standards (MLS); and

WHEREAS the AGCO advises that Paul Facecchia is an Officer of Metro Bar Inc., and another nearby entertainment facility, located at 240 Richmond Street West, Toronto; and

WHEREAS Toronto Police Services has advised the Ward Councillor that there have been many Provincial Offence violations at these premises in a six-month period between February and August, 2005, with many of the violations being repeat violations (described in attached Schedule ‘A’), and the offences of overcrowding and permitting drunkenness are of the most concern to the Toronto Police Services as these offences directly impact the safety of the patrons, residents and public at large; and

WHEREAS the AGCO advises that Mr. Facecchia also operates another entertainment facility located at 240 Richmond Street West, Toronto, known as The Pearl Lounge until June 2005, and then known as its current operation - Krave Nightclub Inc.; and

WHEREAS when Krave Nightclub Inc. operated as The Pearl Lounge, the AGCO ordered the suspension of its liquor licence on two occasions; in 2004 there was a thirty (30) day suspension for violations of the *Liquor Licence Act* including overcrowding, permitting disorderly and quarrelsome conduct and permitting removal of liquor from the premises; in 2005 there was a seventy (70) day suspension (served between February 27, 2005 to May 8, 2005) for violations of the *Liquor Licence Act*, including overcrowding, promoting immoderate consumption, permitting drunkenness and permitting use of narcotics on the premises; and

WHEREAS the Toronto Police Services has advised the Ward Councillor that despite several warnings, management continues to violate applicable laws and regulations; in particular those activities in which there have been previous Provincial Offence

charges laid and disciplinary action taken by the AGCO, and that there has been no noticeable change in the management practices to curb these violations;

WHEREAS the Toronto Police Service has also advised the Ward Councillor that there is an ongoing threat to public safety to patrons, pedestrians, neighbours and police officers in the area because of the nature of the violations taking place and as such Toronto Police Services has requested Council's support to take disciplinary action against Metro Bar Inc.;

WHEREAS the past and present conduct of management of these operations affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty, and further, for the above listed reasons, the continuation of this liquor licence without restrictions or review of its management is not in the public interest having regard to the needs and wishes of the residents of the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the AGCO of the City of Toronto's opposition to the unconditional continuation of this liquor sales licence and request the AGCO to review its operations to determine if disciplinary action may be appropriate for all the reasons noted above, and further instruct that a copy of this resolution be provided to the AGCO and Metro Bar Inc.;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings involving a review of the liquor licence of Metro Bar Inc., operating as Metro Bar, and that City Solicitor and necessary staff be authorized to participate in any such proceedings;

AND BE IT FURTHER RESOLVED THAT City Council authorize the City Clerk to advise the Executive Director, Municipal Licensing and Standards, that City Council opposes the continuation of the business licence at these premises because the past conduct of the management of the business, and the ongoing and increasing Provincial Offence violations affords reasonable grounds for belief that the business has not been and will not be carried on in accordance with law and integrity and honesty, and further affords reasonable grounds for belief that the carrying on of the business has endangered and would endanger the safety of other members of the public unless there are conditions imposed which would address the concerns of the Toronto Police Service and/or disciplinary action imposed which would deter further violations from occurring, and also to provide a copy of the Council resolution to MLS and Metro Bar Inc."

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(16) 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(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(16) 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 considered of Motion J(16), a Schedule "A" - Current Charges against Metro Bar Inc., 296 Richmond Street West (See Attachment 5, Page 207).

Vote:

Motion J(16) was adopted, without amendment.

9.91 **J(17) Removal of Thursday Parking Prohibition - St. Clarens Avenue, between College Street and Bloor Street West (Davenport, Ward 18)**

Councillor Giambrone 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 Giambrone

Seconded by: Councillor Carroll

"WHEREAS City Council, at its meeting on June 14, 15 and 16, 2005, adopted, as amended, Toronto and East York Community Council Report 5, Clause 36, headed 'Thursday Parking Prohibitions Enhance Mechanical Street Sweeping Operations - Area bounded by Bloor Street West to the north, CN Rail Corridor to the west, College Street to the south and Dufferin Street to the east (Davenport, Ward 18)', and in so doing, approved the implementation of a trial program to institute a system of alternate side parking, to take place on each Thursday of each week, from April 1 to November 30, 2005, on a number of streets within the area bounded by Bloor Street West, CN rail corridor, College Street and Dufferin Street in Ward 18; and

WHEREAS the residents of St. Clarens Avenue, between College Street and Bloor Street West, are not supportive of this project and have requested that this program be suspended on their individual street;

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 5, Clause 36, headed ‘Thursday Parking Prohibitions Enhance Mechanical Street Sweeping Operations - Area bounded by Bloor Street West to the north, CN Rail Corridor to the west, College Street to the south and Dufferin Street to the east (Davenport, Ward 18)’, be re-opened for further consideration, only as it pertains to St. Clarens Avenue, between College Street and Bloor Street West;

AND BE IT FURTHER RESOLVED THAT:

- (1) the alternative side parking prohibition in effect each Thursday, from April 1st to November 30th, 2005, on St. Clarens Avenue, between College Street and Bloor Street West, be rescinded;
- (2) the on-street disabled persons parking spaces on St. Clarens Avenue, between College Street and Bloor Street West, which operate on an alternate side basis on each Thursday, from April 1st to November 30th, 2005, be rescinded; and
- (3) the appropriate City officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that are required.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Vote:

Adoption of the first Operative Paragraph contained in Motion J(17):

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	

Councillors: Del Grande, Holyday, Kelly, Li Preti

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

Disposition:

As Council did not conclude its consideration of the balance of Motion J(17) prior to the end of this meeting, consideration of the balance of the Motion was postponed to the next regular meeting of City Council on October 26, 2005.

9.92 **J(18) Appointment of Downtown Yonge BIA Representative to the 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 January 28, 2004, 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 the Downtown Yonge Business Improvement Area; and

WHEREAS the Downtown Yonge BIA representative that Council appointed, Mr. Keith Travis, has left the Downtown Yonge BIA; and

WHEREAS the Downtown Yonge BIA has nominated Mr. Neil Miller as its new representative on the Yonge-Dundas Square Board of Management;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council appoint Mr. Neil Miller to the Yonge-Dundas Square Board of Management as the Downtown Yonge Business Improvement Area 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(18) 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(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(18) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

9.93 **J(19) Report Request - Severance Agreements for Senior Staff**

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

Moved by: Councillor Pitfield

Seconded by: Councillor Del Grande

“WHEREAS the City of Toronto has seen an unprecedented wave of departures by senior and middle managers; and

WHEREAS the decisions to not renegotiate contracts are not always being approved by City Council, and there is no indication what overall benefit is being achieved; and

WHEREAS there is some concern with the expense the City is incurring due to these recent departures; and

WHEREAS the loss of these senior/middle management positions can be a loss of expertise and experience vital to the day-to-day operations of the City; and

WHEREAS the manner in which the contracts are not renewed can impact the morale of departmental staff; and

WHEREAS Recommendation (84) of The Honourable Madam Justice Bellamy’s report states that ‘the Mayor should be involved in hiring the City Manager and should have limited input into hiring the small handful of officials immediately below the City Manager. Beyond that, all City hiring should be entirely free of input or influence from the Mayor or individual Councillors.’;

NOW THEREFORE BE IT RESOLVED THAT the City Manager report back to the Policy and Finance Committee on the total amount the City has paid out and/or committed to in severance agreements to-date, from December 1, 2003;

AND BE IT FURTHER RESOLVED THAT this total include the amount the Toronto Police Services has paid out and/or committed to in severance agreements to-date, from December 1, 2003.”

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(19) 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(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Policy and Finance Committee was taken as follows:

Yes - 29	
Councillors:	Altobello, Augimeri, Balkissoon, Cho, Chow, De Baeremaeker, Del Grande, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Soknacki, Stintz, Walker, Watson
No - 11	
Mayor:	Miller
Councillors:	Ashton, Carroll, Cowbourne, Davis, Di Giorgio, Feldman, Filion, Lindsay Luby, Pantalone, Thompson

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

Vote:

Adoption of Motion J(19), without amendment:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Carroll

Carried by a majority of 38.

9.94 **J(20) Request for Attendance at Ontario Municipal Board Hearing - 74 Renfield Street**

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

Moved by: Councillor Di Giorgio

Seconded by: Councillor Nunziata

“WHEREAS on Thursday, May 12, 2005, the Committee of Adjustment for the City of Toronto, Etobicoke York Panel, refused consent and minor variance (Application Nos. B36/05EYK, A162/05EYK and A163/05EYK) related to 74 Renfield Street; and

WHEREAS the proposal was to sever the property into two undersized lots and to seek a number of variances from the zoning by-law provisions to allow the construction of two, two-storey dwellings, each with a below grade single car garage; and

WHEREAS staff from City Planning recommended refusal of the applications; and

WHEREAS the applicant appealed the Committee of Adjustment decision to the Ontario Municipal Board, and a hearing for August 31, 2005 was adjourned and a new hearing date has not yet been scheduled;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Solicitor and applicable City staff to attend at the Ontario Municipal Board to oppose consent and minor variance Application Nos. B36/05EYK, A162/05EYK and A163/05EYK respectively, related to 74 Renfield Street.”

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(20) 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(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(20) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council had before it, during consideration of Motion J(20), 3 Notices of Decision (May 20, 2005) from the Manager and Deputy Secretary Treasurer, Etobicoke York Panel, respecting 74 Renfield Street, 74 Renfield Street (Part 1), and 74 Renfield Street (Part 2), which are on file in the City Clerk’s Office.

Vote:

Motion J(20) was adopted, without amendment.

9.95 **J(21) Review of Tender Process for TTC Track Reconstruction on St. Clair Avenue**

Councillor Balkissoon 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 Balkissoon

Seconded by: Deputy Mayor Feldman

“WHEREAS the City of Toronto issued Tender 181-2005 for reconstruction of TTC track allowance on St. Clair Avenue; and

WHEREAS the Purchasing and Materials Management Division issued Addendum 3 to the above Tender in order to clarify the manner of completing Item 61 on Schedule 'A' to the Tender; and

WHEREAS six bids were received on the scheduled closing and the results were made public in accordance with the City's normal practice; and

WHEREAS the two lowest bidders did not comply with Addendum 3 above, and were deemed to be informal by the Purchasing and Materials Management Division, which assessment was confirmed by City of Toronto Legal Services; and

WHEREAS City staff prepared, printed and submitted a report for inclusion on the agenda of the Works Committee, awarding the tender to the next lowest bidder, Brennan Paving and Construction Ltd.; and

WHEREAS upon complaint in writing from one of the non-compliant bidders, the City of Toronto issued a Notice of Cancellation of Tender 181-2005; and

WHEREAS on the day of the scheduled Works Committee meeting, the City staff removed the report from the Works Committee agenda; and

WHEREAS the City of Toronto on September 19, 2005, reissued a call for Tender upon virtually the same work as the original Tender, thereby placing those bidders who responded to Tender 181-2005 and whose bids were made public, in a very difficult position in that they are being asked to re-bid the same work; and

WHEREAS the Ontario Road Builders' Association in a letter dated September 19, 2005 directed to Mr. Jim Matera of the Purchasing and Materials Management Division, and which letter has been sent to all City Councillors, expressed concern that the approach taken by the City is 'not in keeping with generally accepted industry practices and ethics', and is 'patently unfair to the low compliant bidder'; and

WHEREAS the City of Toronto wishes to proceed with all due speed, and at the least legal risk, with the reconstruction of the TTC track allowance on St. Clair Avenue;

NOW THEREFORE BE IT RESOLVED THAT the Deputy City Manager, Mr. Fareed Amin, in consultation with the City Solicitor, prepare a report to the next Works Committee and the Policy and Finance Committee to outline the relative risks involved in awarding the Tender to the lowest compliant bidder, versus the re-tendering, without significant change to the scope of work;

AND BE IT FURTHER RESOLVED THAT staff be directed to extend the closing date of the current re-tender until the Policy and Finance Committee has had the opportunity to deliberate on this issue."

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(21) 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(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 241)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Works Committee was taken as follows:

Yes - 12	
Councillors:	Altobello, Ashton, Augimeri, Del Grande, Grimes, Kelly, Milczyn, Nunziata, Ootes, Palacio, Walker, Watson
No - 28	
Mayor:	Miller
Councillors:	Balkissoon, Carroll, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson

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

Disposition:

Motion J(21) was referred to the Works Committee.

9.96 **J(22) Request to Restrict Hours of Operation at 1 Connie Street (Ward 12, York South-Weston)**

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

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

“WHEREAS the City of Toronto has determined that the existing use on the property at 1 Connie Street is unlawful since it is in violation of the North York Zoning By-law as amended in 1997, and in violation of the previous North York Zoning By-law established in 1952; and

WHEREAS the issue of lawful use of the property is currently before the Courts because the owner is seeking legal non-conforming status and the right to continue the

existing use; and

WHEREAS intensification of use has occurred on the site and the business hours of operation have progressively expanded over the years and now encompass a 24-hour operation with a total disregard of the adverse impact on the adjacent residential community; and

WHEREAS the ill conceived intensification on this site includes boulevard parking permission that has subsequently spawned illegal commercial boulevard parking on the rest of the properties to the north of the subject site; and

WHEREAS City Council has previously resolved that the business hours of operation on the site should be controlled because the use is intolerable and creates a nuisance in the community; and

WHEREAS there are other violations that persist and that are independent of the use, including parking deficiencies, landscaping deficiencies, accessory buildings without permits and undesignated storage areas that have somehow escaped detection; and

WHEREAS these deficiencies are properly remedied through the planning process;

NOW THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor and the Executive Director, Municipal Licensing and Standards Division, to encourage and ensure that the owner submit a Committee of Adjustment application or a re-zoning application to seek the necessary relief on the zoning permissions and that in the alternative, additional charges be laid;

AND BE IT FURTHER RESOLVED THAT in the interim, City Council direct the Executive Director, Municipal Licensing and Standards Division to restrict the hours of operation at 1 Connie Street, to prohibit activity such as delivering, unloading, loading, or otherwise handling of any garbage containers in an unenclosed area, during the hours of 9:00 p.m. one day, to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays;

AND BE IT FURTHER RESOLVED THAT the boulevard parking permission not be renewed at this site until the matter of intensification is resolved through the planning process.”

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 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(22), a Fiscal Impact Statement

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(22) to the Etobicoke 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(22), an Extract from the September 22, 23, 24 and 25, 2003 City Council Certificate of Amendments, respecting Motion J(65) - Request for Report on Amendment to the Noise By-law - Handling of Garbage (See Attachment 6, Page 208).

Vote:

Motion J(22) was adopted, without amendment.

9.97 **J(23) Revised Request to Dispense Voluntary Contribution from Shoppers Drug Mart for Streetscaping and Business Improvement Projects - 351 Queen Street East**

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 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; and

WHEREAS a similar Motion was adopted by Council on June 14, 15 and 16, 2005, indicating that the funds would be used for streetscaping improvements; and

WHEREAS the community has indicated they would like to use the funds for business development projects;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of

Chapter 27 of the City of Toronto Municipal Code, Motion J(12), moved by Councillor McConnell, seconded by Councillor Rae, respecting a Request to Receive Voluntary Contribution from Shoppers Drug Mart for Streetscape Improvements, adopted by City Council on June 14, 15 and 16, 2005, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the required adjustments be made to the Economic Development Division Operating Budget and the funds be used for the purposes of business improvement and promotion projects in the area near Queen Street East and Parliament Street;

AND BE IT FURTHER RESOLVED THAT the Economic Development Division work with the Ward Councillor and local residents through the Corktown Residents and Business Association, and the Queen East Business and Residents Association to identify and undertake suitable projects in the area.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 8, Page 242)

Votes:

The first Operative Paragraph contained in Motion J(23) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(23) was adopted, without amendment.

9.98 **J(24) Funding Request for Tenant Representation for Possible Appeal to the Ontario District Court - 1765 and 1775 Weston Road (Ward 11, York South-Weston)**

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 revised Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Nunziata

Seconded by: Councillor Walker

“**WHEREAS** at its September 27, 2005 meeting, the Tenant Defence Sub-Committee received a staff report on the status of the Ontario Rental Housing Tribunal hearings held concerning 1765 and 1775 Weston Road; and

WHEREAS it was reported that the Ontario Rental Housing Tribunal issued an interim order on September 14, 2005, which ruled in favour of the tenants, and ruled the landlord liable for payment to the tenants of an abatement of rent and/or other damages; and

WHEREAS Members of the Tenant Defence Sub-Committee expressed their concern about the possibility of the landlord appealing the Tribunal's interim or final order to the Ontario District Court; and

WHEREAS the condition of these two buildings have been described as being severely neglected with numerous property standards orders resulting in the lack of heat, water and electricity; and

WHEREAS tenants have had to endure cockroaches, breakdowns and poor maintenance;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto allocate up to \$10,000.00 to enable the engagement of outside legal counsel in the event that either the interim and/or final orders of the Ontario Rental Housing Tribunal are appealed to the Ontario District Court, in order to ensure adequate legal representation of the tenants of 1765 and 1775 Weston Road;

AND BE IT FURTHER RESOLVED THAT the tenants be urged to consult with York Community Legal Services to identify the most appropriate legal representation for them.”

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 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(24), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 9, Page 243)

Procedural Vote:

The vote to waive referral of Motion J(24) to the Community Services Committee was taken as follows:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Holyday

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

Vote:

Motion J(24) was adopted, without amendment.

9.99 **J(25) Canada Council for the Arts - Support for Increased Federal Funding**

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: Mayor Miller

“WHEREAS the arts enrich the lives of Torontonians and Canadians and a vibrant arts community is a fundamental component of a modern and progressive city; and

WHEREAS the arts celebrate and showcase the broad cultural diversity of Toronto and help build and shape our sense of community; and

WHEREAS the arts sector is vital to the economic growth of Toronto, creating jobs and investment and attracting foreign visitors; and

WHEREAS three quarters of Canada's artists live in metropolitan areas making Toronto, as Canada's largest city, a leader in creativity and innovation; and

WHEREAS the Canada Council for the Arts is the central vehicle for supporting and promoting the arts in Canada and the key vehicle for investments in arts infrastructure; and

WHEREAS the Canadian Arts Coalition, a partnership of 30 national arts service organizations, has called for an increase in federal funding to the Canada Council by \$5.00 per capita; and

WHEREAS the City of Toronto Culture Plan encourages the provincial and federal governments to sustain a vibrant cultural community in Toronto through appropriate levels of investment in arts and culture;

NOW THEREFORE BE IT RESOLVED THAT City Council support the initiative of the Canadian Arts Coalition by encouraging the federal government to increase funding to the Canada Council for the Arts by \$5.00 per capita.”

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 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(25), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(25) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

9.100 J(26) City of Toronto Emergency Preparedness Plan - Public Communication

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

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“WHEREAS the recent disaster in New Orleans in the aftermath of Hurricane Katrina is a reminder to the City of Toronto how critically important it is to have an effective emergency management plan; and

WHEREAS information must be communicated to the public in an effective and coordinated manner prior to and/or during an emergency;

NOW THEREFORE BE IT RESOLVED THAT the City Manager report to City Council, through the Community Services Committee, as soon as possible, on how the City of Toronto plans to disseminate information to the public on service disruptions and updated information surrounding the nature of the emergency;

AND BE IT FURTHER RESOLVED THAT the City Manager report to City Council, through the Community Services Committee, as soon as possible, on the results of emergency drills conducted over the last year testing the City’s response to a major disaster, focusing principally on what worked well and what needs to be improved.”

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(26) 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(26), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(26) to the Community Services Committee was taken as follows:

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

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

Vote:

Motion J(26) was adopted, without amendment.

9.101 **J(27) Waiving of Building Permit and Planning Application Fees - Habitat for Humanity Project at 8 Elsinore Path (Ward 6, Etobicoke-Lakeshore)**

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 Mihevc

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

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

WHEREAS the average sale price of a home in Etobicoke in August 2005 was \$323,355.00, well out of reach of any families that have an income level below the poverty line, making it very difficult to find suitable housing which they can afford; and

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

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

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive all building permit and planning application fees for the Habitat for Humanity Housing Project, involving the development of ten townhouses at 8 Elsinore Path, located at Lakeshore Boulevard West and Twelfth Street.”

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(27) 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(27), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 10, Page 244)

Procedural Vote:

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

Vote:

Motion J(27) was adopted, without amendment.

9.102 **J(28) Support for Canadian Citizenship Drive 2005**

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: Mayor Miller

“WHEREAS the City of Toronto is constantly seeking ways for citizens and residents, particularly new Canadians, to participate fully in their communities and the democratic, city-building process; and

WHEREAS Canadian Citizenship is perhaps the highest honour possible and provides the holder with a lifetime of unparalleled rights and access to services; and

WHEREAS Latin-Canadian Torontonians, and all new Canadians, have made an outstanding contribution, and continue to make outstanding contributions to Toronto’s economic, cultural and social well-being; and

WHEREAS Toronto is in desperate need of new skilled immigrants to replace an aging baby-boomer population and to continue the growth and prosperity that the GTA has been experiencing; and

WHEREAS representatives of the 21 South American countries in Canada have come together to organize a Canadian Citizenship Drive 2005 under the leadership of Councillor Palacio and several prominent Hispanic-Canadian organizations;

NOW THEREFORE BE IT RESOLVED THAT City Council endorse the 2005 Canadian Citizenship Drive, co-organized by Councillor Palacio and many prominent organizations in the Hispanic-Canadian community;

AND BE IT FURTHER RESOLVED THAT the City Manager report to the Policy and Finance Committee on how the City of Toronto may support such citizenship drives in the future.”

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 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(28), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

9.103 J(29) Greenfield South Power Generation Proposal by Eastern Power

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 Grimes

“WHEREAS the City of Mississauga, at its Council meeting of July 6, 2005, adopted Resolution 0169-2005, moved by Councillor Corbasson and seconded by Councillor Adams; and

WHEREAS the Resolution recognized that major urban centres in Ontario already experience brown outs and black outs in the supply of electrical power and that the need for electrical power will continue to increase; and

WHEREAS the provincial government proposes to bring on-line 2,500 megawatts of new generation capacity phased in over a period of time to replace the power previously produced by the closing of coal-fired plants; and

WHEREAS on May 30, 2005, the provincial government announced the selection of two additional gas-fired power generating sites in Ontario, one bordering west Etobicoke in Mississauga, namely the Greenfield North Power Project and the Greenfield South Power Project; and

WHEREAS the City of Mississauga resolved that its Council review where its zoning by-law(s) may need to be amended in order to implement its official plan and establish regulations and criteria for the location of power generating facilities;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council direct Deputy City Manager Fareed Amin to monitor the Environmental Assessment Report of August 19, 2005, and the process for public consultation thereof, and express the City's concerns regarding the implications on the residential communities of Etobicoke;

AND BE IT FURTHER RESOLVED THAT Toronto City Council direct Deputy City Manager Fareed Amin to undertake similar reviews as the City of Mississauga, and report back to Council, through the Works Committee, regarding our opposition and possible impact of the Greenfield Power Project and ensure that these or other provincially selected sites are consistent with regulations under the *Environmental Assessment Act* and other applicable legislation or criteria, for the location of power generating facilities in Ontario.”

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(29) 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(29), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

Councillor Kelly requested that his opposition to this Motion be noted in the Minutes of this meeting.

9.104 **J(30) Report of Integrity Commissioner on Councillor De Baeremaeker's Securing of Promise of Community Donation**

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 on June 14, 15 and 16, 2005, referred Scarborough Community Council Report 5, Clause 13, headed ‘Community Donations’ to the City Manager with a request that she submit a report to the Policy and Finance Committee, in consultation with the Integrity Commissioner, regarding a policy, as part of the Councillors’ Code of Conduct, to deal with donations or any benefits which are separate from community benefits received pursuant to Section 37 of the *Planning Act* and which may appear to be linked to the granting of approvals or the waiver of requirements; and

WHEREAS Councillor De Baeremaeker subsequently requested the Integrity Commissioner to conduct an investigation into the events outlined in the Clause and determine whether the Councillor had in any way violated the Code of Conduct; and

WHEREAS the Integrity Commissioner has prepared the attached report dated September 28, 2005 in response to Councillor De Baeremaeker’s request;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (September 28, 2005) from the Integrity Commissioner and the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 230)

Council also had before it, during consideration of Motion J(30), a report (September 28, 2005) from the Integrity Commissioner (See Attachment 7, Page 209).

Vote:

Motion J(30) was adopted, without amendment.

In adopting Motion J(30), without amendment, Council received the report (September 28, 2005) from the Integrity Commissioner, for information.

- 9.105 **J(31) Proposal for Use of Proceeds from Possible Sale of Parkland between 274 and 280 Searle Avenue and 315 and 323 Brighton Avenue**

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

Moved by: Deputy Mayor Feldman

Seconded by: Councillor Stintz

“**WHEREAS** the property located between 274 and 280 Searle Avenue and 315 and 323 Brighton Avenue is currently designated as parkland; and

WHEREAS City staff have determined that the aforementioned property could be declared surplus and sold; and

WHEREAS this property is located in Ward 10 (York Centre), an area which has several parks that require significant work to bring them up to the standard of parks in other parts of the City; and

WHEREAS when any parkland is taken out of an area, it should be replaced elsewhere within the same boundaries of that area, or in lieu thereof, enhancements should be made to existing parkland in the area equal to the value of the parkland lost;

NOW THEREFORE BE IT RESOLVED THAT if this property is sold, all proceeds of that sale remain in a Parks and Recreation Division fund, and the monies be used for improvements to Kenard and Wilson Heights Parks.”,

the vote upon which was taken as follows:

Yes - 36	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Del Grande, Grimes, Kelly

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

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 Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(31) to the Policy and Finance Committee lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

Motion J(31) was referred to the Policy and Finance Committee.

9.106 **J(32) Princes' Gates Commemorative Open Space Design Competition**

September 29, 2005:

Deputy Mayor Pantalone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

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; Mayor Miller

“WHEREAS the City of Toronto has twinned with the City of Milan; and

WHEREAS at its meeting of April 12, 13, and 14, 2005, Council authorized the Princes' Gates Commemorative Open Space Design Competition, the acceptance of private donations in support of the competition and the expenditure of these funds for competition expenses; and

WHEREAS on April 4, 2005, the City issued a request for expressions of interest for teams to be led by a Milanese design firm partnered with a Toronto design office; and

WHEREAS three teams were shortlisted to prepare design proposals for the area in front of the Princes' Gates and these submissions were received on September 19,

2005; and

WHEREAS at a fundraising dinner held on September 29, 2005, Mayor Miller was presented with a cheque for \$300,000.00 raised through private donations; and

WHEREAS an international jury composed of experts from Toronto and Milan selected the team of Seing + Sistema Duemila, Milano – MBTW Group, Toronto and this winner was announced at the fundraising dinner; and

WHEREAS approval of this Motion is time sensitive as it is required in order to achieve the completion of this project in the summer of 2006;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto:

- (1) recognize and congratulate the winners of this international competition;
- (2) authorize the Economic Development, Culture and Tourism Division, to award the contract for detailed design drawings for Phase I of the Princes' Gates Commemorative Open Space to Seing + Sistema Duemila, Milano – MBTW Group, Toronto; and
- (3) authorize payment of the design fees from the private donations received for the Princes' Gates;

and the approval of additional funds for capital construction of Phase I be subject to the City's normal budget process.”

Advice by Deputy Mayor:

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

Procedural Vote:

The vote to waive referral of Motion J(32) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

Mayor Miller in the Chair.

9.107 J(33) Appointment of Members to a Task Force to Assist the Integrity Commissioner**September 29, 2005:**

Mayor Miller, having regard that the deadline for submission of Notices of Motions had passed, moved, with the permission of Council, that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

September 30, 2005:

Mayor Miller, with the permission of Council, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate the following Notice of Motion, which carried:

Moved by: Mayor Miller

Seconded by: Deputy Mayor Bussin

“WHEREAS at its meeting of July 19, 20, 21 and July 26, 2005, Council established an Advisory Task Force to meet with and assist the Integrity Commissioner in making recommendations to Council with respect to his mandate and a protocol for handling complaints, with the work to be concluded once the report is tabled; and

WHEREAS City Council established the membership at five Members of Council, to be appointed by the Mayor and the Integrity Commissioner, to include:

- (a) two Members who have direct knowledge of the process; and
- (b) three Members who have not been through the process; and

WHEREAS the Mayor and Integrity Commissioner have canvassed all Members of Council for their interest in serving on the Advisory Task Force and given due consideration to the composition and interest of Members;

NOW THEREFORE BE IT RESOLVED THAT the following Members of Council be appointed to the Advisory Task Force for a term of office expiring when the Integrity Commissioner submits his report to Council with respect to his mandate and a protocol for handling complaints:

- (1) Councillor Michael Del Grande;
- (2) Councillor Gloria Lindsay Luby;
- (3) Councillor Joe Mihevc;
- (4) Councillor Karen Stintz; and
- (5) Councillor Sylvia Watson.”

Council also had before it, during consideration of Motion J(33), a memorandum (September 29, 2005) from Mayor Miller and the Integrity Commissioner (See Attachment 8, Page 214).

Motion:

Councillor Ootes moved that Motion J(33) be amended by:

- (1) increasing the membership of the Task Force to Assist the Integrity Commissioner to six Members of Council; and
- (2) appointing Councillor Frances Nunziata to the Task Force.

Votes:

The motion by Councillor Ootes carried.

Motion J(33), as amended, carried.

9.108 J(34) Parking Prohibitions due to the Reconstruction of Finch Avenue West at Black Creek Drive

September 29, 2005:

Councillor Li Preti, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

September 30, 2005:

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

Moved by: Councillor Li Preti

Seconded by: Councillor Di Giorgio

“WHEREAS the reconstruction of Finch Avenue West at Black Creek Drive, resulting from the damage of the August 19, 2005 storm, has necessitated the re-routing of significant volumes of traffic to adjacent streets; and

WHEREAS it is necessary to ensure that these adjacent streets can provide sufficient capacity to accommodate the increases in traffic volumes; and

WHEREAS many of the adjacent streets are only two lanes wide; and

WHEREAS parked vehicles obstruct the flow of two-way traffic and create congestion; and

WHEREAS this situation is temporary and will exist only until Finch Avenue West is reinstated to vehicular traffic flow;

NOW THEREFORE BE IT RESOLVED THAT parking be prohibited on:

- (a) Grandravine Drive east of the Oakdale Community Centre;
- (b) Driftwood Avenue from Grandravine Drive to Finch Avenue West; and
- (c) Sentinel Avenue from Finch Avenue West to The Pond Road;

AND BE IT FURTHER RESOLVED THAT these parking prohibitions remain in effect until repairs to Finch Avenue West have been completed, and the road is reinstated to vehicular traffic flow;

AND BE IT FURTHER RESOLVED THAT the necessary bills be introduced 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(34) to the North York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(34) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(34) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

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 Motion be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the

affirmative.

Motion:

Councillor Augimeri moved that Motion J(34) be amended by deleting Part (a) from the first Operative Paragraph, and inserting instead the following:

“(a) the north side of Grandravine Drive;”.

Votes:

The motion by Councillor Augimeri carried.

Motion J(34), as amended, carried.

9.109 J(35) Status and Directions Report 2 – 350 Danforth Road, 74 Santamonica Boulevard and portion of former CNR Right-of-Way

September 29, 2005:

Mayor Miller in the Chair.

Councillor Altobello, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Altobello 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: Councillor Altobello

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the Goldman Group has appealed its Official Plan, Zoning and Subdivision applications regarding 350 Danforth Road to the Ontario Municipal Board (OMB), which has scheduled a pre-hearing conference for October 7, 2005; and

WHEREAS City Council, at its meeting of July 19, 20, 21 and 26, 2005, directed

staff to continue to negotiate with the applicant to resolve the outstanding matters, with a view to reaching a settlement, and authorized the City Solicitor or Chief Planner to report back to City Council for further instructions prior to the Ontario Municipal Board hearing scheduled to commence on November 21, 2005; and

WHEREAS City Council, at its meeting of July 19, 20, 21 and 26, 2005, authorized the Chief Planner and Executive Director to report directly to the September 28, 2005, Council meeting if a settlement cannot be reached prior to that time; and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared a report dated September 30, 2005, identifying the issues and recommending appropriate actions by staff;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report (September 30, 2005) from the Chief Planner and Executive Director, City Planning, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Council also had before it, during consideration of Motion J(35), a report (September 30, 2005) from the Chief Planner and Executive Director, City Planning (See Attachment 9, Page 215).

Vote:

Motion J(35) was adopted, without amendment.

In adopting Motion J(35), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (September 30, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board prehearing conference to represent the City’s interests, as outlined in this report;
- (2) subject to Recommendation (5) below, support an Official Plan Amendment and proposed Land Use Designations for the residential redevelopment of the property at 350 Danforth Road, plus the former CN Corridor lands, based on the policy framework and land use designations established in the proposed Warden Woods Community Secondary Plan;
- (3) subject to Recommendation (5) below, support a zoning by-law amendment for the proposed development of 457 residential units (34 singles, 112 semi-detached and 311 townhouses). The zoning to include appropriate

land use, height, density, and other performance regulations, as well as community benefits requirements under Section 37 of the *Planning Act* and any necessary holding provisions;

- (4) subject to Recommendation (5) below, support the draft plan of subdivision, substantially as illustrated in Attachment 1: Proposed Draft Plan of Subdivision, subject to related conditions of draft plan approval incorporating the City's standard conditions of draft plan approval, modified to incorporate site-specific conditions of draft plan approval, dealing with matters such as, but not limited to:
- (i) addressing the requirements of the Technical Services Division with respect to the proposed lane parallel to Danforth Road;
 - (ii) appropriate studies, mitigation, and warning requirements with respect to the interface between the new residential development and the TTC Birchmount Bus Garage and adjacent industrial uses;
 - (iii) provision of pedestrian walkways, including a walkway between the proposed development and Santamonica Boulevard;
 - (iv) required environmental and archaeological clearances, including the funding of a peer reviewer for environmental studies pertaining to land to be conveyed to the City;
 - (v) school accommodation warning clauses;
 - (vi) dedication and improvement of parkland, as illustrated on Attachment 1, of approximately 1.21 hectares, which will count towards satisfying the parkland requirements of the 350 Danforth Road applications, and the 651 Warden Avenue and 671 Warden Avenue applications;
 - (vii) required fencing plan;
 - (viii) provision and conveyance of the required stormwater management pond;
 - (ix) tree planting requirements;
 - (x) required corner roundings and temporary turning circles;
 - (xi) required Danforth Road traffic improvements; and
 - (xii) required securities;

- (5) advise the Ontario Municipal Board that its support of the Official Plan, Zoning, and Subdivision, as outlined in Recommendations (2), (3) and (4) above, is conditional upon and subject to:
- (i) securing a cash contribution, pursuant to Section 37 of the *Planning Act*, at the time of Zoning By-law approval, of \$1300.00 per dwelling unit (for a minimum of 457 units) to be used for the provision of a community recreation facility to serve the Warden Woods Community;
 - (ii) securing pre-payment of the indoor parks and recreation component of the City's Development Charges By-law, in the form of a Letter of Credit due at the time of Zoning By-law approval, and which can be cashed by the City 90 days from the date of Zoning approval;
 - (iii) the Section 37 agreement provide that the applicant agree to work with the City and other area developers to ensure that satisfactory arrangements are secured with respect to the timely provision of community facilities in accordance with the priorities of the Warden Woods Community Secondary Plan;
 - (iv) satisfactory arrangements for improvement and dedication of 1.21 hectares of parkland; and
 - (v) the owner agreeing to withdraw its appeal of the new Toronto Official Plan with respect to these lands;
- (6) direct the City Solicitor to ensure that Council's conditions, as set out in Recommendation (5) above, are met through the use of appropriate holding provisions in the zoning by-law, by requesting the Ontario Municipal Board to withhold its order until satisfactory arrangements have been made, and/or through such other agreements or arrangements that the City Solicitor may determine to be appropriate and that the appropriate City officials be authorized to execute such agreements; and
- (7) authorize the City Solicitor to settle the appeals at the October 7, 2005 pre-hearing, subject to achievement of the matters or conditions set out in Recommendations (2), (3), (4), (5) and (6) above, and substantially in accordance with the Official Plan, Zoning, and Subdivision details set out in this report".

9.110 J(36) Report Request - Safeguarding Confidential Documents

September 30, 2005:

Councillor Pitfield, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provision of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Pitfield

Seconded by: Councillor Davis

“WHEREAS disclosure of confidential information continues to be reported in the media, despite repeated cautions to Members of Council and staff about the importance of maintaining the confidentiality of City matters; and

WHEREAS these breaches not only compromise Council’s privilege and have serious financial or legal implications for the City, but can also cause harm to individuals;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk, in consultation with the Integrity Commissioner, be requested to report to the Policy and Finance Committee, as soon as possible, on what measures can be taken to protect the confidentiality of documents, including, but not limited to:

- noting the names of Members of Council and staff on each copy;
- numbering all copies; and
- strict controls for printing, distributing and collecting all copies before and following in-camera meeting sessions.”

Advice by Deputy Mayor:

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(36) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(36), without amendment:

Yes - 32 Councillors: Ashton, Bussin, Cho, Chow, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0 Councillor:

Carried, without dissent.

- 9.111 Consideration of the following matters was postponed to the next regular meeting of City Council on October 26, 2005, as they remained on the Order Paper at the conclusion of this meeting of Council:

Policy and Finance Committee Report 7

- Clause 45a - “Building Condition Assessment and Analysis of Required Capital Reserve Funds in the Toronto Community Housing Corporation’s Downloaded Social Housing Portfolio”.

Administration Committee Report 6

- Clause 3a - “Council Resolution on Support for Undocumented Workers”.
- Clause 28a - “Court Service Agreement with GO Transit for Provincial Offences Fines”.

Audit Committee Report 3

- Clause 12a - “Toronto Emergency Medical Services (EMS) Operational Support Review - Response to Auditor General Recommendations”.

Etobicoke York Community Council Report 6

- Clause 8a - “Request for Approval of Variances from Chapter 215, Signs, of the Former City of Etobicoke Municipal Code for a First Party Ground Pylon Sign at 1025 The Queensway (Ward 5 - Etobicoke-Lakeshore)”.

North York Community Council Report 6

- Clause 8a - "Community Safety Zone - Grandravine Drive (Ward 8 - York West and Ward 9 - York Centre)".

Policy and Finance Committee Report 8

- Clause 12 - "Toronto District School Board Application Requesting Debentures".
Clause 47 - "Parking Tag Revenue".

Community Services Committee Report 7

- Clause 6 - "Determining the Number and Service Needs of Homeless Persons Living on Toronto's Streets and in its Public Spaces".

Economic Development and Parks Committee Report 8

- Clause 18 - "Other Items Considered by the Committee".
Item (j) - "Toronto City Hall Hockey Team".

Planning and Transportation Committee Report 7

- Clause 10 - "Other Items Considered by the Committee".
Item (d) - "Use of Remote Control Cameras to Reduce Illegal Dumping".

Works Committee Report 8

- Clause 8 - "Joint Municipal Water Bottling Project".
Clause 14 - "Other Items Considered by the Committee".
Item (j) - "Toronto Bike Plan - Three Year Implementation Strategy".

Etobicoke York Community Council Report 7

- Clause 37 - "(1) Curfew for Teens 16 years of age and under; (2) 24-hour on-site security at Toronto Community Housing Communities and Acceleration of Building Investments for selected communities; and (3) Information from all School Boards in Toronto".

Notice of Motion

- J(17) Moved by Councillor Giambrone, seconded by Councillor Carroll regarding the removal of Thursday Parking Prohibition - St. Clarens Avenue, between College Street and Bloor Street West (Davenport, Ward 18)

BILLS AND BY-LAWS

- 9.112 On September 28, 2005, at 7:03 p.m., Councillor Palacio, seconded by Councillor Nunziata, 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. 836	By-law No. 741-2005	To confirm the proceeding of the Council at its meeting held on the 28th day of September, 2005,
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the vote upon which was taken as follows:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 31.

- 9.113 On September 28, 2005, at 7:22 p.m., Councillor Soknacki, seconded by Councillor Moscoe, 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. 837	By law No. 742 2005	To confirm the proceeding of the Council at its meeting held on the 28th day of September, 2005,
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the vote upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Carroll, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Hall, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	

Councillor: Ford

Carried by a majority of 32.

- 9.114 On September 29, 2005, at 4:57 p.m., Councillor Saundercook, seconded by Councillor Stintz, 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. 838	By-law No. 743-2005	To confirm the proceedings of the Council at its meeting held on the 28th and 29th days of September, 2005,
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the vote upon which was taken as follows:

Yes - 28
Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Chow, Davis, Del Grande, Di Giorgio, Feldman, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Saundercook, Stintz, Walker, Watson
No - 1
Councillor: Mammoliti

Carried by a majority of 27.

- 9.115 On September 29, 2005, at 7:26 p.m., Councillor Lindsay Luby, seconded by Councillor De Baeremaeker, 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. 839	By-law No. 744-2005	To confirm the proceedings of the Council at its meeting held on the 28th and 29th days of September, 2005,
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the vote upon which was taken as follows:

Yes - 35
Mayor: Miller
Councillors: Altobello, Ashton, Augimeri, Bussin, Carroll, Chow, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Walker, Watson

No - 2
Councillors: Del Grande, Minnan-Wong

Carried by a majority of 33.

- 9.116 On September 30, 2005, at 12:22 p.m., Councillor Walker, seconded by Councillor Cho, 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. 840	By-law No. 745-2005	To confirm the proceedings of the Council at its meeting held on the 28th, 29th and 30th days of September, 2005,
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the vote upon which was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Balkissoon, Bussin, Carroll, Cho, Chow, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Grimes, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Rae, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Minnan-Wong

Carried by a majority of 31.

- 9.117 On September 30, 2005, at 5:12 p.m., Councillor Mihevc, seconded by Councillor Chow, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 720	By-law No. 746-2005	To permanently close a portion of the public highway Phippen Avenue (commonly known as Parklea Drive) abutting 206 Hanna Road.
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Bill No. 721	By-law No. 747-2005	To exempt certain lands on Kidd Terrace, Delabo Drive, Aldwinkle Heights, Haynes Avenue, Murray Ross Parkway and Herzberg Gardens from Part Lot Control.
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Bill No. 722	By-law No. 748-2005	To amend By-law No. 21319 to designate a Site Plan Control Area (Malvern Community) with respect to lands municipally known as 5644 Sheppard Avenue East.
Bill No. 723	By-law No. 749-2005	To exempt certain lands at Cook Road, Mansur Terrace, Sentinel Road, Bowsfield Road and Murray Ross Parkway from Part Lot Control.
Bill No. 724	By-law No. 750-2005	To exempt certain lands at Delabo Drive, Murray Ross Parkway, Mansur Terrace and Haynes Avenue from Part Lot Control.
Bill No. 725	By-law No. 751-2005	To exempt certain lands at Cook Road, Delabo Drive, Kidd Terrace, Herzberg Gardens, Murray Ross Parkway and Leitch Avenue from Part Lot Control.
Bill No. 726	By-law No. 752-2005	To exempt certain lands at Sentinel Road, Cook Road, Delabo Drive, Murray Ross Parkway and Bowsfield Drive from Part Lot Control.
Bill No. 727	By-law No. 753-2005	To exempt certain lands at Bowsfield Road, Cook Road, Aldwinkle Heights and Delabo Drive from Part Lot Control.
Bill No. 728	By-law No. 754-2005	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting business licence thresholds.
Bill No. 729	By-law No. 755-2005	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 730	By-law No. 756-2005	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

Bill No. 731	By-law No. 757-2005	To amend further By-law No. 23504 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 732	By-law No. 758-2005	To adopt Amendment No. 1140 to the Official Plan of the former City of Scarborough with respect to lands municipally known as 96 Staines Road.
Bill No. 733	By-law No. 759-2005	To amend Morningside Heights Community Zoning By-law, as amended, with respect to lands municipally known as 96 Staines Road.
Bill No. 734	By-law No. 760-2005	To adopt Amendment No. 1143 to the Official Plan of the former City of Scarborough with respect to lands on the east corner of Sandhurst Circle and White Heather Boulevard.
Bill No. 735	By-law No. 761-2005	To amend the Agincourt North Community Zoning By-law No. 12797, as amended, with respect to lands on the east corner of Sandhurst Circle and White Heather Boulevard.
Bill No. 736	By-law No. 762-2005	To designate an area that includes the existing Lakeshore Village Business Improvement Area as an Improvement Area.
Bill No. 737	By-law No. 763-2005	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the expanded boundaries of the Lakeshore Village Business Improvement Area.
Bill No. 738	By-law No. 764-2005	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.

Bill No. 739	By-law No. 765-2005	To designate an area along Yonge Street between Roehampton Avenue and Glengrove Avenue, as an improvement area.
Bill No. 741	By-law No. 766-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Whitehorse Road.
Bill No. 742	By-law No. 767-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Driftwood Avenue.
Bill No. 743	By-law No. 768-2005	To amend By-law No. 31878, as amended, of the former City of North York, regarding Laurelcrest Avenue.
Bill No. 744	By-law No. 769-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Aldwinckle Heights, Bowsfield Road, Cook Road, Delabo Drive, Haynes Avenue, Herzberg Gardens, Kidd Terrace, Leitch Avenue and Mansur Terrace.
Bill No. 745	By-law No. 770-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Yewtree Boulevard.
Bill No. 746	By-law No. 771-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Barksdale Avenue and Evanston Drive.
Bill No. 747	By-law No. 772-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Viewmount Avenue.
Bill No. 748	By-law No. 773-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Viewmount Avenue.

Bill No. 749	By-law No. 774-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Evanston Drive.
Bill No. 750	By-law No. 775-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Viewmount Avenue.
Bill No. 751	By-law No. 776-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Calico Drive and Giltspur Drive.
Bill No. 752	By-law No. 777-2005	To amend By-law No. 32759, as amended, of the former City of North York, regarding Calico Drive and Giltspur Drive.
Bill No. 753	By-law No. 778-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Calico Drive and Giltspur Drive.
Bill No. 754	By-law No. 779-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Calico Drive and Giltspur Drive.
Bill No. 755	By-law No. 780-2005	To amend By-law No. 31001 of the former City of North York, as amended, regarding Neptune Drive.
Bill No. 756	By-law No. 781-2005	To exempt lands municipally known as 963 Roselawn Avenue from Part Lot Control.
Bill No. 757	By-law No. 782-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 157 Sherwood Avenue from the maximum height requirements.

Bill No. 758	By-law No. 783-2005	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 35 Glenforest Road from the maximum height requirements.
Bill No. 759	By-law No. 784-2005	To amend By-law No. 568-2004 to extend the period of interim control for the lands being the Bayview Institutions located east of Bayview Avenue and north of Kilgour Road in the former City of North York.
Bill No. 760	By-law No. 785-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boon Avenue.
Bill No. 761	By-law No. 786-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 762	By-law No. 787-2005	To amend further By-law No. 34-93, a by-law “To provide for disabled person parking permit holders”, being a by-law of the former Borough of East York, regarding Coxwell Avenue.
Bill No. 763	By-law No. 788-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Beatrice Street, Devon Road, Dovercourt Road, Gladstone Avenue, Jerome Street, Morse Street, Robert Street, St. Helens Avenue and Strathcona Avenue.
Bill No. 764	By-law No. 789-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street, Leslie Street and Steeles Avenue East.
Bill No. 765	By-law No. 790-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, respecting Ashby Place, Collier Street, Sterling Road and Winchester Street.
Bill No. 766	By-law No. 791-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Queen Street East.
Bill No. 767	By-law No. 792-2005	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 Amsterdam Avenue.
Bill No. 768	By-law No. 793-2005	To designate a Site Plan Control Area (Malvern Community).
Bill No. 769	By-law No. 794-2005	To amend Employment Districts Zoning By-law No. 24982 (Malvern), as amended, with respect to the lands municipally known as 145 Milner Avenue.
Bill No. 770	By-law No. 795-2005	To amend the former Township of Pickering Zoning By-law No. 3036, as amended, and the Rouge Community Zoning By-law No. 15907, as amended, with respect to the lands municipally known as 7445 Kingston Road.
Bill No. 771	By-law No. 796-2005	To adopt Amendment No. 1144 to the Official Plan of the former City of Scarborough with respect to lands on the north-east corner of Canongate Trail and Sanwood Boulevard.
Bill No. 772	By-law No. 797-2005	To amend Steeles Community Zoning By-law No. 16762, as amended, with respect to lands on the north-east corner of Canongate Trail and Sanwood Boulevard.

Bill No. 773	By-law No. 798-2005	To exempt certain lands municipally known as 28, 30, 32A and 36 Preakness Drive from Part Lot Control.
Bill No. 774	By-law No. 799-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bristol Avenue, Lauder Avenue, Maria Street and Rambert Crescent.
Bill No. 775	By-law No. 800-2005	To amend further Metropolitan Toronto By-law No. 108-86 designating certain locations on former Metropolitan Roads as Pedestrian Crossovers, regarding O'Connor Drive.
Bill No. 776	By-law No. 801-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bloor Street East, Coxwell Avenue, Huntley Street, Mount Pleasant Road, St. Clair Avenue East and Yonge Street.
Bill No. 777	By-law No. 802-2005	To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Barron Road and Donlands Avenue.
Bill No. 778	By-law No. 803-2005	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 Wicksteed Avenue.
Bill No. 779	By-law No. 804-2005	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 Mallory Crescent.
Bill No. 780	By-law No. 805-2005	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 Sammon Avenue.
Bill No. 781	By-law No. 806-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding The Kingsway and Craik Road.
Bill No. 782	By-law No. 807-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Woodbine Downs Boulevard.
Bill No. 783	By-law No. 808-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Montgomery Road.
Bill No. 784	By-law No. 809-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Upland Road.
Bill No. 785	By-law No. 810-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article V, regarding Royal York Road.
Bill No. 786	By-law No. 811-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding the Community bounded by The Queensway, Mimico Creek, F.G. Gardiner Expressway and Royal York Road.
Bill No. 787	By-law No. 812-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Royal York Road.

Bill No. 788	By-law No. 813-2005	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Edgeware Drive.
Bill No. 789	By-law No. 814-2005	To amend By-law No. 31770, as amended, of the former City of North York, regarding Davelayne Road.
+Bill No. 790	By-law No. 815-2005	To amend former City of North York By-law No. 7625 with respect to lands municipally known as 19, 21, 25 and 27 Churchill Avenue, 33 Churchill Avenue and 52 Horsham Avenue, and with respect to lands identified as Part 3 on Registered Plan 66R-21658 and Parts 1, 2, 3 on Registered Plan 66R 21948.
Bill No. 791	By-law No. 816-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 40 Oak Street and a portion of 620 Dundas Street East bounded by Dundas Street East, Parliament Street, Oak Street and Sackville Street.
Bill No. 792	By-law No. 817-2005	To amend City of Toronto Municipal Code Chapter 693, Signs, Article II, Election Signs, to increase the further election sign deposit.
Bill No. 793	By-law No. 818-2005	To amend By-law No. 293-2005, being a By-law “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. 794	By-law No. 819-2005	To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to create the Affordable Housing Committee.
Bill No. 795	By-law No. 820-2005	To amend City of Toronto Municipal Code Chapter 767, Taxation, Article IX, Tax Rebate Program for Veteran's Clubhouses and Legion Halls.
Bill No. 796	By-law No. 821-2005	To establish a Stadium Road Capital Reserve Fund and a Stadium Road Maintenance Reserve Fund and to amend City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds, to add these reserve funds.
Bill No. 798	By-law No. 822-2005	To amend By-law No. 646-2005, being a By-law "To amend By-laws Nos. 594-1999, 504-2000 and 656-2001, being by-laws to levy amounts on certain Public Hospitals and Provincial Mental Health Facilities for the years 1999, 2000 and 2001 respectively.
Bill No. 799	By-law No. 823-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Finch Avenue West, Humber College Boulevard and Weston Road.
Bill No. 800	By-law No. 824-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sunnyside Avenue.
Bill No. 801	By-law No. 825-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Grenville Street and Grosvenor Street.

Bill No. 802	By-law No. 826-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines Grenville Street and Grosvenor Street.
Bill No. 803	By-law No. 827-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. Patrick Street and Strachan Avenue.
Bill No. 804	By-law No. 828-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Roehampton Avenue.
Bill No. 805	By-law No. 829-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Northumberland Street.
Bill No. 806	By-law No. 830-2005	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 Marilyn Crescent and St. Clair Avenue East.
Bill No. 808	By-law No. 831-2005	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on St. Patrick Street.
Bill No. 809	By-law No. 832-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. Patrick Street.
Bill No. 810	By-law No. 833-2005	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street West.

Bill No. 811	By-law No. 834-2005	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, regarding bicycle lanes on College Street.
Bill No. 812	By-law No. 835-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting College Street.
Bill No. 813	By-law No. 836-2005	To amend Metropolitan By-law No. 62-91 respecting reserved lanes for bicycles on former Metropolitan Roads, regarding Dundas Street West.
Bill No. 814	By-law No. 837-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Rankin Crescent.
Bill No. 815	By-law No. 838-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Grenadier Road.
Bill No. 816	By-law No. 839-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Lakeview Avenue.
Bill No. 817	By-law No. 840-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Blackburn Street.
Bill No. 818	By-law No. 841-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mountstephen Street.
Bill No. 819	By-law No. 842-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Munro Street.
Bill No. 820	By-law No. 843-2005	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Hamilton Street.

Bill No. 821	By-law No. 844-2005	To remove from a Site Plan Control Area within the Milliken Community the lands municipally known as 2 Ashcott Street.
Bill No. 822	By-law No. 845-2005	To authorize the alteration of Times Road between Stayner Avenue and Lilywood Road by the installation of speed humps.
Bill No. 823	By-law No. 846-2005	To authorize the alteration of Ridgevale Drive between Lynnhaven Road and Prince Charles Drive by the installation of speed humps.
Bill No. 824	By-law No. 847-2005	To authorize the alteration of sections of Terry Drive, between Rockcliffe Boulevard and Symes Road, by the installation of speed humps.
Bill No. 825	By-law No. 848-2005	To authorize the alteration of Clair Road and Stanley Road, from Jane Street to Laura Road, by the installation of speed humps.
Bill No. 826	By-law No. 849-2005	To designate a Site Plan Control Area (Agincourt North Community).
Bill No. 827	By-law No. 850-2005	To amend former City of Scarborough Zoning By-law No. 12797, as amended, with respect to the lands municipally known as 2756 Brimley Road.
Bill No. 828	By-law No. 851-2005	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Armstrong Avenue and Millicent Street.

Bill No. 829	By-law No. 852-2005	To adopt Amendment No. 353 to the Official Plan of the former City of Toronto with respect to lands municipally known as 65, 75 and 85 East Liberty Street, 69 Lynn Williams Street, 150 East Liberty Street, 80 Lynn Williams Street and 90 Lynn Williams Street being portions of the Garrison Common North Area, for the lands known as the Inglis Lands.
Bill No. 830	By-law No. 853-2005	To amend the General Zoning By law No. 438-86 of the former City of Toronto as amended by By law No. 566-2000, By-law No. 684-2003 and By-law No. 600 2005 with respect to the lands municipally known as 65, 75 and 85 East Liberty Street, 69 Lynn Williams Street, 150 East Liberty Street, 80 Lynn Williams Street, and 90 Lynn Williams Street being portions of the Garrison Common North Area, for the lands known as the Inglis Lands.
Bill No. 831	By-law No. 854-2005	To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting firefighters' pensions and other benefits.
Bill No. 832	By-law No. 855-2005	To amend further By-law No. 380-74 of the former Corporation of the City of Toronto respecting civic employees' pensions and other benefits.
Bill No. 833	By-law No. 856-2005	To amend Municipal Code Chapter 27, Council Procedures and Chapter 103, Heritage to change the Standing Committee to which City wide heritage preservation matters are reported.
Bill No. 834	By-law No. 857-2005	To rename part of Bales Avenue, south of Avondale Avenue, as "Harrison Garden Boulevard".

Bill No. 835 By-law No. 858-2005 To rename part of Terlean Road as
"Avondale Avenue",

the vote upon which was taken as follows:

Yes - 35 Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 0 Councillors:

Carried, without dissent.

9.118 On September 30, 2005, at 6:05 p.m., Councillor Di Giorgio, seconded by Councillor Saundercook, 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. 841 By-law No. 859-2005 To confirm the proceedings of the
Council at its meeting held on the 28th,
29th and 30th days of September, 2005,

the vote upon which was taken as follows:

Yes - 34 Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 0

Carried, without dissent.

The following Bills were withdrawn:

- Bill No. 740 To amend By-law No. 31001 of the former City of North York, as amended, regarding Wilmont Drive.
- Bill No. 797 To amend By-law No 69-2005, being a by-law “To authorize agreements respecting the issue and sale of debentures for the year 2005”.
- Bill No. 807 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting St. Clarens Avenue.

OFFICIAL RECOGNITIONS:

9.119 Condolence Motions

Mayor Miller in the Chair.

September 28, 2005:

Deputy Mayor Feldman, seconded by Mayor Miller, moved that:

“WHEREAS Toronto City Council is deeply saddened to learn of the passing of Mr. Simon Wiesenthal; and

WHEREAS Simon Wiesenthal survived imprisonment in Nazi concentration camps during World War II; and

WHEREAS Mr. Wiesenthal worked countless hours toward bringing Nazi war criminals to justice, not for revenge, but for accountability; and

WHEREAS Simon Wiesenthal was the founder of the ‘Simon Wiesenthal Centre’, an organization which will continue the work of this great pioneer in order to bring justice for all and eliminate anti-Semitism, racial hatred and ethnic intolerance; and

WHEREAS Simon Wiesenthal was a true leader who made a difference around the world; and

WHEREAS Simon Wiesenthal proved that one person can make a difference;

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 any surviving family members, the Jewish Community and the Simon Wiesenthal Centre.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Simon Wiesenthal.

September 29, 2005:

Councillor McConnell, 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. Paul Croutch; and

WHEREAS Mr. Croutch had lived in Toronto and Vancouver, working as both a sales executive and a newspaper publisher; and

WHEREAS Mr. Croutch fell victim to mental illness and, after years of living on the streets of Toronto, was about to move into stable housing due to the help of Parks and Recreation staff, as well as Streets to Homes staff; and

WHEREAS on Wednesday, August 31, 2005, Mr. Croutch’s life was violently and needlessly cut short; and

WHEREAS his death highlights the dangers faced by homeless individuals on a day-to-day basis, and should serve to strengthen the City’s resolve that no one should ever live or die on the streets of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to Mr. Croutch’s former wife, his daughter and all his friends for their tragic loss.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Paul Croutch.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Jenkins, seconded by Councillor Augimeri, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Dr. Douglas Graham Roy Salmon on Wednesday, September 21, 2005, in his 81st year; and

WHEREAS Dr. Salmon will be remembered for his dedication and superior skills as Canada’s first black surgeon who was appointed President of Centenary’s medical staff and later Chief of General Surgery, and for his courage and fierce determination to strongly advocate for the rights of the black community; and

WHEREAS, in recognition of his work, Dr. Salmon received the Canadian Black Achievement Award, Medicine; and

WHEREAS Dr. Salmon’s life exemplifies what can be accomplished through hard work, perseverance and having a dream; and

WHEREAS he will be sorely missed not only by his loving family but also by his many friends and patients whom he treated with love and compassion;

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, former North York and Metropolitan Toronto Councillor Bev Salmon, sons Douglas Jr. and Warren, and daughters Heather and Leslie.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Dr. Douglas Graham Roy Salmon.

9.120 Presentations/Introductions/Announcements:**September 28, 2005:**

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced the students from Brebeuf College School, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, invited Councillors Pitfield, Giambrone and Mihevc to the podium to address the Council regarding International

Car Free Day which was held on September 22, 2005. Councillor Pitfield addressed the Council and extended, on behalf of Council, the appreciation of Council to the following companies who took part in Car Free Day 2005:

- Bell Canada;
- Blake Cassels Graydon LLP;
- McCarthy Tétrault;
- Goodman Carr;
- HSBC;
- Royal Bank of Canada;
- Bank of Montreal;
- Scotiabank;
- The Daniels Group;
- Enwave District Energy;
- The Toronto Stock Exchange;
- Procter and Gamble;
- Telus;
- Fairmont Royal York;
- Toronto Board of Trade; and
- Seirra Club of Canada, Ontario Chapter.

Councillor Mihevc advised the Council that the top three participants in Car Free Day 2005 were the Royal Bank of Canada, which had the highest participation, Blake Cassels Graydon LLP, and Scotiabank. Councillors Mihevc and Giambrone presented mementos to representatives of each of the top three participants to mark the occasion.

September 29, 2005:

Mayor Miller in the Chair.

Mayor Miller, during the morning session of the meeting, invited Councillor Kyle Rae, Chair of the Roundtable on Arts and Culture to the podium and advised the Council that on September 13 and 17, 2005, the City had two kick-off events for the 'Live With Culture' campaign which is a celebration of the City of Toronto's extraordinary arts and cultural communities. Mayor Miller further advised the Council that, for the next 16 months, the City of Toronto is going to celebrate every aspect of its rich cultural life because Toronto has much to celebrate and it was fitting that the launch on September 17, 2005, was the 40th anniversary of Toronto City Hall. Mayor Miller extended his appreciation to Councillor Rae who has been a true advocate for all things creative as the Chair of the Roundtable on Arts and Culture, and invited all Members of Council to view a video of the September 17, 2005 celebrations.

Mayor Miller, during the morning session of the meeting, invited Deputy Mayor Pantalone to podium. Deputy Mayor Pantalone addressed the Council regarding the Princes' Gates Design Competition; advised the Council that the winner and finalist submissions were on display in

the Members' Lounge and that the work is scheduled to be completed for the summer of 2006; and introduced the representatives from the following organizations present at the meeting:

- Sering srl/Sistema Duemila srl, Milano and MBTW Group;
- Toronto Tartaglia Partnership, Milano and MEP Design; and
- Toronto D+S AA, Milano and Terraplan Landscape Architects, Toronto.

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students from Centennial College, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced Uffe Elbæk, a member of the City Council in Aarhus for the Danish Social-Liberal Party, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the following members of the Council of the City of Calgary, present at the meeting:

- Alderman Madeleine King;
- Alderman Drew Farrell; and
- Alderman Linda Fox-Melway.

September 30, 2005:

Councillor Soknacki, with the permission of Council, during the morning session of the meeting, introduced two groups of students of Cornell Public School, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced the German exchange students of Humberside College, present at the meeting.

Mayor Miller, during the morning session of the meeting, advised the Council that children from 53 schools were at City Hall today to receive awards at the second annual EcoSchools Certification Award Ceremony to recognize their achievements in reducing energy use and waste in the last year. Mayor Miller invited all Members of Council to attend the ceremony which was being held on the Podium Roof of City Hall.

9.121 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

Mayor Miller in the Chair.

Councillor Minnan-Wong on September 28, 2005, at 10:15 a.m., moved that Council vary the order of its proceedings to consider North York Community Council Report 7, Clause 13, headed “Intention to Designate under Part IV of the *Ontario Heritage Act* - 59 Wynford Drive (Bata International Building) (Ward 26 - Don Valley West)”, on September 28, 2005, at 11:30 a.m., which carried.

Councillor Mammoliti on September 28, 2005, at 10:17 a.m., moved that Council vary the order of its proceedings to consider Etobicoke York Community Council Report 7, Clause 37, headed “(1) Curfew for Teens 16 years of age and under; (2) 24-hour on-site security at Toronto Community Housing Communities and Acceleration of Building Investments for selected communities; and (3) Information from all School Boards in Toronto”, as a ‘time critical’ item, which carried.

Councillor Balkissoon on September 28, 2005, at 10:19 a.m., moved that Council vary the order of its proceedings to vote on Policy and Finance Committee Report 8, Clause 46, headed “MFP Financial Services Limited - Status of Litigation”, during the morning session of the meeting on Friday, September 30, 2005, which carried.

Deputy Mayor Feldman on September 28, 2005, at 10:21 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 8, Clause 1, headed “Proposed Transaction between the Hummingbird Centre and Castlepoint Development”, as the first item of business after quick releases on Friday, September 30, 2005, when Councillor Moscoe is present in the Chamber, which carried.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

September 28, 2005:

Deputy Mayor Pantalone in the Chair.

Deputy Mayor Pantalone, at 12:28 p.m., proposed that Council now recess and reconvene at 2:00 p.m. Council concurred in the proposal by Deputy Mayor Pantalone.

September 29, 2005:

Deputy Mayor Bussin in the Chair.

Deputy Mayor Bussin, at 7:23 p.m., proposed that Council now recess and reconvene at 9:30 a.m. on Friday, September 30, 2005. Council concurred in the proposal by Deputy Mayor Bussin.

September 30, 2005:

Deputy Mayor Bussin in the Chair.

Councillor Thompson, at 5:50 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, in order to conclude consideration of Policy and Finance Committee Report 8, Clause 44, headed “Toronto Community Housing Corporation Request for \$5 million from City of Toronto Social Housing Stabilization Fund for Urgent Capital Repair Needs”, which carried, more than two-thirds of Members present having voted in the affirmative.

9.122 ATTENDANCE

September 28, 2005	9:38 a.m. to 12:28 p.m.*	2:12 p.m. to 2:59 p.m.*	Ctte. of the whole In-Camera 3:07 p.m.	4:04 p.m. to 7:23 p.m.*
Miller	x	x	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	-	x	-	x
Balkissoon	x	x	x	x
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	x	x	x
Chow	x	x	x	x
Cowbourne	x	x	-	x
Davis	x	x	x	x
De Baeremaeker	x	x	-	x
Del Grande	x	x	x	x

Minutes of the Council of the City of Toronto
September 28, 29 and 30, 2005

September 28, 2005	9:38 a.m. to 12:28 p.m.*	2:12 p.m. to 2:59 p.m.*	Ctte. of the whole In-Camera 3:07 p.m.	4:04 p.m. to 7:23 p.m.*
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	x
Fletcher	x	x	x	x
Ford	x	-	-	-
Giambrone	x	-	x	x
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	-	-
McConnell	-	x	x	-
Mihevc	x	x	x	-
Milczyn	x	x	x	x
Minnan-Wong	x	x	-	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	-	-	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x

Minutes of the Council of the City of Toronto
September 28, 29 and 30, 2005

September 28, 2005	9:38 a.m. to 12:28 p.m.*	2:12 p.m. to 2:59 p.m.*	Ctte. of the whole In-Camera 3:07 p.m.	4:04 p.m. to 7:23 p.m.*
Walker	x	x	x	x
Watson	x	x	x	x
Total	43	42	38	41

* Members were present for some or all of the time period indicated.

September 29, 2005	9:38 a.m. to 12:30 p.m.*	2:09 p.m. to 5:00 p.m.*	Roll Call 3:21 p.m.	Roll Call 4:19 p.m.	Roll Call 4:38 pm.	Ctte. of the Whole In-Camera 5:05 p.m.	7:25 p.m. to 7:30 p.m.
Miller	x	x	x	-	-	x	x
Altobello	x	x	x	x	x	x	x
Ashton	x	x	x	x	x	x	x
Augimeri	x	x	-	x	x	x	x
Balkissoon	x	x	x	-	-	-	-
Bussin	x	x	x	x	x	x	x
Carroll	x	x	-	x	x	x	x
Cho	x	x	-	x	x	x	x
Chow	x	x	x	x	x	x	x
Cowbourne	x	x	x	-	-	-	-
Davis	x	x	-	x	-	x	x
De Baeremaeker	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	x
Filion	x	x	-	-	x	-	-
Fletcher	x	x	x	x	x	x	x
Ford	x	-	-	-	-	-	-
Giambrone	x	x	x	-	-	-	-
Grimes	x	x	x	-	-	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x	x
Kelly	x	x	x	-	-	x	x

Minutes of the Council of the City of Toronto
September 28, 29 and 30, 2005

September 29, 2005	9:38 a.m. to 12:30 p.m.*	2:09 p.m. to 5:00 p.m.*	Roll Call 3:21 p.m.	Roll Call 4:19 p.m.	Roll Call 4:38 pm.	Ctte. of the Whole In-Camera 5:05 p.m.	7:25 p.m. to 7:30 p.m.
Li Preti	x	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	x	-	x	x
Mihevc	x	x	-	x	x	x	x
Milczyn	x	x	x	-	x	x	x
Minnan-Wong	x	x	x	-	-	x	x
Moscoe	x	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
Pitfield	x	x	x	x	-	-	-
Rae	x	x	-	-	-	-	-
Saundercook	x	x	x	x	-	x	x
Shiner	x	x	-	x	-	x	x
Soknacki	x	x	-	-	-	x	x
Stintz	x	x	x	-	x	x	x
Thompson	x	x	x	-	-	-	-
Walker	x	x	x	x	x	x	x
Watson	x	x	x	x	x	x	x
Total	45	44	33	29	26	36	36

* Members were present for some or all of the time period indicated.

September 30, 2005	9:41 a.m. to 12:30 p.m.*	2:10 p.m. to 2:42 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.	4:16 p.m. to 6:06 p.m.*
Miller	x	-	x	-
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x

Minutes of the Council of the City of Toronto
September 28, 29 and 30, 2005

September 30, 2005	9:41 a.m. to 12:30 p.m.*	2:10 p.m. to 2:42 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.	4:16 p.m. to 6:06 p.m.*
Bussin	x	x	x	x
Carroll	x	x	x	x
Cho	x	-	-	x
Chow	x	x	x	x
Cowbourne	x	x	x	x
Davis	x	x	x	x
De Baeremaeker	x	x	x	x
Del Grande	x	x	x	x
Di Giorgio	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	x
Fletcher	x	x	x	x
Ford	x	-	-	-
Giambrone	x	x	x	x
Grimes	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Jenkins	x	x	x	x
Kelly	-	-	-	-
Li Preti	x	x	x	x
Lindsay Luby	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	x
Mihevce	x	x	x	x
Milczyn	x	x	x	x
Minnan-Wong	x	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
Ootes	x	x	x	x
Palacio	x	x	x	x
Pantalone	x	-	-	-

September 30, 2005	9:41 a.m. to 12:30 p.m.*	2:10 p.m. to 2:42 p.m.*	Ctte. of the Whole in-Camera 2:50 p.m.	4:16 p.m. to 6:06 p.m.*
Pitfield	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Shiner	x	x	x	x
Soknacki	x	x	x	x
Stintz	x	x	x	x
Thompson	x	x	x	x
Walker	x	x	x	x
Watson	x	x	x	x
Total	44	40	41	41

* Members were present for some or all of the time period indicated.

Council adjourned on September 30, 2005, at 6:06 p.m.

**DAVID R. MILLER,
Mayor**

**ULLI S. WATKISS,
City Clerk**

ATTACHMENT 1

Enquiry (August 11, 2005) from Councillor Michael Walker, regarding the City's Tsunami Relief Effort (See Minute 9.4, Page 2):

Thank you for your memorandum of July 14, 2005, concerning the Tsunami Relief Effort which didn't completely answer my questions of you. Thus, I submit the following:

- (1) I ask again, "How many vacation days were donated by City employees to the Tsunami Relief Effort via payroll deduction?" The answer you previously provided referred to four paramedics on 3 missions for a total cost to City for salaries and benefits of approximately \$26,000.00. That does not answer my question. I just want the number of days.

- (2) How many of the 430 City staff who volunteered their services possess the skills identified by the City in the three broad categories:
- (a) Public Health and Emergency Medical Services;
 - (b) Construction; and
 - (c) Engineering.
- (3) What is the value of the water treatment supplies, to date, that the City has donated to the relief effort? At the time of your earlier answer (July 14, 2005), you indicated you did “not have a response from Toronto Water at the time of writing this letter”. That information definitely should be available a month later.
- (4) How many City employees (i.e., EMS, Police) have participated in the relief effort who are paying their own way?

ATTACHMENT 2

Answer to Enquiry (September 26, 2005) from Mayor David Miller (See Minute 9.4, Page 2):

Thank you for your memorandum dated August 11, 2005 regarding the tsunami relief effort, in response to my earlier reply of July 14th, 2005.

I have requested the City Manager’s Office to provide me with responses to your follow-up questions and they are as follows:

- (1) How many vacation days were donated by City employees to the Tsunami Relief Effort via payroll deduction?

As noted in my response of July 14th, 2005, over the past several months City staff have undertaken 3 missions to Indonesia and Sri Lanka. The City has covered all salaries and benefits of the 4 staff involved for a total financial contribution of approximately \$26,000.00. The number of days contributed for each is as follows:

MISSION	STAFF	# DAYS
Indonesia	Ted Bowering	15
	Muttiah Yathindra	20
Sri Lanka	Rahul Singh	15
	Robert Selfridge	15

- (2) How many of the 430 City staff who volunteered their services possess the skills identified by the City in three broad categories: 1) Public Health and Emergency Medical Services; 2) Construction; and 3) Engineering?

The City's Office of Emergency Management advises that as of today's date, approximately 439 staff have volunteered their services. Of the 439 staff, a number have indicated they possess 2 or more of the skills sets identified by the City, reflected in the following breakdown:

(a)	Public Health and Emergency Medical Services	98
(b)	Construction	136
(c)	Engineering	289

- (3) What is the value of the water treatment supplies to date that the City has donated to the relief effort?

On December 31st, 2004, the City offered water treatment supplies valued at approximately \$3,750.00 that could treat 100,000 people; however, due to logistical challenges with delivery, upon further follow-up staff was advised that other arrangements had been made to satisfy immediate needs. The volunteer efforts of staff were supported as noted above.

- (4) How many City employees (i.e. EMS, Police) have participated in the relief effort who are paying their own way?

The only formal requests for participation by staff in Tsunami Relief activities have been the previously noted missions to Indonesia and Sri Lanka which were coordinated through CIDA and the David McAntony Gibson Foundation. There is no mechanism currently in place to track employees who may have volunteered their own time and or money towards participating in relief efforts through agencies, professional associations, etc.

ATTACHMENT 3 [Notice of Motion J(6)]

Report dated September 12, 2005, from the Integrity Commissioner, entitled “Report on Involvement of Members in Matters Arising in Other Members’ Wards”. (See Minute 9.80, Page 102):

Purpose:

To report in response to a Council request that the Integrity Commissioner consider whether and to what extent Councillors (and their staff) can involve themselves in ward matters arising in other Councillors’ wards and whether the Code of Conduct should deal with this issue.

Financial Implications and Impact Statement:

This report has no financial implications.

Recommendations:

It is recommended that Council:

- (1) affirm the principle that a Member of Council may intervene on a ward matter in another Member’s ward;
- (2) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council a Protocol on Members of Council intervening on a ward matter in another Member’s ward; and
- (3) direct the City Manager (in consultation with the Integrity Commissioner) to prepare for Council amendments to the Code of Conduct for Members of Council reflecting the Protocol’s standards for intervention on a ward matter in another Member’s ward.

Background:

At its meeting of February 1, 2, and 3, 2005, City Council resolved to request the Integrity Commissioner to consider whether it is “appropriate for a Member of Council, personally or through a staff member or other representative, to intervene on a ward matter in another Member’s ward, and if so, under what circumstances”. As a subsidiary matter, Council asked me to make recommendations for any changes to the Code of Conduct for Members of Council that might be necessary or advisable in the light of my response to the principal question.

These requests arose out of disagreements among Members of Council about the extent to which such activities were appropriate and a sense on the part of some Members that the issue should not be left in a state of uncertainty but rather be settled by the adoption of rules or a protocol.

At present, the only relevant rules are those contained in the 2004 Staff Protocol for Councillor Requests. Acting on the request of the Mayor, the Chief Administrative Officer, now City Manager, adopted this Protocol in December 2004. Among other matters, that Protocol sets out how staff are to deal with situations where a Councillor asks staff to provide information, attend a meeting, or make a site visit in relation to a ward matter arising in another Member's ward. The core of that Protocol is that staff must inform the ward Councillor of any such request and, in the case of meetings, site visits, or other actions, provide the ward Councillor with the opportunity to become involved.

In responding to Council's request, I sent a memorandum to all members of City Council inviting their input. That produced a limited number of responses. I also sought out Councillors whom I knew had a particular interest in this matter, and I arranged to interview the former Mayor of Toronto, John Sewell, who had commented in the media on the issue.¹ I also conducted some research as to whether this issue has arisen in other Canadian municipalities.

Analysis:

Should a Councillor Ever Get Involved in a Ward Matter in another Councillor's Ward?

In the course of my consultations, only one Councillor was of the view that the unwavering principle should be that of "No Go!" Under this view, when a constituent from another ward approaches a Councillor on an issue in that constituent's ward, the Councillor should refer the constituent to the ward Councillor or, at most, agree to contact the ward Councillor on behalf of the constituent but go no further than that.

The more general opinion, however, was that there should be no absolute prohibition on Councillors involving themselves in ward matters in other Councillors' wards. Even one Councillor who said that he or she as a general rule did not respond to communications from constituents of other Councillors admitted to making exceptions in the case of family and friends in other wards.

The reasons advanced for allowing this kind of involvement are most commonly the following:

- (1) There is no general theory of ward-based, municipal electoral systems that prohibits Councillors from being active on ward matters in another Councillor's ward.

1 John Sewell, "A kingdom of fiefdoms", eye Weekly, February 3, 2005, at 13.

- (2) To set up barriers of this kind would be to encourage further the unhealthy spectre of each ward as the personal fiefdom of the Councillor for that Ward. This would create the potential for issues of general concern to never surface or never be examined seriously, and, in extreme cases, corruption of the Tammany Hall variety. Putting it another way, a ban could create an environment, particularly at the Community Council level, in which Councillors by tacit agreement simply do not raise concerns about issues in other Councillors' wards.
- (3) On some issues, constituents cannot expect to find a friendly or sympathetic ear in their own ward Councillor. That Councillor may be of a different political stripe from the constituent and have very different views on the need for pursuing the cause or issue that the constituent is advancing. In a matter involving contending points of view, the Councillor may be committed already to the cause of another constituent in her or his ward.
- (4) There will in fact be many issues over which there is no consensus on whether they are ward issues or city-wide or general interest issues. As a consequence, any ban based on that distinction might either lead to disagreement and frequent utilization of any complaint mechanism, or, more perniciously, cause Councillors to forego involvement rather than run the risk of allegations of improper involvement.²

Recently, in A City of Neighbourhoods: Report of the 2004 Vancouver Electoral Reform Commission ("The Berger Commission"), a report which recommended that Vancouver adopt a ward system in place of its current "at large" system, the issue was put in the following terms:

I have said that each ward will have its own ward Councillor; there is occasionally a concern expressed that, in some cases, this might actually restrict access to Council. As [one constituent] put it, "your ward representative may not be sympathetic to your cause." Can supporters of that cause turn to another Councillor?

Of course, under the ward system, citizens will not be restricted in their access to Council, or forced to deal only with their ward Councillor. This is simply not how ward systems work. Edmonton's City Clerk described that City's functioning in this way:

Residents' access to Councillors is not limited to the Councillor for a particular ward; under any system, any resident of the City may contact any Councillor about any issue.³

² One Councillor suggested that the distinction could be based on matters that are dealt with at Community Council (ward) and issues that have to go to a Committee of Council itself (city-wide). I am skeptical as to whether this is an appropriate basis on which to draw the distinction.

³ At 50-51, and citing City of Edmonton, Office of the City Clerk, Ward Boundary Review (City of Edmonton, October, 2002), Section 1, p.3.

Of course, a Councillor's involvement in another Councillor's ward on a ward issue may not always be altruistic. It may occur because of other political ambitions such as running federally or provincially, or, more problematically, in order to cause trouble; to harass or create embarrassment to a Councillor with whom there is broader disagreement. However, these possibilities do not offset the contributions that Councillor involvement in issues arising in other wards can make to greater transparency and a fuller airing of important albeit ward-based issues. There may also be means other than an outright ban for dealing with abuses.

Given the potentially serious consequences of an outright prohibition and the views from other jurisdictions, I reject any argument that the City of Toronto adopt such a ban. There are clearly occasions on which it is perfectly appropriate for a Councillor to respond to a request for assistance from a constituent of another ward.

Should There Be Any Limits on Councillor Involvement in Ward Matters in another Councillor's Ward?

While the vast majority of Councillors with whom I spoke were opposed to an outright ban, all supported some form of regulation. For the most part, the type of regulation that they advocated was procedural. The common elements were:

- (1) When asked to become involved in a ward issue arising in another Councillor's ward, Councillors should tell the constituent that they are not the ward Councillor, provide the name of the ward Councillor, and inform the constituent that he or she is free to approach the ward Councillor. At that point, Councillors can properly discuss with the constituent whether he or she still wants them to be involved.
- (2) If Councillors then decide to become involved, the first point of contact should be the ward Councillor not only as a courtesy but also to ascertain whether the ward Councillor is engaged in the issue. Where the matter is under active consideration by the ward Councillor, the normal response would be to refrain from further action until the ward Councillor's involvement has ceased or unless the ward Councillor is supporting interests other than the constituent's.
- (3) When engaged in matters in another Councillor's ward, Councillors should also respect the terms of the 2004 Staff Protocol for Councillor Requests. These include the obligations placed on staff to keep the ward Councillor informed of requests for information as well as attendance at site visits and meetings with respect to the issue. The Protocol also emphasizes that staff involvement will be contingent on "the urgency of the request, the availability of staff and other work program priorities."

- (4) In the case of issues in another Councillor's ward that have broader or city-wide ramifications or that arise out of Councillors' specific responsibilities (such as a Commissioner of the TTC, a member of the Board of Directors of Ontario Hydro, or a chair or member of a Council committee), there should be no restrictions on taking action save that the Councillor should inform the ward Councillor of her or his impending involvement.
- (5) These operating principles should also be binding on Councillors' political staff when taking actions on behalf of their Councillor in another Councillor's ward, and to guard against misunderstandings and abuse, the staff member in question should deal at least initially with the ward Councillor, and not a member of that Councillor's staff.

These suggestions provide an ample basis for the drafting of a Protocol for Members of City Council and I would recommend that Council approve the taking of that step. Even without specific provision in the Code of Conduct, a consensus Protocol would not only provide guidance to Councillors but also prevent at least some of the disputes that have arisen in the past over this issue.

I should also point out that it is my view that this is not a domain where it is possible or prudent to write rules to govern every situation. As a result, I would recommend that the Protocol preserve the flexibility in the principles identified above. Thus, for example, while, in general, Councillors should not become involved in a ward matter arising in another ward without explaining carefully to the constituent that there is a ward Councillor who may be able to assist, there may be occasions where this is not necessary, such as where the other side of the issue already has the support of the ward Councillor or where it is otherwise clear that an approach to the ward Councillor would be futile. One Councillor suggested that a Councillor should never convene a public meeting with City staff in attendance in relation to a ward matter arising in another Councillor's ward. Once again, it may be that this should be the general operating principle. However, I would hesitate to make that a mandatory rule. There may be situations where the nature of the issue and its effective resolution make such a meeting desirable.

Should the Provisions of Any Protocol be Reinforced by Incorporation into the Code of Conduct for Members of Council?

The main purpose of any Protocol on the involvement of Councillors in other Councillors' wards is to provide a set of guidelines by which Councillors will govern their conduct. To the extent that the principles contained in the Protocol are general in nature and flexible in their application, there will inevitably be situations where Councillors will have to make a judgment as to how to respond or react; there will be no clear rule or precise obligation.

These considerations suggest that the most important role for the Integrity Commissioner in such a regime is not determining after the event whether a Councillor has engaged in unethical or otherwise inappropriate behaviour. Rather, the Integrity Commissioner would be most effectively deployed in giving advice and mediating disputes where the intervening

Councillor and the ward Councillor disagree about the need for or extent of the intervening Councillor's involvement. I would therefore recommend that the Protocol make provision for such a role.

However, there are aspects of this issue for which the Code of Conduct and Code of Conduct Complaint Protocol should be available. To the extent that the Protocol on intervention requires provision of notice to the ward Councillor and there is a complete failure to provide that notice, the ward Councillor should have the right to complain under the Code of Conduct. Also, if the Protocol incorporates the provisions of the 2004 Staff Protocol for Councillor Requests, the Code of Conduct should be triggered where an intervening Councillor fails to observe the regulations that Protocol imposes on the involvement of staff. I would therefore recommend the addition of a provision to the Code of Conduct to deal with such situations.

Conclusions:

There are no compelling reasons for placing a ban on the involvement of other Councillors in ward matters arising in another Councillor's ward. Indeed, such a ban would have adverse consequences for the public interest, the representation interests of constituents, and the effective operation of the City of Toronto.

There is, however, room for the adoption of a Protocol regulating this activity in a limited manner and by reference primarily to general principles rather than a set of hard and fast rules. The general principles underlying that Protocol normally should require Councillors to explain to those seeking their intervention that there is a ward Councillor who is potentially available to assist. Nonetheless, once that option is made clear, Councillors other than the ward Councillor can become involved where the effective and appropriate resolution of the issue requires it. In situations where involvement does occur, the intervening Councillor (or political staff acting for the Councillor) should be under a continuing obligation to keep the ward Councillor apprised of the course of events and, in so far as staff are involved, to respect the terms of 2004 Staff Protocol for Councillor Requests.

The Protocol should make provision for the Integrity Commissioner to act as an advisor particularly in situations where the intervening and the ward Councillor have a difference of opinion over the need for or extent of the intervening Councillor's involvement. As a supplementary matter, the Protocol (reinforced by an addition to the Code of Conduct for Members of Council) should provide for the triggering of the complaint mechanism under the Code of Conduct in situations where it is alleged that there has been a violation of the notice provisions or the terms of the 2004 Staff Protocol for Councillor Requests.

ATTACHMENT 4 [Notice of Motion J(15)]

Schedule "A" - Current Charges against Metro Bar Inc., 296 Richmond Street West
(See Minute 9.89, Page 126):

SCHEDULE "A"

METRO BAR
Operated by Metro Bar Inc.
(Principal: Paul Facecchia)

296 Richmond Street West
Toronto, ON

AGCO Licence No. 805634

DATE	CURRENT CHARGES
February 11, 2005	- Permit liquor to be removed
February 20, 2005	- Permit liquor to be removed
March 6, 2005	- Permit liquor to be removed - Overcrowding - Licence holder permit drunkenness - Licence holder permit disorderly conduct
March 13, 2005	- Overcrowding - Licence holder permit drunkenness
May 29, 2005	- Overcrowding - Permit liquor to be removed - Licence holder permit drunkenness
June 19, 2005	- Licence holder permit drunkenness
June 25, 2005	- Licence holder permit drunkenness
August 20, 2005	- Licence holder permit drunkenness

ATTACHMENT 5 [Notice of Motion J(16)]

Schedule "A" - Current Charges against Metro Bar Inc., 296 Richmond Street West
(See Minute 9.90, Page 128):

SCHEDULE "A"

METRO BAR
Operated by Metro Bar Inc.
(Principal: Paul Facecchia)

296 Richmond Street West
Toronto, ON

AGCO Licence No. 805634

DATE	CURRENT CHARGES
February 11, 2005	- Permit liquor to be removed
February 20, 2005	- Permit liquor to be removed
March 6, 2005	- Permit liquor to be removed - Overcrowding - Licence holder permit drunkenness - Licence holder permit disorderly conduct
March 13, 2005	- Overcrowding - Licence holder permit drunkenness
May 29, 2005	- Overcrowding - Permit liquor to be removed - Licence holder permit drunkenness
June 19, 2005	- Licence holder permit drunkenness
June 25, 2005	- Licence holder permit drunkenness
August 20, 2005	- Licence holder permit drunkenness

ATTACHMENT 6 [Notice of Motion J(22)]

Extract from the September 22, 23, 24 and 25, 2003 City Council Certificate of Amendments, respecting Motion J(65) - Request for Report on Amendment to the Noise By-law - Handling of Garbage (See Minute 9.96, Page 139):

Extract from the Certificate of Amendments
from the meeting of City Council on September 22, 23, 24 and 25, 2003

J(65) Request for Report on Amendment to the Noise By-law – Handling of Garbage Containers

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

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

WHEREAS garbage bins are being unloaded by trucks, in the dark, at 1 Connie Street, in the parking lot; and

WHEREAS trucks backing up, or moving in an unenclosed parking area, create a continuous beeping sound to encourage caution and avoid potential danger; and

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

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to submit a report to the first meeting of the Planning and Transportation Committee in 2004, on amending the Noise By-law to prohibit activity such as delivering, unloading, loading, or otherwise handling of any garbage containers in an unenclosed area, during the hours of 9:00 p.m. one day, to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.”

Disposition: City Council adopted this Motion, without amendment.

ATTACHMENT 7 [Notice of Motion J(30)]

Report dated September 28, 2005, from the Integrity Commissioner, entitled “Report on Councillor Glenn De Baeremaeker’s Securing of Promise of Community Donation.”. (See Minute 9.104, Page 152):

Purpose:

To report on whether Councillor Glenn De Baeremaeker violated the Code of Conduct for Members of Council (“Code of Conduct”) in persuading a developer to agree to make a donation of \$109,000.00 for community activities in his ward in the context of an ongoing Site Plan Control application.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report.

Background:

In 1994, a property on Eglinton Avenue East in the then City of Scarborough was rezoned to permit high density residential and commercial uses. Section 37 of the *Planning Act* provides a process whereby increases in the permissible height and density of proposed developments may be traded for an agreement by the owner to provide “for facilities, services or matters” as specified in the by-law approving the height and/or density increases. However, that process did not apply to the 1994 rezoning of the Eglinton Avenue East property.

Nothing was built immediately on the site. Eventually, in September 2003, a developer submitted a site plan application for the construction of a residential townhouse project. That developer then sold the land to Monarch Corporation (“Monarch”) which in turn filed an amended application that called for the building of a 109-unit, common element townhouse development. In that context and to meet the alternative parkland dedication requirement in the Official Plan, Monarch was required to convey to the City a portion of the property for a park and to pay for the construction of that park above base park condition up to a value of \$60,000.00.

On April 20, 2005, Councillor Glenn De Baeremaeker, the Ward Councillor (Ward 38, Scarborough Centre), bumped the application up to the impending June meeting of Scarborough Community Council, citing a number of concerns with the size of the project and some of its features.

Five days later, the President of Monarch requested a meeting with Councillor

De Baeremaeker to discuss the project and the Councillor's objections to it. That meeting took place in the Councillor's offices in City Hall on April 28, 2005. Present were the Councillor, Brian Johnston, the President of Monarch, one of his staff, and a representative from the Goldman Group.

At the meeting, Monarch provided information (satisfactory to the Councillor) as to why some of the changes that he was suggesting could not be made. The company did, however, agree to reinstate an additional pedestrian walkway to the local TTC stop. This met one of the concerns that had motivated the Councillor to bump up the site plan application to Community Council. Councillor De Baeremaeker also drew attention to the fact that, as a result of the timing of the initial rezoning of the property, Section 37 had not been triggered. He therefore suggested that Monarch recognize this fortuity and agree to provide funding for community benefits as a surrogate for what would have almost certainly been considerable financial obligations had section 37 applied. Monarch agreed to this as well.

On May 3, 2005, Councillor De Baeremaeker withdrew his bump up of the site plan application and the next day, Monarch submitted a new site plan which included the negotiated pedestrian walkway.

Thereafter, on May 30, 2005, Site Plan Control approval was given and Brian Johnston, the President of Monarch wrote a letter to Councillor De Baeremaeker setting out the details of his company's agreement to provide funding for community projects in Ward 38. In particular, the money was to go towards financing "community festivals and events such as those planned for Canada Day, the Toronto Trails Festival, Ward 38 Annual Picnic, Ward 38 Parades, Compost Days, Environment Day, Christmas Party etc..."

Payment was to be in two instalments, the first of \$50,000.00 payable "within 30 days of [Monarch] receiving a duly executed copy of the Statement of Site Plan Approval signed by the Director of Community Planning for the East District". The second instalment of \$59,000.00 became payable "upon receipt of the City executed site plan document or January 15, 2006 which ever occurs first". The letter also records that Monarch expects various forms of public acknowledgment of its contribution to the various listed activities and events.

The next day, Councillor De Baeremaeker tabled the letter at Scarborough Community Council. City Council staff had not been involved in the community benefit negotiations at any point. Indeed, they became aware of the agreement for the first time when the Councillor tabled the letter.

Scarborough Community Council decided to submit the matter to City Council. More particularly, it requested the Director, Parks, Forestry and Recreation, Scarborough District to report directly to City Council at its June 14, 15 and 16, 2005 meeting on the details of the \$109,000.00 community benefits donation. As well, Scarborough City Council forwarded to City Council the letter from Monarch Corporation.

City Council then passed a resolution referring the matter to the City Manager. This resolution requires her to

...submit a report to the Policy and Finance Committee, in consultation with the Integrity Commissioner, regarding a policy, as part of the Councillors' Code of Conduct, to deal with donations or any benefits which are separate from community benefits received pursuant to Section 37 of the *Planning Act* and which may appear to be linked to the granting of approvals or the waiver of requirements.

Following that reference, Councillor De Baeremaeker requested that it be dealt with in two separate segments. Given the possible implications of the whole matter for his own reputation for integrity, he asked that the Integrity Commissioner conduct an investigation into the events to ascertain whether he had in any way violated the Code of Conduct. He wanted this to be separate from the broader policy consideration that was the principal thrust of Council's resolution. The City Manager and I, as Integrity Commissioner, discussed that request and agreed that it was an appropriate way to proceed. I therefore conducted an investigation in the same way that I normally do when someone makes a complaint that a Councillor has violated the Code of Conduct. In effect, Councillor De Baeremaeker has made a complaint against himself.

Comments:

The Code of Conduct has no explicit provision dealing with the kind of actions that were under consideration in this investigation. Indeed, Councillor De Baeremaeker claimed throughout my investigation that there is tacit approval for what he did in the Preamble to the Code of Conduct. The first "key statement of principle" in that paragraph calls on Councillors to "serve and be seen to serve their constituents in a conscientious and diligent manner". According to the Councillor, securing community benefits of this kind for his constituents is part of what a diligent, conscientious councillor does.

This is a position with which planning staff and some Councillors apparently disagree. They consider it inappropriate for a Councillor to be making private deals of this kind with developers or, for that matter, anyone seeking to obtain permission to do something in that Councillor's ward. However, planning staff acknowledged that there are currently no City Council policies prohibiting Councillors engaging in this kind of activity at least in situations where Section 37 of the *Planning Act* is not engaged. (Whether there should be restrictions is, of course, the subject of the second and ongoing aspect of this reference from Council.) Assuming that the Code of Conduct covers Councillors' failing to observe Council policies,⁴ there was simply no existing policy on this matter.

⁴ Perhaps surprisingly, there is in fact no such provision in the Code of Conduct. That deficiency should probably be rectified in any revision of the Code of Conduct.

Nonetheless, there is one possibility that had to be considered seriously. Did the conduct of the negotiations over community benefits in this particular case amount to a violation of Clause XI of the Code of Conduct, "Discreditable Conduct"? This provision calls upon Councillors to treat the public fairly and I interpret this as including a prohibition on certain species of conduct in the conduct of negotiations with members of the public, including developers. Indeed, in certain instances, making improper demands of members of the public in the course of negotiations would engage the *Criminal Code*.

I am, however, convinced that no such impropriety occurred in this instance. I accept Councillor De Baeremaeker's account of his conduct in relation to this matter. In drawing Monarch's attention to the fact that it had fortuitously avoided the application of Section 37 of the *Planning Act* and urging that it make a community contribution, he says that he was appealing to the company's conscience as a good corporate citizen. He was in no way attempting to use any leverage generated by his bump up of the Site Plan Control application and his concerns about aspects of the project. Indeed, independently of the negotiations over the community contribution, he was convinced by Monarch that he should no longer harbour most of his concerns with the development. Indeed, the Councillor's actions in filing the letter of agreement at Scarborough Community Council is a strong indication of his desire for transparency and willingness to be accountable publicly for his actions. For his part, Brian Johnston, the President of Monarch confirmed that he felt perfectly comfortable negotiating with Councillor De Baeremaeker over community benefits and that, as a result of his experience, he saw this as a regular part of doing business as a developer with the City.

The only other concern that arises out of these events is the nature of the community benefits that the Councillor negotiated. They are not the kind of benefits that are permissible within the Section 37 process. The current policy (as contained in the Official Plan) calls for "durable" benefits in the form of "capital facilities". However, that in itself does not exclude the possibility of a Councillor securing other forms of benefit in negotiations carried on outside of Section 37. There was some suggestion during my investigation that events-based benefits are much more directly connected with the Councillor who negotiated them and his or her political fortunes than are durable benefits in the form of capital facilities. However, I have no hard evidence or even an immediate intuition that that is the case. Securing benefits for one's ward is likely to have political advantages for an incumbent irrespective of whether those benefits are events-based or durable, but that is no reason for seeing either as being necessarily problematic. More importantly, however, this seems more a policy issue for the second segment of this reference than a basis for any finding of a violation of the Code of Conduct.

Conclusions:

There is no doubt that there is a serious policy issue involved in determining whether Councillors should continue to be able to unilaterally negotiate community benefits with developers and others needing permission to do something in their Wards. That will be addressed in the City Manager's report to the Policy and Finance Committee. However, save within the Section 37 process itself, there is no existing City policy or Code of Conduct

prohibition on this activity.

Among the policy concerns with negotiations of this kind is the opportunity that they produce for the inappropriate use of leverage or bargaining power. However, Councillor De Baeremaeker vigorously denied any such inappropriate conduct in this instance. In this, he was supported by the President of the developer. I therefore conclude that there is no foundation for a finding that Councillor De Baeremaeker violated the Code of Conduct by engaging in discreditable conduct contrary to Clause 11 and treating a member of the public unfairly. This conclusion is not affected by the fact that the benefits negotiated in this instance were events-based rather than “durable”.

Contact:

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Integrity Commissioner,
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ATTACHMENT 8 [Notice of Motion J(33)]

Memorandum dated September 29, 2005, from Mayor Miller and the Integrity Commissioner, entitled "Appointment of Task Force to Assist the Integrity Commissioner". (See Minute 9.107, Page 156):

Earlier this month we canvassed Members for their interest in serving on a time-limited Task Force established by City Council at its July meeting to assist the Integrity Commissioner in making recommendations to Council on the handling of complaints under the Members' Code of Conduct.

City Council authorized us to appoint the members of this Committee.

After careful consideration, we have appointed the following Members:

- (1) Councillor Michael Del Grande;
- (2) Councillor Gloria Lindsay Luby;
- (3) Councillor Joe Mihevc;
- (4) Councillor Karen Stintz; and
- (5) Councillor Sylvia Watson.

We thank those members who submitted their names but were not selected. We hope that these – and all other members – will make their views known to the Task Force at the appropriate time.

Under the terms of the Council directive, this is a time-limited Task Force to advise the Integrity Commissioner in anticipation of his annual report to Council at the October 26, 2005 Council meeting. The task force will be disbanded once the report is completed.

The Integrity Commissioner will be convening a meeting of the Task Force as soon as possible.

ATTACHMENT 9 [Notice of Motion J(35)]

Report dated September 30, 2005 from the Chief Planner and Executive Director, City Planning, entitled “Status and Directions Report No. 2, OPA & Rezoning Application 03 035270 ESC 35 OZ, Draft Plan of Subdivision Application 04 117084 ESC 35 SB Proponent: 2BRNOT2B Holdings Inc. and Monarch Construction Limited, Architect: Fliess Gates McGowan Easton Architects Inc., 350 Danforth Road, 74 Santamonica Boulevard, and portion of former CNR right-of-way, Ward 35 - Scarborough Southwest”. (See Minute 9.109, Page 159):

Purpose:

The purpose of this report is to advise City Council of the upcoming Ontario Municipal Board prehearing conference and subsequent hearing, on the progress that has been made respecting these applications, and to recommend a settlement of the appeals.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board prehearing conference to represent the City’s interests, as outlined in this report;
- (2) subject to Recommendation (5) below, support an Official Plan Amendment and proposed Land Use Designations for the residential redevelopment of the property at 350 Danforth Road, plus the former CN Corridor lands, based on the policy framework and land use designations established in the proposed Warden Woods Community Secondary Plan;
- (3) subject to Recommendation (5) below, support a zoning by-law amendment for the proposed development of 457 residential units (34 singles, 112 semi-detached and 311 townhouses). The zoning to include appropriate land use, height, density, and other performance regulations, as well as community benefits requirements under Section 37 of the *Planning Act* and any necessary holding provisions;
- (4) subject to Recommendation (5) below, support the draft plan of subdivision, substantially as illustrated in Attachment 1: Proposed Draft Plan of Subdivision, subject to related conditions of draft plan approval incorporating the City’s standard conditions of draft plan approval, modified to incorporate site-specific conditions of draft plan approval, dealing with matters such as, but not limited to:

- (i) addressing the requirements of the Technical Services Division with respect to the proposed lane parallel to Danforth Road;
 - (ii) appropriate studies, mitigation, and warning requirements with respect to the interface between the new residential development and the TTC Birchmount Bus Garage and adjacent industrial uses;
 - (iii) provision of pedestrian walkways, including a walkway between the proposed development and Santamonica Boulevard;
 - (iv) required environmental and archaeological clearances, including the funding of a peer reviewer for environmental studies pertaining to land to be conveyed to the City;
 - (v) school accommodation warning clauses;
 - (vi) dedication and improvement of parkland, as illustrated on Attachment 1, of approximately 1.21 hectares, which will count towards satisfying the parkland requirements of the 350 Danforth Road applications, and the 651 Warden Avenue and 671 Warden Avenue applications;
 - (vii) required fencing plan;
 - (viii) provision and conveyance of the required stormwater management pond;
 - (ix) tree planting requirements;
 - (x) required corner roundings and temporary turning circles;
 - (xi) required Danforth Road traffic improvements; and
 - (xii) required securities;
- (5) advise the Ontario Municipal Board that its support of the Official Plan, Zoning, and Subdivision, as outlined in Recommendations (2), (3) and (4) above, is conditional upon and subject to:
- (i) securing a cash contribution, pursuant to Section 37 of the *Planning Act*, at the time of Zoning By-law approval, of \$1300.00 per dwelling unit (for a minimum of 457 units) to be used for the provision of a community recreation facility to serve the Warden Woods Community;

- (ii) securing pre-payment of the indoor parks and recreation component of the City's Development Charges By-law, in the form of a Letter of Credit due at the time of Zoning By-law approval, and which can be cashed by the City 90 days from the date of Zoning approval;
 - (iii) the Section 37 agreement provide that the applicant agree to work with the City and other area developers to ensure that satisfactory arrangements are secured with respect to the timely provision of community facilities in accordance with the priorities of the Warden Woods Community Secondary Plan;
 - (iv) satisfactory arrangements for improvement and dedication of 1.21 hectares of parkland; and
 - (v) the owner agreeing to withdraw its appeal of the new Toronto Official Plan with respect to these lands;
- (6) direct the City Solicitor to ensure that Council's conditions, as set out in Recommendation (5) above, are met through the use of appropriate holding provisions in the zoning by-law, by requesting the Ontario Municipal Board to withhold its order until satisfactory arrangements have been made, and/or through such other agreements or arrangements that the City Solicitor may determine to be appropriate and that the appropriate City officials be authorized to execute such agreements; and
- (7) authorize the City Solicitor to settle the appeals at the October 7, 2005 pre-hearing, subject to achievement of the matters or conditions set out in Recommendations (2), (3), (4), (5) and (6) above, and substantially in accordance with the Official Plan, Zoning, and Subdivision details set out in this report".

Background:

The owner appealed development applications for residential redevelopment of the former AFG Glass industrial property to the OMB on February 24, 2005.

The application to amend the Official Plan and Zoning By-law was received by City Planning on April 11, 2003, from 2BRNOT2B Holdings Inc. and Monarch Construction Limited, collectively known as "The Goldman Group". The development proposal presented in the Preliminary Report from Planning staff of June 2003 consisted of a total of 580 freehold residential units comprised of 56 semi-detached and 524 townhouses. The application also proposed a pedestrian connection to the existing residential neighbourhood to the north via the property at 74 Santamonica Boulevard, currently occupied by a semi-detached dwelling. The application for a Draft Plan of Subdivision was received by City Planning on March 17, 2004.

The owner has continued to work with City staff to resolve a variety of issues and has submitted a number of versions of the draft plan of subdivision. The most recent subdivision plan submitted by the applicant, which is shown on Attachment 1, reduces the number of residential units to 457 (34 singles, 112 semi-detached and 311 townhouses).

Prehearing conferences were held on June 8, 2005, and July 27, 2005, at which time the OMB scheduled a third prehearing conference for October 7, 2005. A hearing is scheduled for November 21 to November 25, 2005 and November 29 to December 2, 2005. The Board encouraged the parties to continue their dialogue with a goal of settling the matter, or at the very least, reducing the issues in dispute. In addition to the City and the applicant there are a number of other parties and participants.

At its meeting of July 19, 20 and 21, 2005, City Council authorized staff to report directly to City Council on potential settlement of the OMB appeal. This report is being submitted in response to that request.

Comments:

Warden Corridor Study

As recommended in the Preliminary Report, the processing of the applications for the subject lands has been co-ordinated with the Warden Corridor Study, which commenced in January 2004 with the assistance of consultants, the planningAlliance. The Warden Corridor consists of a number of “areas of potential land use change” (from employment to residential/mixed-use), primarily on the east side of Warden Avenue between the former Warden Power Centre site at 725 Warden Avenue and the former Centennial College site at 651 Warden Avenue. A context map showing the Warden Corridor and the active development applications in the area is attached (Attachment 3).

The purposes of the Warden Corridor Study are to:

- (a) determine the optimal land uses and development parameters for the TTC sites, which may include the relocation of the commuter parking spaces;
- (b) review the economic viability and importance of the current employment uses;
- (c) guide the creation of new neighbourhoods with the necessary physical and social infrastructure if the conversion to employment lands to residential use is supported; and
- (d) provide Council with a policy framework for considering development applications.

At its meeting of April 12, 13, and 14, 2005, City Council adopted a Status Report on the Warden Corridor and Victoria Park Station Land Use Planning Studies dated February 21, 2005. In the Status Report, City Planning staff indicated their support for redeveloping the employment uses in the Warden Corridor with residential uses, conditional upon achieving the community infrastructure and other elements needed to create new neighbourhoods.

The Warden Corridor Study's Phase 3 Implementation Report is on the agenda for the Planning and Transportation Committee meeting on October 6, 2005, where a Public Meeting under the *Planning Act* will be held to consider the Warden Woods Community Secondary Plan and Zoning By-law as recommended for adoption by City staff. The development proposed by 2BRNOT2B Holdings Inc. and Monarch Construction Limited is consistent with and begins the implementation of the proposed Warden Woods Community Secondary Plan. The proposed Warden Woods Community Zoning By-law provides a general zoning framework which will accommodate zoning for individual residential/mixed use development applications, including the 350 Danforth Road site. The actual zoning for each site will need to be approved individually by City Council. The Ontario Municipal Board is the approval body for the 350 Danforth Road site, pursuant to 2BRNOT2B's rezoning application and subsequent appeal.

Planning Issues

The applicant has participated fully in the Warden Corridor Land Use Study, and through these efforts, significant progress has been made. The applicant has made a series of revisions to the proposal to address issues raised by the City and the community. Agreement has been reached regarding the land use, the general layout, the size, location and configuration of the park. The proposed development of the 350 Danforth Road site is generally consistent with the Warden Corridor Land Use Planning Framework in the Phase 2 Consultants' Report. It is consistent with the Conceptual Master Plan and contributes in large measure to its implementation. The applicant's proposed Draft Plan of Subdivision is generally supportable.

Land Use

The revised subdivision plan includes 2-storey single and semi-detached dwellings, as well as 3-storey townhouses. The residential land use and the proposed building heights are in general conformity with the consultants' recommendations. The building heights proposed along the Danforth Road frontage are lower than recommended by the planning Alliance, but are considered to be acceptable given the location of the site on the edge of the Warden Corridor. There are opportunities to achieve higher building forms on other lands to the west to achieve the planning Alliance built form objectives.

Approval of this proposal in advance of approval of the overall Warden Woods Community Secondary Plan is considered to be appropriate. It is located adjacent to the existing Santamonica neighbourhood to the north, and subject to the various conditions set out in this report, will contribute to and connect with the existing Santamonica neighbourhood.

Parkland

The Warden Corridor Land Use Planning framework in the Phase 2 Consultants' Report includes a large central park south of St. Clair Avenue. The Status Report identified the need for two local parks to serve the Warden Corridor, north and south of St. Clair Avenue East, each approximately 2.0 to 2.5 hectares in size. The locations for these two parks are shown on the Conceptual Master Plan (Attachment 4).

With respect to the park south of St. Clair, the Goldman Group's subdivision plan has been recently revised to eliminate several blocks of townhouses. This has allowed the park to be enlarged from 0.80 hectares to 1.21 hectares, which will count towards satisfying the consolidated parkland dedication requirements for all three of the Goldman Group sites at 350 Danforth Road, 651 Warden Avenue and 671 Warden Avenue, for which a total of 876 residential units are proposed. This consolidated dedication is located at the western boundary of the 350 Danforth Road site, so that the remaining redevelopment parcels in the area can contribute additional parkland towards the achievement of a park in excess of 2.0 hectares.

The 1.21 hectare park also slightly exceeds the alternative parkland dedication rate of 0.4 hectares per 300 dwelling units contained in the proposed Warden Corridor Secondary Plan, which would require approximately 1.17 hectares of parkland for 876 units. The proposed park is located in accordance with the South Park shown on the Conceptual Master Plan (Attachment 4).

The proposed parkland will be secured as a condition of official plan and zoning approval.

Community Facilities

The Status Report on the Warden Corridor Land Use Study identified the need for a number of local facilities to serve the Warden Corridor, including a gymnasium complex of approximately 750-950 square metres, multi-service community space of as much as 1,900 square metres, a child care facility for 62 children, a parent drop-in centre, and a community health centre. The Conceptual Master Plan includes a potential community recreation centre in the North Park north of St. Clair Avenue East, which would be located partly on the Mattamy (Warden) Limited lands at 725 Warden Avenue (Warden Power Centre) and partly on the City lands now used for the TTC Warden North commuter parking lot. The timely provision of community services and facilities, in particular a community recreation centre, is a primary objective of the proposed Warden Woods Community Secondary Plan.

The Goldman Group (3 redevelopment sites) and two other major property owners in the Warden Corridor who have also submitted residential development applications to the City (Mattamy and Ranka Enterprises - the owner of 300 Danforth Road), have responded to this priority with a proposal to contribute to the construction of a community recreation centre. At

the present time, the arrangement under consideration would see each of the developers agree to provide cash Section 37 contributions of \$1,300 per unit (\$1,000 per unit for seniors units) at the time of introduction of the zoning bills. In addition, a Letter of Credit for the full amount of the indoor parks and recreation component of the City's Development Charges By-law (plus 10 percent for escalation) would be provided at the same time, and could be drawn on by the City after 90 days. The objective of current discussions is to find an appropriate mechanism to allow the developments to proceed while ensuring that timely construction of the community recreation centre can take place, so that it can be available soon after the new residents of this new community begin to move in. Discussions with the developers are continuing.

The early availability of the portion of the City's TTC Warden North Parking Lot lands which is necessary for construction of the proposed community centre is the subject of a separate TTC staff report that is being prepared for submission to the Commission at its meeting of October 19, 2005. The objectives of the TTC staff report will include initiation of the City process that would result in the early provision of the city's share of the land for the community centre and the north park. In addition, the TTC report will seek City and TTC commitments necessary to make the TTC Warden North Parking Lot lands available for development. This issue will be reported to City Council for its consideration as a priority matter.

In order to support 2BRNOT2B Holdings Inc. in its request that the City support an early settlement of its development applications before the OMB, the City must be satisfied that arrangements can be put in place which will lead to timely provision of the community recreation centre. A holding provision in the zoning for the 2BRNOT2B Holdings Inc. development would be one way of ensuring that the development will not proceed until the City is satisfied. The holding provision would be lifted once the City is satisfied that appropriate contributions and arrangements have been made toward timely provision of a community recreation centre and parks. Another approach would be to request the Ontario Municipal Board to withhold its Order, pending notification by the City and the applicant that all outstanding matters have been addressed. If 2BRNOT2B Holdings Inc. and the City can reach agreement on the means to secure their contribution and continuing participation with the City and other area developers to achieve the community facilities objectives of the Warden Woods Community Secondary Plan, then it is reasonable to support their request that the October 7th pre-hearing be converted into a settlement hearing.

Affordable Housing

The subject site is approximately 13.9 hectares in size, and therefore will be subject to policies in the proposed Warden Woods Community Secondary Plan, requiring a minimum of 20 percent affordable housing on large sites. With applications involving an Official Plan amendment and/or rezoning, the City requires the submission of a Housing Issues Report as part of the overall development application process which details how the proposed development will meet these policies. The Goldman Group has advised that it is committed to providing a variety of housing types on its three Warden Corridor sites and expect that

some of the sites may have lower priced housing but these may not necessarily meet the City's proposed affordable housing definition. The proposed Warden Woods Community Secondary Plan establishes a policy that seeks the early provision of a community recreation centre as an objective of primary importance which may be achieved at the expense of other community facility or housing objectives. The applicant has agreed to enter into a Section 37 agreement that would result in the provision of funds at the time of zoning approval for the construction of a community centre. On the basis of the up-front provision of funds for a community facility which meets one of the primary objectives of the new Secondary Plan, planning staff believe that it is reasonable to accept that the affordable housing objective will not be achieved for this site.

Zoning By-law

A zoning by-law, providing for the proposed 457 unit residential development, will be submitted to the Ontario Municipal Board for approval. It will provide for a mixture of Single-Detached Residential, Semi-Detached Residential, and Townhouse Residential units. It will establish a variety of height, density, parking, and setback regulations to ensure appropriate development of these lands. It will establish a requirement under Section 37 of the *Planning Act* for contributions to a community recreation centre. The details of this requirement, and therefore of the necessary zoning regulation, are currently under discussion with the applicant and will need to be finalized before the Ontario Municipal Board issues its order approving the Zoning By-law.

The Zoning By-law will be formatted to be consistent with the draft Warden Woods Community Zoning By-law, which will be considered by City Council in October. It will be structured as an amendment to the Oakridge Employment District Zoning By-law, which currently applies to the 350 Danforth Road lands. If the OMB approves the 350 Danforth Road by-law, as described in this report, and Council subsequently approves the Warden Woods Community Zoning By-law, a future technical amendment will be prepared to move the 350 Danforth Road regulations into the Warden Woods Community Zoning By-law.

Subdivision

As part of the overall resolution of the planning issues, the applicant will be required to finalize a plan of subdivision.

The proposed draft plan of subdivision includes a public road system connected to Danforth Road, with right-of-way widths of 18.5 and 20 metres, and a 10.5 metre lane located to the rear of the townhouses fronting on Danforth Road. The proposed public road widths of 18.5 metres and 20 metres are generally acceptable, and the proposed road pattern provides for potential public road connections to other sites including 683 Warden Avenue, 671-679-Warden Avenue and 300 Danforth Road in accordance with the Conceptual Master Plan (Attachment 4). Temporary turning circles will be required for some of these connections.

The Transportation Services Division has advised that the proposed 10.5 metre lane is to be privately owned and operated (a common element of a condominium), although an easement

in favour of the City may be required for underground services. The proposed Plan of Subdivision will need to be revised to address these issues, and appropriate conditions and/or revisions will be determined for submission to the Ontario Municipal Board.

Transportation Services has advised that a left turn lane, providing access to the site from Danforth Road, will be required. Detailed drawings will need to be submitted along with necessary securities.

The Conceptual Master Plan (Attachment 4) shows a pedestrian linkage between the lands at 350 Danforth Road and Santamonica Boulevard to the north. The objective of this linkage is to connect the two neighbourhoods and facilitate access to schools and the new South Park. The Goldman Group is proposing to demolish the existing semi-detached dwelling at 74 Santamonica Boulevard in order to provide the pedestrian connection to Santamonica Boulevard. Although the applicant and the City are in full agreement concerning the need for, and general location of, the proposed connection, there are implementation issues. Impacts on the adjoining semi-detached dwelling at 76 Santamonica Boulevard need to be resolved. There are a range of possible solutions, some of which may require applications to the Committee of Adjustment.

This application involves the conversion of industrial lands to a more sensitive land use. Various environmental studies and or clearances will be required with respect to the subject site and its relationship to adjacent industrial lands, including the TTC Birchmount Bus Garage.

The subdivision approval will require standard conditions of approval, as well as specific conditions respecting various matters identified through the review of the applications. In particular, clauses concerning (but not limited to) the following will be required:

- (i) the requirements of the Technical Services Division with respect to the proposed lane parallel to Danforth Road;
- (ii) appropriate studies, mitigation, and warning requirements with respect to the interface between the new residential development and the TTC Birchmount Bus Garage and adjacent industrial uses;
- (iii) provision of pedestrian walkways, including a walkway between the proposed development and Santamonica Boulevard;
- (iv) required environmental and archaeological clearances, including the funding of a peer reviewer for environmental studies pertaining to land to be conveyed to the City;
- (v) school accommodation warning clauses;
- (vi) dedication and improvement of parkland, as illustrated on Attachment 1, of approximately 1.21 hectares, which will count towards satisfying the parkland

requirements of the 350 Danforth Road applications, and the 651 Warden Avenue and 671 Warden Avenue applications;

- (vii) required fencing plan;
- (viii) provision and conveyance of the required stormwater management pond;
- (ix) tree planting requirements;
- (x) required corner roundings and temporary turning circles;
- (xi) required Danforth Road traffic improvements; and
- (xii) required securities.

City staff will continue to work with the applicant and the technical review agencies and divisions to refine and complete the approval conditions for presentation to the Ontario Municipal Board. Minor revisions to the Plan of Subdivision may also be required.

Appeal of the New Toronto Official Plan

Should the applications be approved, the applicant will be requested to settle their appeal of the whole of the new Toronto Official Plan based upon a modification to the new Toronto Official Plan consistent with the proposed planning approvals under the current Scarborough Official Plan.

Development Charges

It is estimated that the Development Charges for this project will be approximately \$3.6 million. This is an estimate and the actual charge is assessed upon issuance of the building permit.

Conclusions:

Significant progress has been made between the applicant and the City to resolve various issues raised by the proposal. The 350 Danforth Road development conforms to the proposed Warden Woods Community Secondary Plan. Timely provision of community infrastructure (in particular parks and a Community Centre) can be satisfactorily addressed through financial contributions and appropriate conditions of approval. Conditions of Draft Plan Approval will ensure that the proposed pedestrian walkway to Santamonica Boulevard is provided. The details of the conditions of approval, Section 37 requirements, and the zoning By-law will be finalized with the applicant and presented to the Ontario Municipal Board for approval.

Subject to a Section 37 Agreement, and/or a holding provision in the zoning by-law ensuring appropriate contributions toward timely provision of appropriate community facilities, or a request that the OMB withhold its order pending confirmation that satisfactory arrangements

have been secured, it is appropriate to support the land use change and subdivision applications for the proposed residential development at 350 Danforth Road.

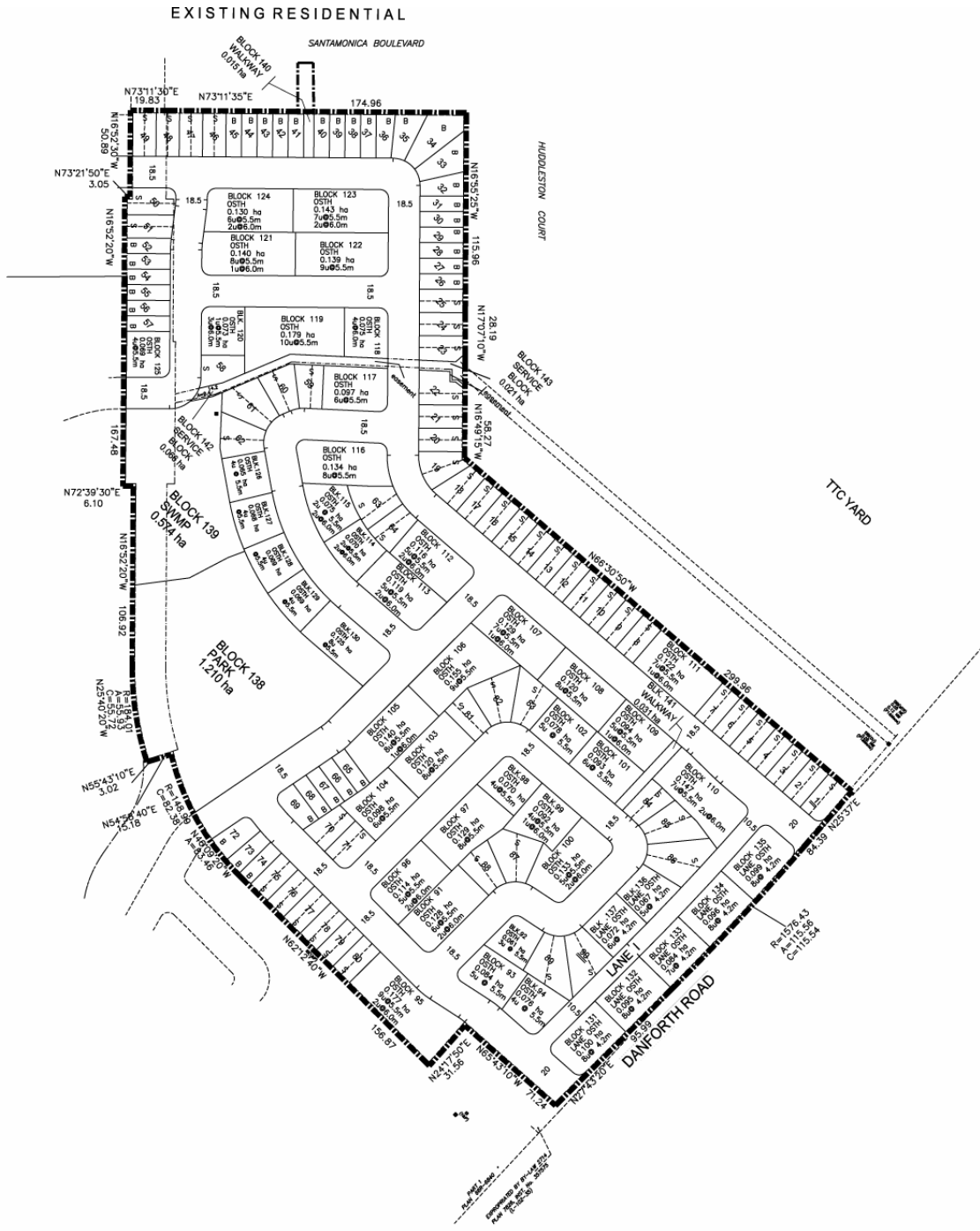
Contact:

Ruth Lambe, Senior Planner
Ph: (416) 396-7037
Fax: (416) 396-4265
Email: rlambe@toronto.ca

List of Attachments:

Attachment 1: Proposed Draft Plan of Subdivision
Attachment 2: Application Data Sheet
Attachment 3: Warden Corridor Study – Development Applications
Attachment 4: Warden Woods Conceptual Master Plan

Attachment 1: Proposed Draft Plan of Subdivision



Proposed Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
09/28/05



350 Danforth Rd/74 Santamonica Blvd/
former C.N.R. Right-of-Way

File # 03-035270 0Z

Attachment 2: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning, Draft Plan of Subdivision
 Details: OPA & Rezoning, Draft Plan of Subdivision
 Municipal Address: 350 DANFORTH RD, 74 SANTAMONICA BLVD & PORTION OF FORMER CNR RIGHT-OF-WAY.
 Location Description: CON B LOT 31 LOT 32 RP 3730 PART 1 **GRID E3507
 Project Description: The applicant is applying for an Official Plan Amendment and a rezoning to change the designation and zoning of the property at 350 Danforth Road to residential, and a Draft Plan of Subdivision, to permit a residential development with 457 freehold units including 34 singles, 112 semi-detached dwellings and 311 townhouses, and a public park. A pedestrian walkway is proposed at 74 Santamonica Blvd.

Application Number: 03 035270 ESC 35 OZ
 04 117084 ESC 35 SB
 Application Date: April 11, 2003 (OZ)
 March 17, 2004 (SB)

Applicant: 2BRNOT2B HOLDINGS INC.
Proponent: 2BRNOT2B HOLDINGS INC. & MONARCH CONSTRUCTION LTD.
Architect: FLIESS GATES MCGOWAN EASTON ARCHITECTS INC.
Owner: 2BRNOT2B HOLDINGS INC.

PLANNING CONTROLS

Official Plan Designation: General Industrial (HPS) Special Industrial & Low Density Residential
 Zoning: M (Industrial) & MG (General Industrial), MS (Special Industrial) & Single or Two-Family Residential (S or T)
 Height Limit (m): 0
 Site Specific Provision:
 Historical Status: Industrial uses built 1952-1979
 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 13963
 Frontage (m): 252
 Depth (m):
 Total Ground Floor Area (sq. m):
 Total Residential GFA (sq. m):
 Total Non-Residential GFA (sq. m): 0
 Total GFA (sq. m):
 Lot Coverage Ratio (%):
 Floor Space Index:

Total

Parking Spaces:
 Loading Docks

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

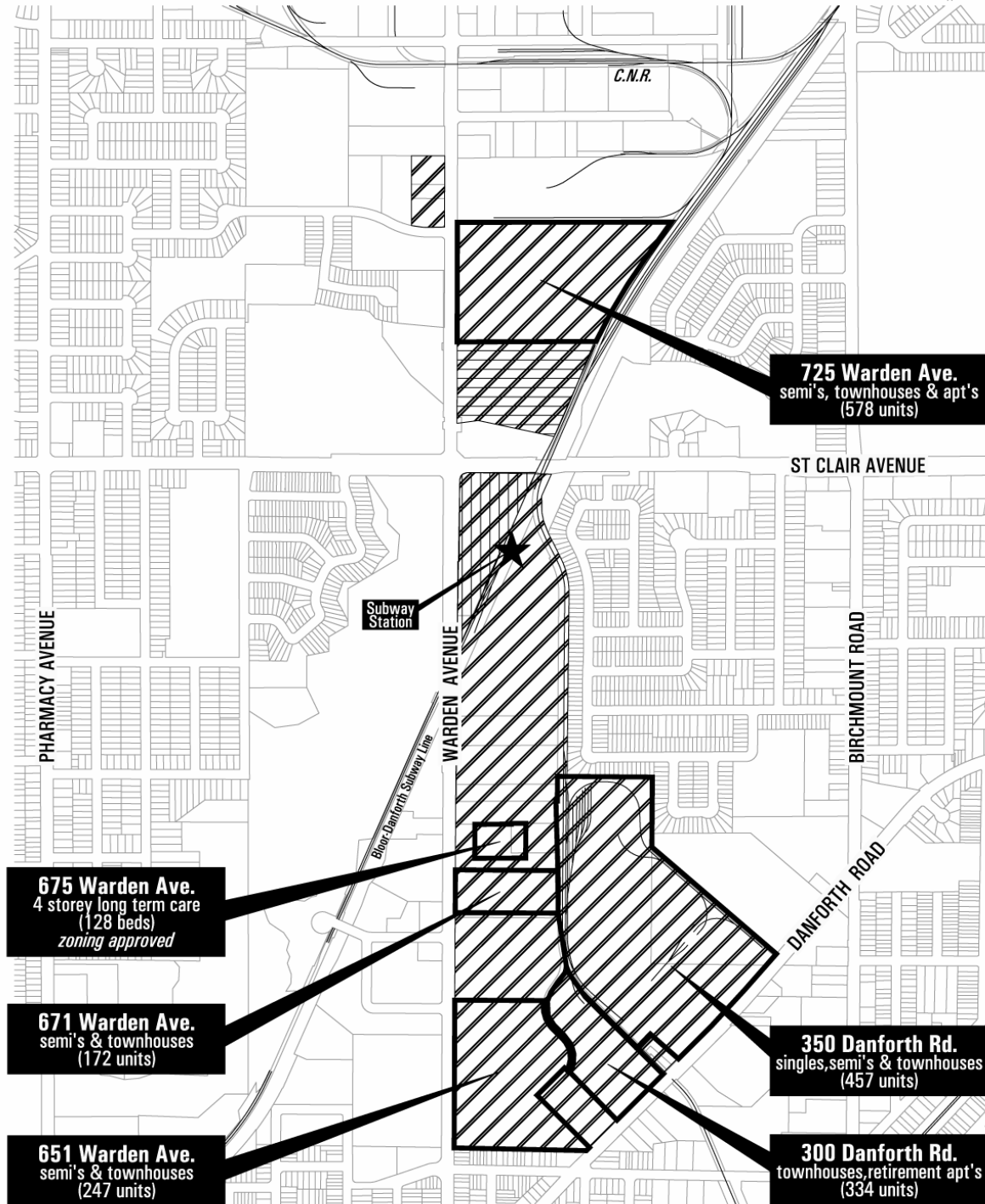
Tenure Type:	Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	
Bachelor:	0	Retail GFA (sq. m):	
1 Bedroom:	0	Office GFA (sq. m):	
2 Bedroom:	0	Industrial GFA (sq. m):	
3 + Bedroom:	457	Institutional/Other GFA (sq. m):	
Total Units:	457		

CONTACT: **PLANNER NAME:** Ruth Lambe, Senior Planner
TELEPHONE: (416) 396-7037

Attachment 3: Warden Corridor Study – Development Applications



Development Applications



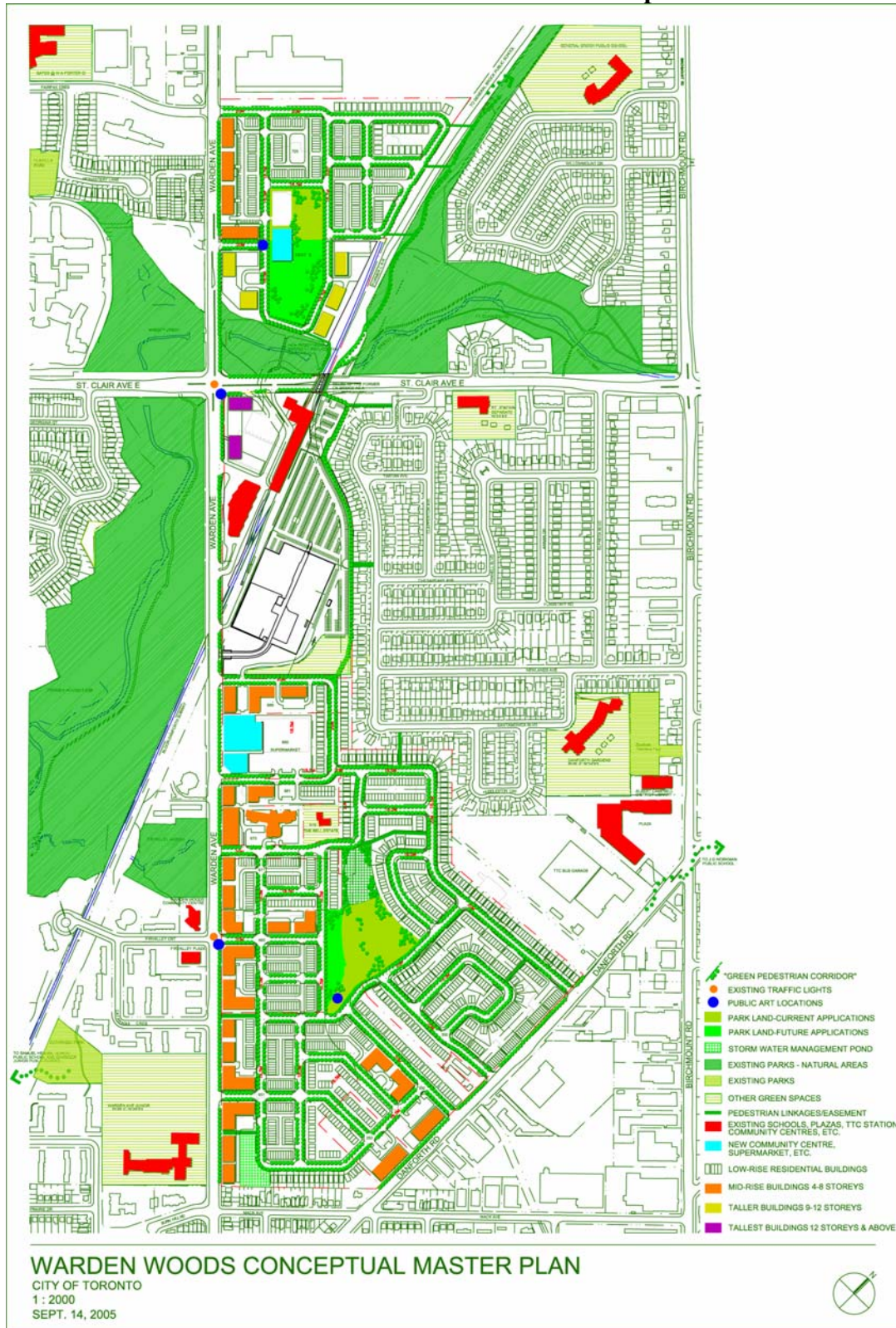
Areas of Potential Land Use Change

Warden Station North Parking Lot

Warden Subway Station and South Parking Lot



Attachment 4: Warden Woods Conceptual Master Plan



FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting – September 28, 29 and 30, 2005

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
I(1)	Leaf Blower Use Restriction in the City of Toronto	\$0	\$0	Consider. See FIS
I(2)	Licensing of Livery Vehicles	\$0	\$0	Consider.
I(3)	Damage Resulting from Severe Storm on July 4, 2005 - Request for City Staff to Either Remove Debris or Waive Transfer Station Disposal Fees	TBD	\$0	Refer to Standing Committee. See FIS.
I(4)	2005 Pedestrian Sundays in Kensington Market	TBD	\$0	Refer to Standing Committee. See FIS.
I(5)	Proposed Lease Agreement Between TEDCO, the City of Toronto and Toronto Film Studios Inc./Rose Corporation			Already dealt at City Council on September 28, 2005.
J(1)	Request for Government Action to Lower Gasoline Prices	\$0	\$0	Consider.
J(2)	Parking for Motorized Scooters and Motorcycles	N/A	\$0	Refer to Standing Committee. See FIS.
J(3)	Aid to Disaster Stricken Areas in Southern United States	\$1 million	\$0	Refer to Budget Advisory Committee. See FIS.
J(4)	Enhancing Tourism in Toronto with a Recreational Vehicle Campground	\$0	\$0	Consider.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(5)	Contingency Plan For Toronto's Garbage	\$0	\$0	Consider.
J(6)	Involvement of Members in Matters Arising in Other Members' Wards	\$0	\$0	See Report Attached to Motion.
J(7)	Report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry	\$0	\$0	Consider. See FIS.
J(8)	Amendment to By-law No. 646-2005 which Levied Certain Amounts on Public Hospitals and Provincial Mental Health Facilities for the Years 1999, 2000 and 2001	\$0	\$0	Consider.
J(9)	Amendment to By-law No. 293-2005 respecting the Northern Elms Branch Library, 123 Rexdale Boulevard	\$0	\$0	Consider.
J(10)	Joint Marketing Campaign for the "You Belong Here" Tagline/Slogan	\$0	\$0	Consider.
J(11)	Request for City Legal Representation - OMB Appeal, 1601 Birchmount Road	\$0	\$0	Consider.
J(12)	Request to Setup a Special Account for Donations to Develop the Ward 37 Skateboard Park	\$0	\$0	Consider.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(13)	Moratorium on Front Yard Parking Applications in Ward 26 (Don Valley West)	\$0	\$0	Consider.
J(14)	Request for Further Appeal to Ontario Municipal Board - 15 Glen Morris Street	\$0	\$0	Consider.
J(15)	Liquor Licence Matters - 240 Richmond Street West - Krave Nightclub Inc.	\$0	\$0	Consider.
J(16)	Liquor Licence Matters - 296 Richmond Street West - Metro Bar Inc.	\$0	\$0	Consider.
J(17)	Removal of Thursday Parking Prohibition - St. Clarens Avenue, between College Street and Bloor Street West (Davenport, Ward 18)	\$0	\$0	Consider.
J(18)	Appointment of Downtown Yonge BIA Representative to the Yonge Dundas Square Board of Management	\$0	\$0	Consider.
J(19)	Report Request - Severance Agreements for Senior Staff	\$0	\$0	Consider.
J(20)	Request for Attendance at Ontario Municipal Board Hearing - 74 Renfield Street	\$0	\$0	Consider.
J(21)	Review of Tender Process for TTC Track Reconstruction on St. Clair Avenue	\$200,000	TBD	Consider. See FIS.

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(22)	Request to Restrict Hours of Operation at 1 Connie Street (Ward 12, York South-Weston)	\$0	\$0	Consider.
J(23)	Revised Request to Dispense Voluntary Contribution from Shoppers Drug Mart for Streetscaping and Business Improvement Projects - 351 Queen Street East	\$0	\$0	Consider. See FIS.
J(24)	Funding Request for Tenant Representation for Possible Appeal to the Ontario District Court - 1765 and 1775 Weston Road (Ward 11, York South-Weston)	\$0	\$0	Consider. See FIS.
J(25)	Canada Council for the Arts - Support to Increased Federal Funding	\$0	\$0	Consider.
J(26)	City of Toronto Emergency Preparedness Plan - Public Communication	\$0	\$0	Consider.
J(27)	Waiving of Building Permit and Planning Application Fees - Habitat for Humanity Project at 8 Elsinore Path (Ward 6, Etobicoke-Lakeshore)	\$0	\$0	Consider. See FIS.
J(28)	Support for Canadian Citizenship Drive 2005	\$0	\$0	Consider.
J(29)	Greenfield South Power Generation Proposal by Eastern Power	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(30)	Report of Integrity Commissioner on Councillor De Baeremaeker's Securing of Promise of Community Donation	\$0	\$0	See Report Attached to Motion.

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION I(1)]
(See Minute 9.70, Page 85)

Financial Implications:

Operating

Current year impacts: \$0 Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$_____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: _____ (net) Future year impacts: \$_____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$_____ (net)

Operating Impact:

Program costs: \$_____ (net)
 Debt service costs: \$_____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – I(1) Policy Decision; refer to Standing Committee.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: July 20, 2005

**FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION I(3)]
(See Minute 9.72, Page 89)**

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>STBD</u>	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" 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):

<p>Notice of Motion – I(3) – Provision of debris removal costs would be absorbed within the current operating budget of Solid Waste Management Services. Waiving disposal fees at Transfer Stations would need to be estimated based on expected volumes of material. It is recommended that staff can be requested to report to Works Committee.</p>

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION I(4)]
(See Minute 9.73, Page 89)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>STBD</u>	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input checked="" type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<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(4) – This event would incur costs across City programs, including Transportation Services and Police Services. Cost estimates include Transportation Services, including signage, road cleanup, barricades, staff overtime and possibly paid duty and administration fees for Police Services. These costs except for staff overtime are usually recovered from the community organization involved. It is recommended that staff be requested to report back to Works Committee on actual costs incurred for 2005 and possible future costs if Council decides to continue sponsorship.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

**FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(2)]
(See Minute 9.76, Page 94)**

Financial Implications:

Operating

Current year impacts: \$ N/A (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(2) - The TPA has no statistics on how many of these vehicles park and pay on-street. It is not possible to quantify the potential impact in dollar terms.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(3)]
(See Minute 9.77, Page 96)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>1,000,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" 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 checked="" 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(3) – Aid to Disaster Stricken Areas in Southern United States. Request City Council to approve \$1 million for relief efforts as a result of Hurricane Katrina. No funding source has been identified.

- Consider
- Refer to Budget Advisory Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

**FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(7)]
(See Minute 9.81, Page 104)**

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 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(7) – Report on the Toronto Computer Leasing Inquiry and the Toronto External Contracts Inquiry. City Manager to report to the Policy and Finance Committee meeting on November 22, 2005, on a work plan and timeline for implementation of the recommendations. Implementation of the findings may result in funding requirements. This will be addressed in the report.

- Consider
- Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(21)]
(See Minute 9.95, Page 137)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>200,000</u> (net)	<input checked="" type="checkbox"/> Future year impacts: \$ <u>300,000</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 checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>TBD</u> (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 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(21) – The delay of the re-tender would defer the startup of this project to the spring of 2006. TTC have advised that Capital staff currently on hand to start this project would have to be redeployed to operating initiatives until the spring of 2006 – at a total cost \$200,000.00. There will also be additional operating costs in 2006 of approximately \$300,000.00, to provide additional alternate bus service given that Phase 1 and 2 will have to be run simultaneously. This will also have a negative impact on the 2005 cashflows anticipated to come from the CISF agreement currently being negotiated.

- Consider
- Refer to Standing Committee

Submitted by:

Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

**FISCAL IMPACT STATEMENT 8 [NOTICE OF MOTION J(23)]
(See Minute 9.97, Page 141)**

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ 0 (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved operating budget Third party funding
 New revenues Tax rate impact
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ 0 (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

Accommodation within approved capital budget Third party funding
 New revenues Debt
 Reserve/Reserve Fund contributions Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)
 Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(23) – Authority required to adjust the 2005 Approved Budget for Economic Development by \$16,391.00 gross, \$0.00 net, to be fully funded from donations.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

FISCAL IMPACT STATEMENT 9 [NOTICE OF MOTION J(24)]
(See Minute 9.98, Page 142)

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

<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(24) – \$20,000.00 can be accommodated within 2005 approved budget.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005

**FISCAL IMPACT STATEMENT 10 [NOTICE OF MOTION J(27)]
(See Minute 9.101, Page 147)**

Financial Implications:

Operating

Current year impacts: \$ 0 (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input checked="" type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Impact on staffing levels: _____ (positions)

Capital

Current year impacts: \$ _____ (net) Future year impacts: \$ _____ (net)

Following year
 Future years

Funding sources (specify):

<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other

Budget adjustments: \$ _____ (net)

Operating Impact:

Program costs: \$ _____ (net)

Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- Service Level Impact:(Specify)
- Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(27) – Foregone Revenue of \$1,600.00 per Townhouse or \$16,000.00 for Building Permits and a nominal value for Planning Application Fees. Can be accommodated within existing 2005 Operating Budget for Building and City Planning Division.

- Consider Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: September 29, 2005