
TORONTO CITY COUNCIL DECISION DOCUMENT MEETING ON MAY 23, 24 AND 25, 2006

City Council's actions on each Clause in the following Reports and Notices of Motions considered at the meeting are contained in this Decision Document. Declarations of Interest, if any, are included and all additional material noted in this document is on file in the City Clerk's Office, Toronto City Hall. Please refer to the Council Minutes for the official record of Council's proceedings.

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Deferred Clauses:**Policy and Finance Committee Report 3****2a Toronto Youth Strategy 2006 Implementation Priorities and Terms of Reference for the Youth Strategy Panel**

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That:

- (1) wherever feasible, sub-committees of City agencies, boards and commissions have youth representatives appointed to such sub-committees in an advisory capacity; and
- (2) the sub-committees be resourced to support these youth according to the best practices of youth engagement.”

This Clause, as amended, was adopted by City Council.

12a How Quickly the Toronto Police Service Can Recruit and Train the 250 New Police Officers Hired Under the “Safer Communities - 1,000 Officers Partnership Program”, Locations to Which They Will Be Deployed, Associated Costs and Multicultural Diversity of the New Police Officers

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the Toronto Police Services Board be requested to consider:

- (1) increasing the authorized number of positions of the Toronto Police Service (the uniform strength) by 106 officers, to the 1992 level of 5,616 police officers, for 2007, and to maintain at least this number of officers in future years;
- (2) reporting to Council, through the Policy and Finance Committee, on:
 - (a) what steps are being taken, either independently or in co-operation with the Toronto Community Housing Corporation, to provide additional policing at problem housing sites; and

- (b) the development of a new funding formula that provides ongoing financial support from the provincial and federal governments for City policing costs; and
- (3) reporting to Council by the last meeting of this term, scheduled to be held on September 25, 2006, through the Policy and Finance Committee, in conjunction with the Toronto Community Housing Corporation and the Toronto Transit Commission, on:
 - (a) how the Toronto Police Service supports these organizations and how support might be improved, including the option of the Toronto Police Service taking over responsibility for the policing for these organizations;
 - (b) the current delivery of security functions of the Toronto Community Housing Corporation and the Toronto Transit Commission and the funds expended on security; and
 - (c) how 250 new officers can be used to enhance existing partnerships between the Toronto Police Service, the Toronto Community Housing Corporation and the Toronto Transit Commission.”

This Clause, as amended, was adopted by City Council.

28a Response to the Reports on “Improving the Planning Process”

City Council on May 23, 24 and 25, 2006, amended this Clause to provide that where a Councillor wants to retain a facilitator, the cost will be paid out of the Councillor’s budget.

This Clause, as amended, was adopted by City Council.

Administration Committee Report 2

2a Canadian Content and Toronto Local Preference Policy

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

6a Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

Motion moved by Councillor Shiner for consideration on June 14, 2006:

“That the Treasurer be requested to amend Table 1 and Appendix B to the report (April 18, 2006) from the Treasurer to include, for the permanent record, a footnote to Councillor Shiner’s account for photocopying charges.”

12a Use of Corporate and Communication Resources During an Election Year

City Council on May 23, 24 and 25, 2006, amended this Clause by:

- (1) deleting Recommendation (2) of the Administration Committee and inserting instead the following:

“(2) select Option 3 in Recommendation (2), that Nomination Day of an election year be the Effective Date of some of the guidelines. For 2006 the date is Friday, September 29, 2006.”; and

- (2) amending Attachment 1 to the report (February 17, 2006) from the City Clerk and the Director, Corporate Communications, by deleting from Part (2), under the section related to the activities to be discontinued for Members of Council from Effective Date to Election Day in a municipal election year, the words “all printing, high speed photocopying and distribution, including”, so that Part (2) now reads as follows:

“(2) printing and general distribution of newsletters unless so directed and approved by Council;”.

This Clause, as amended, was adopted by City Council.

Audit Committee Report 1

4a 2006 Audit Work Plan

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the May 23, 24 and 25, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Motions moved for consideration on June 14, 2006:

Moved by Councillor Moscoe:

“That the Auditor General be requested to consider adding the following to his work plan:

‘Policies and practices related to outside work performed by City Arborists and related staff.’ ”

Moved by Councillor Davis:

“That Appendix I to the report (January 18, 2006) from the Auditor General be amended by adding the following to the 2006 Work Plan of the Auditor General:

‘An evaluation of the Corporation as a whole in achieving its access, equity and human rights goals.’ ”

9a Let’s Build Program - 3810 Bathurst Street and 1555 Jane Street

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Planning and Transportation Committee Report 2**1a Bill 51 - *Planning and Conservation Land Statute Law Amendment Act, 2005* and the Land Use Provisions of *Bill 53, Stronger City of Toronto for a Stronger Ontario Act, 2005***

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) in accordance with the following staff recommendations contained in the Recommendations Section of the report (April 13, 2006) from the Chief Planner and Executive Director, City Planning [as contained in the Clause]:

“It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be advised that Bill 51 should be amended to include the changes noted in the revised Appendix 2 attached to this Report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”; and

- (2) by adding the following:

“That:

- (a) the Minister of Municipal Affairs be again requested to bring forward:
 - (i) reform to the Ontario Municipal Board (OMB), including that the OMB be a true appeal body and not a substitute decision maker; and
 - (ii) grounds for appeal be limited to Council acting unreasonably or in a manner not consistent with the provincial policy statement or not in conformity with Provincial Plans;
- (b) the following staff recommendations, contained in the Recommendations Section of the supplementary report (April 18, 2006) from the Chief Planner and Executive Director, City Planning [as contained in the Clause], be adopted:

‘It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be advised that Council recommends that the Bill 51 requirement to establish complete application policies in official plans not apply to the City of Toronto and that any legislation and related regulations addressing the matter of complete applications for Toronto instead be set out in Bill 53;
 - (2) the provisions in Bill 53:
 - (a) allow the City to establish complete application requirements through by-laws of Council, with proper Notice but with no appeal to the OMB; and
 - (b) allow that such by-laws follow Notice requirements that are either set out by local by-laws or alternatively prescribed by provincial regulation, in order to ensure proper notification to the public of complete application requirements and revision thereto;
 - (3) the Minister of Municipal Affairs and Housing be requested to consult with City staff in his preparation of the Bill 53 regulations relating to complete applications;
 - (4) the request for complete application requirements to be enshrined in Bill 53 be referred to the City Manager and City Solicitor for consideration in their preparation of a submission to the Standing Committee of the Legislature considering Bill 53; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (c) the following staff recommendations contained in the Recommendations Section of the supplementary report (April 24, 2006) from the Chief Planner and Executive Director, City Planning Division [as contained in the Clause], be adopted:

‘It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be advised that Council recommends that the Minister not seek to exempt any further energy undertakings from the provisions of the *Planning Act* as is currently proposed under Section 23 of Bill 51, given that the environmental assessment (EA) process is poorly suited to identifying and addressing site-specific and local land-use impacts of development, including energy projects, facilities or undertakings;
- (2) the Minister of the Environment be advised that Council recommends that the *Environmental Assessment Act* include the requirement that energy undertakings be subject to an evaluation under the City's site-plan control and zoning processes and that this evaluation should occur in tandem with the environmental assessment;
- (3) the Chief Planner and Executive Director, City Planning Division be directed to develop urban design guidelines for both large and small scale energy undertakings;
- (4) the Chief Planner and Executive Director, City Planning Division be directed to ensure that the City's Zoning By-laws contain provisions to regulate energy projects, including sustainable and green energy projects; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' "

This Clause, as amended, was adopted by City Council.

2a Improving the Planning Process

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) to provide that where a Councillor wants to retain a facilitator, the cost will be paid out of the Councillor's budget; and

(2) by adding the following:

“That the Chief Planner and Executive Director, City Planning, be requested to report to the next Planning and Transportation Committee meeting on June 1, 2006, on development applications for affordable housing and/or other development applications which have not been reported to Community Council as preliminary reports, and have been submitted on or before March 30, 2006.”

This Clause, as amended, was adopted by City Council.

10a Harmonization of the Sign By-law Concerning Posters on Public Property

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communications:

- (March 1, 2006) from Josh Paterson, Acting Director, Freedom of Expression Project, Canadian Civil Liberties Association [Communication 1(a)];
- (May 19, 2006) from Ken Chasse [Communication 1(b)(1)];
- (May 19, 2006) from Kevin Golding [Communication 1(b)(2)];
- (May 19, 2006) from Leah Stokes [Communication 1(b)(3)];
- (May 19, 2006) from Deanne Taylor [Communication 1(b)(4)];
- (May 19, 2006) from David McCallum, Associate Editor, Musicworks Magazine [Communication 1(b)(5)];
- (May 19, 2006) from Patrick Cameron [Communication not numbered];
- (May 19, 2006) from Shawn Syms [Communication 1(b)(6)];
- (May 19, 2006) from Daniel Quinn [Communication 1(b)(7)];
- (May 19, 2006) from Steve McKay [Communication 1(b)(8)];
- (May 19, 2006) from Meagan Bennell [Communication 1(b)(9)];
- (May 19, 2006) from Melissa Brizuela [Communication 1(b)(10)];
- (May 19, 2006) from Philbert Kim [Communication 1(b)(11)];
- (May 19, 2006) from Kate Hoffmann [Communication 1(b)(12)];
- (May 19, 2006) from Corinne Alstrom [Communication 1(b)(13)];
- (May 19, 2006) from Caroline Chan [Communication 1(b)(14)];
- (May 19, 2006) from Chiara Purdy [Communication 1(b)(15)];
- (May 19, 2006) from Janis Demkiw [Communication 1(b)(16)];
- (May 19, 2006) from Mark Daye [Communication 1(b)(17)];
- (May 19, 2006) from Stephanie Forder [Communication 1(b)(18)];
- (May 20, 2006) from Kate Chung [Communication 1(b)(19)];
- (May 21, 2006) from Kawai Lam [Communication 1(b)(20)];

- (May 21, 2006) from Grace Willan [Communication 1(b)(21)];
- (May 21, 2006) from Pete Carmichael [Communication 1(b)(22)];
- (May 22, 2006) from Yvonne Parti [Communication 1(b)(23)];
- (May 22, 2006) from Penelope Tyndale [Communication 1(b)(24)];
- (May 22, 2006) from Avi Lewis [Communication 1(b)(25)];
- (May 22, 2006) from Ben Marans [Communication 1(b)(26)];
- (May 22, 2006) from Murray D. Lumley [Communication 1(b)(27)];
- (May 22, 2006) from Alice Barton [Communication 1(b)(28)];
- (May 21, 2006) from Motek W. Sherman [Communication 1(b)(29)];
- (May 23, 2006) from Erin Siegel [Communication 1(b)(30)];
- (May 23, 2006) from Liam O'Doherty [Communication 1(b)(31)];
- (May 23, 2006) from Allison Jack [Communication 1(b)(32)];
- (May 23, 2006) from Anna Przychodzki [Communication 1(b)(33)];
- (May 23, 2006) from Andrew Woodrow [Communication 1(b)(34)];
- (May 24, 2006) from Carrie Brown [Communication 1(b)(35)]; and
- (May 24, 2006) from Daibhid James [Communication 1(b)(36)].

Striking Committee Report 2

1a Appointments of Members of Council to the Federation of Canadian Municipalities (FCM) National Board of Directors

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Works Committee Report 2

1a Municipal Road Damage Deposits (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

15a Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

Motions moved for consideration on June 14, 2006:

Moved by Councillor Watson:

“That:

- (1) Recommendation (1)(c) contained in the staff report (February 23, 2006) from the General Manager, Toronto Water, be amended to read as follows:

“(1)(c) the applicant’s uninsured damages, for building, vehicles and contents, are to be assessed based on depreciated values and not on replacement costs and the maximum amount of the grant be established as follows:

- (a) the only eligible applicants for the 2005 Flood Damages Grant Program will be those properties contained on Toronto Water’s list of affected properties, as of April 19, 2006;
- (b) the City’s independent adjuster will adjudicate each application and determine the eligible loss (EL) for each complete application received;
- (c) the maximum eligible loss for any applicant is established at \$3,000.00;
- (d) all applicants with an eligible loss less than or equal to \$900.00 (Group A applicants), will receive a grant amount equal to their eligible loss as soon as their application has been processed;
- (e) all applicants with an eligible loss greater than \$900.00 (Group B applicants), will receive an initial grant amount of \$900.00 as soon as their application has been processed;
- (f) an additional grant will be paid to Group B applicants, if there are funds remaining from the initial \$4 million budget, after all applications have been adjudicated and all

initial grants paid out and the administration fees paid to the independent adjuster;

- (g) the additional grant to Group B applicants will be equal to the prorated portion of the funds remaining based on their eligible losses minus the \$900.00 already paid to them, as a fraction of the total eligible claims remaining, and provided the amount so calculated is greater than \$5.00; and
- (h) the following formula will be used to calculate the additional grant to Group B applicants:

$$AG = [EL - 900] * [TFR] / [TELB - NB * 900]$$

Where: AG = Additional Grant for the applicant
 EL = Eligible Loss for the applicant
 TFR = Total Funds Remaining out of the \$4 million after all initial grants and administration fees have been paid out
 TELB = Total Eligible Losses for all of Group B
 NB = Number of Group B applicants;” and

- (2) if claimants in Group B have eligible claims of \$1,100.00 or more, and they do not recover at least \$1,100.00 from the available funds, then additional funds from Operating Budget under-expenditures within 2006 be sought, so as to give Group B claimants with eligible claims of \$1,100.00 or more, a minimum recovery of \$1,100.00, if possible.”

Moved by Councillor Shiner:

“That:

- (1) Part (2) of motion 1 by Councillor Watson be amended by deleting the words ‘if possible’, and increasing the grant amount from \$1,100.00 to \$2,000.00, so that Part (2) now reads as follows:

- ‘(2) if claimants in Group B have eligible claims of \$2,000.00 or more, and they do not recover at least \$2,000.00 from the available funds, then additional funds from Operating Budget under expenditures within 2006 be sought, so as to give Group B claimants with eligible claims of \$2,000.00 or more, a minimum recovery of \$2,000.00.’;

OR, in the event Part (1) fails,

- (2) Part (2) of motion 1 by Councillor Watson be amended by deleting the words “if possible”, so that Part (2) now reads as follows:

- ‘(2) if claimants in Group B have eligible claims of \$1,100.00 or more, and they do not recover at least \$1,100.00 from the available funds, then additional funds from Operating Budget under expenditures within 2006 be sought, so as to give Group B claimants with eligible claims of \$1,100.00 or more, a minimum recovery of \$1,100.00.’ ”

21a Solid Waste Requirements for Lands at Ingram Transfer Station

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That any speaker’s lists from the May 23, 24 and 25, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Council also considered the following:

Communications:

- (April 21, 2006) from Nicolò Fortunato [Communication 2(a)]; and
- (April 26, 2006) from Nicolò Fortunato [Communication 2(b)].

23a Planning Study for an Expanded Public Source Separated Organic Processing System - Recommendations Regarding Sites and Technologies

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communications:

- (April 20, 2006) from the City Clerk, City of Pickering [Communication 3(a)]; and
- (April 25, 2006) from the Clerk, Town of Ajax [Communication 3(b)].

Etobicoke York Community Council Report 3**2a Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)**

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communications and Petition:

- (April 25, 2006) from Peter M. Sirois, President and Chief Executive Officer, Etobicoke Chamber of Commerce [Communication 4(a)];
- (April 25, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 4(b)];
- (May 23, 2006) from Paul Scrivener, Toronto Industry Network [Communication 4(c)];
- (May 19, 2006) from the President, Leaside Business Park Association [Communication 4(d)];
- (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 4(f)]; and

- Petition (undated) containing approximately 255 signatures respecting the conversion of lands at 156 and 160 Evans Avenue and 833, 835 and 839 Oxford Street, from Industrial to Residential, submitted by Councillor Mark Grimes, Ward 6, Etobicoke-Lakeshore [Communication 4(e)].

3a Final Report - Local Area Review for the lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman, 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communications:

- (May 23, 2006) from Paul Scrivener, Toronto Industry Network [Communication 4(c)];
- (May 19, 2006) from the President, Leaside Business Park Association [Communication 4(d)];
- (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 4(f)];
- (April 21, 2006) from N. Jane Pepino, Aird & Berlis, Barristers and Solicitors [Communication 5(a)];
- (April 24, 2006) from Paul Scrivener, The Toronto Industry Network [Communication 5(b)];
- (April 25, 2006) from Murray H. Chusid, Q.C., Blaney McMurtry LLP [Communication 5(c)];
- (April 25, 2006) from Peter M. Sirois, President and Chief Executive Officer, Etobicoke Chamber of Commerce [Communication 5(d)];
- (April 25, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 5(e)];
- (May 19, 2006) from Terry Neal, Chairman, Toronto North Community Awareness and Emergency Response Group [Communication 5(f)]; and

- (May 19, 2006) from N. Jane Pepino, Aird & Berlis, Barristers and Solicitors [Communication 5(g)].

8a Sign Variance Application Report - Applicant: Gabe Faraone, 2160 Weston Road (Ward 11 - York South-Weston)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

10a Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communication:

- (April 18, 2006) from Latika James, submitted by Councillor Giorgio Mammoliti, Ward 7, York West [Communication 6(a)].

56a Final Report - Official Plan Amendment and Rezoning Application; Owner: Wynn Bitton Inc., Architect: Hariri Pontarini, 2442 Bloor Street West (Ward 13 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, amended this Clause by:

- (1) deleting the recommendation of the Etobicoke York Community Council and inserting instead the following:

“That the staff recommendations contained in the Recommendations Section of the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District, as contained in the Clause, be adopted.”; and

- (2) adding the following:

“That:

- (a) the Section 37 Agreement secure the quality of materials and the current architectural design;

- (b) staff continue to work with the applicant to secure further improvements to the design and quality of materials to the north-east and south-west façades of the building and mechanical penthouse;
- (c) balconies, terraces, roofs and other outdoor spaces of the building include planter boxes;
- (d) the applicant be required to make a minimum of 25 percent of the units in the building accessible for persons with disabilities;
- (e) the Section 37 Agreement require that the applicant pay for a Traffic Impact Study and resulting physical improvements to control the infiltration of northbound traffic on Riverview Gardens;
- (f) the Section 37 Agreement require monies for the improvement of Traymore Park;
- (g) all third party advertising be prohibited upon the building and that no signs or advertising be permitted on the side walls of the building;
- (h) the applicant provide further improvements to the pedestrian walkway from Bloor Street to the Toronto Parking Authority parking lot; and
- (i) the applicant make every attempt to secure a green roof or terraces for the building.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (April 10, 2006) from Annie Crocetti [Communication 7(a)(1)];
- (April 11, 2006) from Ian Anderson [Communication 7(a)(2)];
- (April 11, 2006) from William Kalmuk [Communication 7(a)(3)];
- (April 12, 2006) from Catherine Klunder Communication 7(a)(4)];
- (April 12, 2006) from Isidoros Kyrlangitses [Communication 7(a)(5)];
- (April 12, 2006) from Rob MacCuspic [Communication 7(a)(6)];
- (April 12, 2006) from Edmond N. Kelly, Janice Waddell, Alexandria Kelly and Loughlin Kelly [Communication 7(a)(7)];
- (April 12, 2006) from William M. Vance [Communication 7(a)(8)];
- (April 12, 2006) from Robert Hocking [Communication 7(a)(9)];

- (April 12, 2006) from Joe Bornstein [Communication 7(a)(10)];
- (April 12, 2006) from Linda Bartolo [Communication 7(a)(11)];
- (April 12, 2006) from David MacAlpine [Communication 7(a)(12)];
- (April 13, 2006) from Mark Warrack [Communication 7(a)(13)];
- (April 14, 2006) from John Duval [Communication 7(a)(14)];
- (April 14, 2006) from Ruth Malloy [Communication 7(a)(15)];
- (April 14, 2006) from Moira and Roger Hutchinson [Communication 7(a)(16)];
- (April 17, 2006) from Adri van Hilten [Communication 7(a)(17)];
- (April 17, 2006) from Irene Hordienko [Communication 7(a)(18)];
- (April 17, 2006) from Anne Devitt [Communication 7(a)(19)];
- (April 17, 2006) from Tim Berry [Communication 7(a)(20)];
- (April 17, 2006) from Kathryn Knight [Communication 7(a)(21)];
- (April 18, 2006) from Michael, Catherine, Lisa, Stephanie and Nicole Erdle [Communication 7(a)(22)];
- (April 18, 2006) from Helena Wojs [Communication 7(a)(23)];
- (April 12, 2006) from Lachlan MacQuarrie [Communication 7(a)(24)];
- (April 18, 2006) from Kimberley and Erik de Witte [Communication 7(a)(25)];
- (April 20, 2006) from Jane Affleck [Communication 7(a)(26)];
- (April 20, 2006) from Anne Foy [Communication 7(a)(27)];
- (April 20, 2006) from Leo Foy [Communication 7(a)(28)];
- (April 19, 2006) from Nadine Shpikula [Communication 7(a)(29)];
- (April 21, 2006) from Marianne and Fred Yousefi [Communication 7(a)(30)];
- (April 22, 2006) from Brian Maguire, Chair, Confederation of Resident and Ratepayer Associations (CORRA) [Communication 7(a)(31)];
- (April 23, 2006) from Janet Potter [Communication 7(a)(32)];
- (April 23, 2006) from Andrea Baldwin [Communication 7(a)(33)];
- (April 23, 2006) from Adam Charlesworth [Communication 7(a)(34)];
- (April 23, 2006) from Beverly Donnelly [Communication 7(a)(35)];
- (April 24, 2006) from Nichola and Witold Dobrzanski [Communication 7(a)(36)];
- (April 24, 2006) from Bill Potter [Communication 7(a)(37)];
- (undated) from Nicholas Singh, V.P., SARA [Communication 7(a)(38)];
- (April 24, 2006) from Alice Da Siva, B. Arch, OAA [Communication 7(a)(39)];
- (April 25, 2006) from Anne Farrugia [Communication 7(a)(40)];
- (April 25, 2006) Steve McNally, BWVRA Communications [Communication 7(a)(41)];
- (May 10, 2006) from Irene Fedun [Communication 7(a)(42)]; and
- (May 18, 2006) from Nicholas Singh, Vice President, Swansea Area Ratepayers' Association [Communication 7(a)(43)].

Scarborough Community Council Report 3**5a Request for Fence Exemption 460 Huntingwood Drive (Ward 40 - Scarborough Agincourt)**

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12a Final Report Rezoning Application 05 112029 ESC 44 OZ and Plan of Subdivision Application 05 112043 ESC 44 SB Women Religious Project Neighbourhood Housing 4331 Lawrence Avenue East - West Hill Community (Ward 44 - Scarborough East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Toronto and East York Community Council Report 3**85a Citizen Appointments to the Todmorden Mills Museum and Arts Centre Community Museum Board (Ward 29 - Toronto-Danforth)**

City Council on May 23, 24 and 25, 2006, amended this Clause by:

- (1) appointing the following selected individuals listed in Attachment 1 to the report (March 9, 2006) from the General Manager, Economic Development, Culture and Tourism, to the Todmorden Mills Museum and Arts Centre Community Museum Board for a term expiring November 30, 2006, or until a successor is appointed:

Erika Empey; and
John Broadhead; and

- (2) authorizing and directing the appropriate City officials to take the necessary action to give effect thereto.

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Confidential Attachment 1 listing the candidates being recommended for appointment to the Todmorden Mills Museum and Arts Centre Community Museum Board [Confidential Communication C.10(a)]. This Attachment is now public, in its entirety, and contains the following names:

- (1) Erika Empey; and
 - (2) John Broadhead.
- _____

- Confidential resumés of the persons recommended for appointment to the Community Museum Board of the Todmorden Mills Museum and Arts Centre. [Confidential Communication C.10(b)]. These resumés remain confidential in their entirety, in accordance with the provisions of the *Municipal Act, 2001*, as they contain personal information about identifiable individuals.

New Reports:

Policy and Finance Committee Report 4

1 The Hiring and Appointment of Relatives of Members of Council to City of Toronto Staff and Agencies, Boards and Commissions

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Report (May 19, 2006) from the City Solicitor [Communication 18(a)].

Councillor Shiner declared an interest in this Clause, in that a member of his family works for the City on a part-time basis.

2 Recommendations on Members of Council Providing Letters of Reference

City Council on May 23, 24 and 25, 2006, referred this Clause back to the Policy and Finance Committee for further consideration.

3 City of Toronto Program Review Framework

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

4 Nomination of City's Representative to OMERS Sponsors Corporation Transitional Board

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 City of Toronto 2005 Investment Report

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

6 2006 Sinking Fund Surplus

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 Amendment of the Shareholder Direction to Toronto Hydro Corporation

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Provincial Funding for Methadone Works

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Sole Source Contract for 100 percent Provincially Funded Incredible Years Parent, Teacher and Child Programs

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Request to Install an Irrigation Supply Main Crossing under Jane Street for the Oakdale Golf and Country Club (Ward 7 - York West and Ward 9 - York Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Deputy Mayor Feldman declared an interest in this Clause, in that he is a past President, shareholder and member of the subject Club.

11 Disability Issues Committee Representative on the Roundtable on Access, Equity and Human Rights

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Working Group on the Status of Women and Gender Equity Representative on the Roundtable on Access, Equity and Human Rights

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

13 Change in Board of Trade Representative on the Roundtable on Access, Equity and Human Rights

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Toronto Youth Cabinet Representative on the Roundtable on Access, Equity and Human Rights

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

15 The 519 Church Street Community Centre, Addition Phase II (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Warden Station Redevelopment Strategy and Initial Land Acquisition (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (April 18, 2006) from the Deputy City Manager and Chief Financial Officer [Confidential Communication C.12(a)]. The following Recommendations (1), (5), (6), (7) and (8), together with Appendices 2, 3 and 4, are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the acquisition of land for municipal purposes:

“It is recommended that:

- (1) the following components of Phase I of the Warden Woods redevelopment strategy be approved:
 - (i) the costs for the relocation of the commuter parking lot and funding sources be included in the TTC’s 2007 – 2011 capital forecast and revisions to current estimates be considered by the Budget Advisory Committee during the annual review of the City’s capital budget processes;

- (ii) the costs for the community centre and estimated revenues continue to be reflected in the Parks, Forestry and Recreation 2007 – 2011 and any revisions to current estimates be considered by the Budget Advisory Committee during the annual review of the City’s capital budget processes; and
 - (iii) staff be directed to include any other infrastructure requirements that may arise in their respective 2007 – 2011 capital forecasts in consultation with the Deputy City Manager and Chief Financial Officer and that such requirements be considered by the Budget Advisory Committee during the annual review of the City’s capital budget processes;
- (5) the City Solicitor be authorized to complete the acquisition of the 2BRNOT2B Land on behalf of the City, including payment of any necessary expenses and amending the closing date and other transaction dates to such earlier or later date(s), and on such terms and conditions, as she may from time to time consider reasonable;
 - (6) once the design is completed, a further report be submitted with the 2007 Capital Budget, on detailed costs estimates with respect to Phase I of the redevelopment strategy;
 - (7) this report be forwarded to the Policy and Finance Committee for consideration; and
 - (8) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

[Appendices 2, 3 and 4 will be included with the Clause.]

- Confidential communication (February 23, 2006) from the General Secretary, Toronto Transit Commission [Confidential Communication C.12(b)]. This communication remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the acquisition of land for municipal purposes.

17 Acquisition of Toronto District School Board's Wanita Road Site (Ward 44 - Scarborough East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Report (May 19, 2006) from the Chief Corporate Officer [Communication 15(c)].
- Confidential report (April 24, 2006) from the Deputy City Manager and Chief Financial Officer [Confidential Communication C.13(a)]. This report is now public, in its entirety, and contains the following recommendations:

“The following recommendations replace those contained within the March 2, 2006 staff report:

- (1) 2006 Capital Budget of Parks, Forestry and Recreation be amended by the addition of a project ‘Wanita Road Site Acquisition’ for \$4,917,000.00 with funding provided from Parkland Acquisition – SB (XR2047) in the amount of \$945,000.00, Parkland Acquisition – SB Local (XR2049) in the amount of \$1,076,000.00, Parkland Acquisition – East District Local Land (XR2204) in the amount of \$375,000.00, and Parkland Acquisition – City Wide Land Acquisition (XR2210) in the amount of \$2,521,000.00;
- (2) authority be granted to enter into an Agreement of Purchase and Sale with the Toronto District School Board for the Wanita Road site in the amount of \$5,300,000.00 plus applicable taxes and registration fees, estimated at \$80,000.00, to be funded from the 2006 Capital Budget of Parks, Forestry and Recreation in the amount of \$4,917,000.00 and the 2005 Approved Capital Budget of the Toronto and Region Conservation Authority in the amount of \$463,000.00, substantially on the terms outlined in Appendix ‘A’ of this report and on such other terms and conditions as may be acceptable to the Chief Corporate Officer, and in a form satisfactory to the City Solicitor;

- (3) the confidential Attachment 2, headed 'Property List and Maps A-G (Confidential)' to the report (August 29, 2005) from the Chief Administrative Officer, Toronto and Region Conservation Authority, be amended by adding the Wanita Road Site to the Property Acquisition List and the funding request be \$463,000.00 subject to concurrence by the Toronto and Region Conservation Authority;
- (4) each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to execute, on behalf of the City, the Agreement of Purchase and Sale with the Toronto District School Board;
- (5) 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 dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable;
- (6) this report be forwarded to the Policy and Finance Committee for consideration; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

-
- Confidential report (April 24, 2006) from the General Manager, Parks, Forestry and Recreation [Confidential Communication C.13(b)]. This report is now public, in its entirety, and contains the following recommendation:

"It is recommended that this report be received for information."

-
- Confidential report (March 2, 2006) from the Chief Corporate Officer [Confidential Communication C.13(c)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the acquisition of land for municipal purposes.

Communications:

- (May 13, 2006) from Jeff Forsyth, President, Centennial Community and Recreation Association [Communication 15(a)]; and

- (May 16, 2006) from Kelly Shanley [Communication 15(b)].

Councillor Ashton declared an interest in this Clause, in that he owns property in the immediate vicinity.

Councillor Cowbourne declared an interest in this Clause, in that the subject property is adjacent to her principal residence.

18 Red-Light Camera Operations: Contract Extension and Request for Proposal 9148-05-5048 for the Supply, Installation, Operation and Maintenance of Red-Light Camera Systems Within the City of Toronto and Other Municipalities Within Ontario

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

19 Delegation of Authority to Submit and Execute Documents Required Pursuant to the Environmental Protection Act for Council Approved Projects

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Spadina Subway Extension Downview to Steeles Avenue Interim Funding

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 2005 Final Year-end Capital Variance Report

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

22 2005 Final Year-end Operating Variance Report

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

- Report (May 24, 2006) from the Deputy City Manager and Chief Financial Officer [Communication 27(a)].

23 Municipal Engagement Funding - Participation in the Ontarioimmigration.ca Municipal Engagement Strategy

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

24 Main and Gerrard Subdivision Landscape Construction on Park Block D, Block 53, Registered Plan 66M-2414 (Ward 32 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

25 Approval of Best Start Funds for Bergamot Child Care Centre

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

26 Provincial Funds Available for Bruckland Foundation for Social Housing (Ward 36 - Scarborough-Southwest); and for the Hiring of Additional Staff for Social Housing Projects Difficulty (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

27 Quorum Requirements for the Roundtable on a Beautiful City

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

28 Bill 104 - *The Greater Toronto Transportation Authority Act*

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) by further amending Recommendation (1) contained in the report (May 10, 2006) from Deputy City Manager Fareed Amin, as amended by the Policy and Finance Committee, to provide that the joint City of Toronto and Toronto Transit Commission submission also include the process of consultation for the joint submission, along with the summary of issues and concerns raised in the report; and
- (2) to provide that the joint submission be submitted to the Planning and Transportation Committee.

This Clause, as amended, was adopted by City Council.

29 Harmonization of Sick Leave Plans for Management and Non-Union Employees

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

30 Executive and Senior Management Compensation and Benefits Policies

City Council on May 23, 24 and 25, 2006, amended this Clause by deleting Recommendation (2) contained in the report (April 24, 2006) from the City Manager and inserting instead the following:

“(2) that salary increases for executive and senior management staff be in accordance with the Toronto Consumer Price Index for the 2006 - 2008 term.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Confidential report (May 15, 2006) from the City Manager [Confidential Communication C.14(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations.

31 Occupational Health and Safety Report Fourth Quarter and End of Year, 2005

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

32 Surplus School Board Sites and Review of the Inventory of City-Owned Properties (All Wards)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

33 Affordable Housing Project at 111 Kendleton Drive (Ward 1 - Etobicoke North)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

34 Sale of City-Owned Land Located East of Manse Road, South of Lawrence Avenue East to WRP Neighbourhood Housing for Demonstration Affordable Home Ownership Project (Ward 44 - Scarborough East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

Communication:

- (undated) from Barry Fraser [Communication 26(a)].

35 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Councillor Cowbourne declared an interest in Item (c), entitled “City of Toronto Energy Plan”, contained in this Clause, in that her husband is employed by an independent electricity system operator which is directly responsible for the sale of hydro electricity in Ontario.

Administration Committee Report 3

1 Fair Wage Violation - Kary Construction Limited

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the Manager, Fair Wage Office, be requested to advise all of the City of Toronto’s agencies, boards and commissions of this matter.”

This Clause, as amended, was adopted by City Council.

2 2006 Insurance Program Renewal

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the staff recommendations contained in the Recommendations Section of the confidential report (May 23, 2006) from the Deputy City Manager and Chief Financial Officer, be adopted. The following staff Recommendations (1), (3) and (4) are now public, and the balance of the report remains confidential, in accordance with the provisions of the

Municipal Act, 2001, as it contains information related to the security of the property of the Municipality or Local Board:

‘It is recommended that:

- (1) the City renew the following insurance policies effective June 1, 2006 for a policy period of twelve months, as outlined below in Table (1), plus applicable provincial taxes (and as detailed in Attachment 1);

Table (1)
Expiring versus Renewal

Insurance Policy	Expiring Annual Premium (\$'s)	Renewal Premium (\$'s) 12 Months Policy Term June 1, 2006 to June 1, 2007
Property	2,635,844.00	2,675,114.00
Marine	191,731.00	213,783.00
Total	2,827,575.00	2,888,897.00

- (3) effective June 1, 2006, once the City’s final insurance arrangements are in place, the City Clerk release this report in public; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.””

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Confidential report (April 18, 2006) from the Deputy City Manager and Chief Financial Officer [Confidential Communication C.1(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality or Local Board.
- Confidential report (May 23, 2006) from the Deputy City Manager and Chief Financial Officer [Confidential Communication C.1(b)]. The above-noted staff Recommendations (1), (3) and (4) are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality or Local Board.

[As noted in Recommendation (3) of the report (May 23, 2006) from the Deputy City Manager and Chief Financial Officer, effective June 1, 2006, once the Deputy City Manager and Chief Financial Officer has confirmed that the City's final insurance arrangements are in place, the City Clerk will release this information in public.]

3 Tax Adjustment - *Municipal Act, 2001, Sections 357 and 358*

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Apportionment of Property Taxes

City Council on May 23, 24 and 25, 2006, amended this Clause by deleting the following application:

Page No.	Tax Year	Original Roll No.	Tax Roll No. for Apportioned Properties	Tax Apportionment	Ward No.
22 of 24	2005	1919-04-4-010-00700 (165 Bethridge Rd)	1919-04-4-010-00701	\$ 82,400.70	
		1919-04-4-010-00800 (165 Bethridge Rd)	Range to	\$ 189,318.29	
		1919-04-4-010-00900 (135 Bethridge Rd)	1919-04-4-010-00901	\$ 87,744.21	
			Total:	\$ 359,463.20	2

This Clause, as amended, was adopted by City Council.

5 Authority to Award Request for Proposal (RFP) 2104-06-3074 - Wireless Telecommunications Services

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the City Manager be requested to report to the Administration Committee on ways that City staff can be apprised of corporate cellular telephone plans that may be available to employees of the City of Toronto.”

This Clause, as amended, was adopted by City Council.

6 Write-off of Uncollectable Miscellaneous Receivables - 2005

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Confidential communication (May 9, 2006) from the Administration Committee [Confidential Communication C.2(a)]. This communication is now public in its entirety:

“Attached is Appendix B: (Confidential) Private Citizens Listing, attached to the report (April 20, 2006) from the Deputy City Manager and Chief Financial Officer.”

(Appendix B, referred to above, remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.)

7 Software Licence Usage and Extension of Client Level Agreement - Oracle Corporation Canada Inc.

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Assistive Technology and Web Accessibility (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Declaration as Surplus - Parcel of Vacant Land Southeast Corner of Industrial Street and Esandar Drive, Adjacent to 43 Industrial Street (Ward 26 - Don Valley West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Declaration as Surplus - One-Inch Strip of Land Between 112 and 114 Kingston Road (Ward 32 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Declaration as Surplus - A Portion of 25 Canterbury Place (Ward 23 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Memorandum of Agreement and Easement Agreement – Construction and Operation of York University Bus Only Roadway

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Report (May 19, 2006) from the Chief Planner and Executive Director, City Planning [Communication 19(a)].

13 Request for Sole Source Approval - Amendment to Contract 47006976 - Hicks Morley Hamilton Stewart

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Information and Privacy Commissioner Order MO-2030, Request for Municipal Property Assessment Corporation (MPAC) Assessment Information in Electronic Form

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That:

- (1) in view of the results of this appeal and until such time as the legislation is amended to provide direct access to Members of Council, the City Clerk be requested to facilitate the mailings by Councillors directly to owners of property and the cost be charged back to the Councillor’s office budget;
- (2) Council request that the City of Toronto be included in the Province’s consultation process on the Ombudsman’s report of March 28, 2006, entitled ‘Getting it Right’, to ensure that its interests are properly considered and a report be submitted to Council by no later than September 2006; and

- (3) Council's representative on the MPAC Board be briefed by staff on the issues and be further requested to further pursue this matter through the MPAC Board and report to Council on this matter."

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Confidential report (April 19, 2006) from the City Solicitor [Confidential Communication C.3(a)]. The following staff Recommendation (2) is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

“(2) the City request to be included in the Province's consultation process, stemming from the release of the Ombudsman's Report, so as to advance its position.”

Councillor Shiner declared an interest in this Clause, in that a member of his family works for Municipal Property Assessment Corporation (MPAC).

15 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006, waived the necessary provisions of Chapter 27 of the City of Toronto Municipal Code, in order to consider Item (i), entitled “Termination of Lease of Lands Adjacent to 26 Ernest Avenue (Ward 18 – Davenport)”, contained in this Clause, and adopted the following:

“That the following staff recommendations contained in the Recommendations Section of the report (April 10, 2006) from the Chief Corporate Officer, be adopted:

‘It is recommended that:

- (1) authority be granted for termination of the lease with M & S Waste and Salvage Limited (the “Tenant”) for the lands described as Part of Lot 34, Concession 2 From the Bay, shown as Part 7 on Plan 64R-16975, Part 1 and Part of Part 2 on Plan 64R-16972, City of Toronto and adjacent to 26 Ernest Avenue, as more particularly shown on Sketch “A” attached (the “Property”) (“the Lease”);
- (2) the Chief Corporate Officer or his designate be authorized to execute and deliver the Notice of Termination; and

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

The balance of the Clause was received, for information.

Deputy Mayor Feldman declared an interest in Item (k), entitled “The Jolly Miller Lands (Ward 25 – Don Valley West)”, contained in this Clause, in that his principal residence is across the road from the subject property.

Board of Health Report 3

1 2006/2007 Student Nutrition Program Services Subsidies

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Community Services Committee Report 3

1 Amendment of Sole Source Contract 47007508 with Zoll Medical Corporation

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

2 Request for Sole Source Purchase from Motorola Canada Inc. of 85 Discounted Smartzone Portable Radios to be used by Fire Fighters and an Extension of the Current Maintenance Contract for Two Years

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Volunteer Training Support for Cuba Fire Brigade

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 City of Toronto Fire Services’ Stolen Pumper on March 20, 2006

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Report (May 15, 2006) from the City Solicitor [Communication 14(a)].

- Report (May 23, 2006) from the Fire Chief and General Manager, Toronto Fire Services [Communication 14(b)].

- Confidential report (April 21, 2006) from the Fire Chief and General Manager, Toronto Fire Services [Confidential Communication C.4(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations and employee negotiations.

5 Future Elevator Maintenance and Service Contracts in the Homes for the Aged

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

6 Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved.”

Motions moved for consideration on June 14, 2006:

Moved by Councillor Moscoe:

“That the General Manager, Social Services, be requested to advise the Toronto Transit Commission (TTC) on what funding will be provided by Social Services to support the reduced fare media.”

Moved by Councillor Mihevc:

“That the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary report (May 17, 2006) from the General Manager, Social Services, and the Executive Director, Social Development, Finance and Administration.”

Council also considered the following:

- Report (May 17, 2006) from the General Manager, Social Services and the Executive Director, Social Development, Finance and Administration [Communication 16(a)].

7 Funding for Regent Park Neighbourhood Initiative

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Emergency Management Program

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Review of the *Social Housing Reform Act* and its Regulations

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Update on the Redevelopment of Eva’s Initiatives Satellite Shelter (Ward 23)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Report (May 23, 2006) from Deputy City Manager, Sue Corke [Communication 21(a)].

11 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Economic Development and Parks Committee Report 3

1 Sports Strategy Framework for the City of Toronto (All Wards)

City Council on May 23, 24 and 25, 2006, amended this Clause by amending Recommendation (2) of the Economic Development and Parks Committee by:

- (1) inserting the name “Councillor Saundercook” after the name “Councillor Grimes”; and
- (2) adding the words “and to identify other funding opportunities related to City and provincial policies on intensification” after the words “Sport for Toronto”,

so Recommendation (2) now reads as follows:

- “(2) appoint Councillor Augimeri, Councillor Grimes and Councillor Saundercook to ensure the implementation and success of the Sport Strategy Framework, working with staff and the Toronto Sports Council to advance the needs of Sport for Toronto and to identify other funding opportunities related to City and provincial policies on intensification.”

This Clause, as amended, was adopted by City Council.

2 Demand Loan Guarantee Revision Toronto Botanical Garden Revitalization Plan (Ward 25 Don Valley West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Air India Memorial (Ward 6 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the May 23, 24 and 25, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Motions moved for consideration on June 14, 2006:

Moved by Councillor Holyday:

“That the Clause be amended by deleting Recommendation (4) of the Economic Development and Parks Committee.”

Moved by Councillor Mammoliti:

“That the General Manager of Economic Development, Culture and Tourism develop a further process, in consultation with Ward Councillors, which would allow local communities to identify industrial commercial lands that need to be revitalized and report to the Economic Development and Parks Committee with recommendations related to specific lands that have been identified.”

Moved by Councillor Ashton:

“That the Clause be amended by adding the following words to Recommendation (2) of the Economic Development and Parks Committee:

‘and with a view to formulating a comprehensive industrial preservation and enhancement strategy for the Greater Toronto Area (GTA)’.”

Council also considered the following:

- Report (May 25, 2006) from the General Manager, Economic Development, Culture and Tourism [Communication 29(a)].

5 Consideration of Requests for Additional City-to-City Relationships Under the International Alliance Program (All Wards)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

6 Museum Grants - Campbell House, Toronto's First Post Office and The Friends of Fort York (Wards 19 and 20 Trinity-Spadina and Ward 28 Toronto-Centre Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 2006 Arts and Culture Grants Recommendations, Community Partnership and Investment Program - Local Arts Service Organizations Allocations (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Business Improvement Area (BIA) 2003 to 2006 Boards of Management Additions and Deletions (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Intention to Expand the Bloor-Yorkville Business Improvement Area (BIA) Boundary (Ward 27 Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Intention to Designate the Malta Village Business Improvement Area (BIA) (Ward 13 Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Intention to Designate the Chinatown Business Improvement Area (BIA) (Ward 20 Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Intention to Designate the Sheppard East-Agincourt Village Business Improvement Area (BIA) (Ward 41 and 42 Scarborough-Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

13 Poll Results - Proposed Designation of the Danforth and Main Business Improvement Area (BIA) and Establishment of Maximum Charges (Wards 31 and 32 Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 City of Toronto Response to the Western Hemisphere Travel Initiative (WHTI) (All Wards)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That a copy of this Clause be forwarded to the Federation of Canadian Municipalities (FCM) Executive Committee with a request that the Western Hemisphere Travel Initiative be included in the FCM Annual Meeting as an emergency resolution, and that FCM continue to work with the US Conference of Mayors and the National League of Cities toward efforts to extend the deadline for implementation and make other changes to the proposed documentation requirements for travel between the United States and Canada.”

This Clause, as amended, was adopted by City Council.

15 2006 Cultural Grant Allocation to the Toronto Mas Band Association (All Wards)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the Toronto Mas Band Association be required to submit, prior to March 31, 2007, an unqualified Audited Financial Statement for the year 2006.”

This Clause, as amended, was adopted by City Council.

16 Intention to Expand the St. Lawrence Market Neighbourhood Business Improvement Area Boundary (Ward 28 Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

17 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Planning and Transportation Committee Report 3**1 Parking Space Dimensions Zoning Review**

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

Communications:

- (April 28, 2006) from Jude Tersigni, Development Co-ordinator, Menkes Developments Ltd. [Communication 8(a)]; and
- (May 1, 2006) from Kim M. Kovar, Aird & Berlis, Barristers and Solicitors [Communication 8(b)].

2 Committee of Adjustment

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Graffiti Transformation Investment Program: 2006 Recommendations

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Review of Re-applications to be included in the City's List of Approved Professional Holistic Associations

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 Review of Tow Rates

City Council on May 23, 24 and 25, 2006, amended this Clause to provide that the amendments to City of Toronto Municipal Code, Chapter 545, Article VI, Sections 545-102 (B)(1) and 545-103 (B)(1) and (2), to implement an increase to the fixed rates for tows from private property, accident scenes, and accident scenes on major highways, be implemented effective July 1, 2006.

This Clause, as amended, was adopted by City Council.

6 Regularly Recurring Garage Sales

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 Operation of Construction Equipment in Residential Neighbourhoods on Sundays and Statutory Holidays

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

8 Transit Pass and Parking Requirements

City Council on May 23, 24 and 25, 2006, referred this Clause to the Chief Planner and Executive Director, City Planning, for a report to the Planning and Transportation Committee, in consultation with the Chief General Manager of the Toronto Transit Commission.

9 Appointments to the Toronto Licensing Tribunal

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Confidential communication (May 2, 2006) from the Planning and Transportation Committee [Confidential Communication C.5(a)]. This communication is now public in its entirety, and contains the recommendations noted below; the confidential attachment (November 24, 2005) from the Sub-Committee Respecting the Toronto Licensing Tribunal, which was appended to the communication, remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals:

“The Planning and Transportation Committee recommends that City Council:

- (1) appoint Lionel Miskin, to the Toronto Licensing Tribunal for the rest of the term of office ending November 30, 2006, at the pleasure of Council and until a successor is appointed, contingent on the Member:
 - (a) resigning his position as a Member of the Committee of Adjustment, Scarborough Panel;
 - (b) successfully completing a training program on the adjudicative process within 6 months of appointment; and
 - (c) noting that the *Statutory Powers Act* requires that Members’ terms continue beyond their term of office or resignation date only to complete hearing any matters of which they are seized; and
- (2) appoint the following persons to the Toronto Licensing Tribunal, in the order listed, should further vacancies arise during the current term of City Council:
 - (a) Alan Milliken Heisey;
 - (b) Douglas Joel Dick; and
 - (c) Larry Colle;

such appointments to be made public upon City Council approval.”

10 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Works Committee Report 3

1 Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also adopted the following procedural motion:

“That:

- (1) all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the May 23, 24 and 25, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker’s list to add their names.”

Motions moved for consideration on June 14, 2006:

Moved by Councillor Carroll:

“That the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (May 18, 2006) from the City Solicitor.”

Moved by Councillor Shiner:

“That the Clause be amended by adding to Recommendation (6) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, the following words:

‘provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party’.”

Moved by Councillor Moscoe:

“That:

- (1) the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City

Planning, by the Works Committee, in Part (III) of the Action Taken by the Works Committee, also include the following additional principle:

- ‘(7) ensuring that the City has the right to determine the location and relocation of any street furniture at its discretion.’;
- (2) once the RFP has been issued, the project be placed under a blackout with a prohibition against discussing the RFP with individual Members of Council, and all communication with any bidder or potential bidder be through an official point of contact in accordance with the call document;
- (3) the RFP require the winning bidder to remove all posters and graffiti, and to repair any damage within a designated time frame to the satisfaction of the General Manager, Solid Waste Management, and consideration be given to extending this requirement to other street elements, including hydro poles, parking pay and display machines and traffic control boxes within the vicinity of street furniture;
- (4) the General Manager, Solid Waste Management be requested to report to the Works Committee on how to deal with the existing bus shelters when their ownership reverts to the City;
- (5) the City Manager be requested to review all City expenditures on street maintenance to determine how to co-ordinate those expenditures with the obligations for maintenance imposed through the street furniture RFP; and
- (6) the Toronto Parking Authority be requested to establish a program for the ongoing removal of posters and graffiti from pay and display parking machines on other properties under their management.”

Moved by Councillor Stintz:

“That the Clause be amended by:

- (1) amending the staff recommendations contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by:

(a) deleting the following staff Recommendations (6) and (9):

‘(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s);

(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the term of such contract be 20 years;’; and

(b) deleting staff Recommendation (11) and inserting instead the following:

‘(11) the RFP be formulated in such a way as to allow a matrix that evaluates equally:

- (a) design;
- (b) beautify;
- (c) functionality;
- (d) maintenance provisions for street furniture; and
- (e) provisions for flexibility on length of contract versus advertising;’; and

(2) adding the following:

‘That a final report on the RFP go to a joint meeting of the Works Committee and the Planning and Transportation Committee.’ ”

Moved by Councillor Del Grande:

“That the Clause be amended to provide that the RFP provide for two options: a 10 year and a 20 year contract.”

Moved by Councillor Cho:

“That staff Recommendation (9) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning be amended by:

- (1) deleting the words ‘and the term of such contract be 20 years’; and
- (2) inserting the following words:

‘and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:

- (a) the contractor is not in breach of the contract; and
- (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;’,

so that staff Recommendation (9) now reads as follows:

- ‘(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:
 - (a) the contractor is not in breach of the contract; and
 - (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;’.”

Moved by Councillor Davis:

“That the Clause be amended:

- (1) by amending Recommendation (B) of the Works Committee by amending the staff recommendations in the Recommendations Section of the report (April 19, 2006) from the General Manager, Solid Waste Management Services, headed ‘Supplementary Information on the Eucan Recycling/Litter Bin Test’, as follows:
 - (a) by inserting in Recommendation (3), after the words, ‘remain in place’, the words, ‘unless requested by the local Councillor’, so that Recommendation (3) now reads as follows:

- ‘(3) the Eucan bins installed for the test remain in place, unless requested by the local Councillor, under the existing terms and conditions, until a final decision is reached by Council on the award of the Co-ordinated Street Furniture program, subject to concurrence by Eucan.’; and
- (b) by adding the following new Recommendation (4):
- ‘(4) any pilot Eucan bin removed as per Recommendation (3) above from a pre-existing silver box location, be replaced by a silverbox, at the expense of Eucan.’;
- (2) to provide that the report requested by the Works Committee related to possible annual revenues from different sizes of advertising space also consider a reduction of 20 percent, so the request now reads:
- ‘(III) requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to report to the Works Committee on:
- (1) possible annual revenues if advertising space was:
- (a) held constant at the current 198,200 square feet; or
- (b) increased by 10 percent; or
- (c) increased by 20 percent; or
- (d) reduced by 20 percent.’; and
- (3) by adding the following:
- ‘That:
- (a) the General Manager, Solid Waste Management, and the General Manager, Transportation Services, be requested to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the contracts related maintenance or type of bench used, the numbers of benches currently on the street; and
- (b) no additional benches with advertising be approved and installed under the existing contracts.’ ”

Moved by Councillor De Baeremaeker:

“That the Clause be amended by deleting Recommendation (A)(2)(i) and inserting instead the following:

‘(A)(2)(i) bicycle stands;’.”

Council also considered the following:

- Confidential report (April 26, 2006) from the City Solicitor [Confidential Communication C.6(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.

 - Confidential report (May 18, 2006) from the City Solicitor [Confidential Communication C.6(b)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.
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Deputy Mayor Feldman declared an interest in this Clause, in that members of his family have bought advertisements on benches.

2 Pedestrian Crossover Review

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the General Manager, Transportation Services, be requested to report to the Works Committee on reviewing the possibility of consolidating the pedestrian crossovers at The Queensway immediately east of Milton Street and The Queensway immediately west of Holbrooke Avenue into one location with traffic control signals.”

This Clause, as amended, was adopted by City Council.

3 Review of Policy Relating to Long-Term Parking Within the Scarborough District (All Scarborough District Wards 35-44)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Purchase of Additional PM10 and PM2.5 Efficient Street Sweepers for the City of Toronto (All Wards)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 Potential to Increase the Number of Taxi Stands Adjacent to TTC Subway Stations (All Wards)

City Council on May 23, 24 and 25, 2006, amended this Clause by amending the report (April 12, 2006) from the General Manager, Transportation Services, by:

- (1) deleting from staff Recommendation (1) the number “26”, and inserting instead the number “28”, so that Recommendation (1) now reads as follows:

“(1) the following 28 new Taxi Stands as described in Attachment 1, be established in the vicinity of Toronto Transit Commission (TTC) Subway Stations; and”; and

- (2) adding the following new Part (ix) to Attachment 1, entitled “Proposed Taxi Stand Locations”:

“(ix) Two on the west side of Runnymede Road, north of Bloor Street West, opposite the Runnymede Subway Station, to operate at anytime.”

This Clause, as amended, was adopted by City Council.

6 Contract 05SD-08RD - Tender Call 230-2005 - Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on St. Clair Avenue West from Tweedsmuir Avenue to Avenue Road (Wards 21 and 22, St. Paul’s)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 Contract 05SD-05RD - Resumption of Work - Reconstruction of TTC Track Allowance, Pavement, Sidewalk and Curb - Toronto and East York District - St. Clair Avenue East and West from Ferndale Avenue to Avenue Road (Ward 22, St. Paul’s)

City Council on May 23, 24 and 25, 2006, amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary confidential report (May 23, 2006) from the City Solicitor, the Executive Director, Technical Services and the General Manager, Transportation Services. These recommendations are now public, and

the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that:

- (1) the Recommendations contained in the May 2, 2006 Confidential Report (Report No. 3, Clause No. 7 of the Works Committee) be replaced with the following Recommendations (2) through (7), inclusive;
- (2) the Executive Director, Technical Services be authorized to direct the Contractor to recommence and proceed with the work on Contract 05SD-05RD on June 5, 2006 or such other date as the Executive Director, Technical Services, in consultation with the General Manager, Transportation Services, and the Chief General Manager, Toronto Transit Commission, considers appropriate and, in the event the Contractor refuses to proceed with the work on the Contract as directed, that the Executive Director, Technical Services, be authorized to enter into negotiations with the Contractor’s bonding company to complete the remaining work on the Contract with a contractor mutually agreeable to the Executive Director, Technical Services and the bonding company and to enter into such necessary agreements with the bonding company and/or contractor to effect same; and, in the event the negotiations do not lead to an agreement on a contractor to complete the work or the bonding company agrees to tender, that the Executive Director, Technical Services, be authorized to re-tender the remaining work on the Contract;
- (3) the City Solicitor be authorized, in consultation with the Executive Director, Technical Services, the General Manager, Transportation Services, and the Chief General Manager, Toronto Transit Commission, to proceed with such legal proceedings against the Contractor and, where appropriate, the Contractor’s bonding company, as the City Solicitor considers appropriate to enforce the City’s rights under the Contract and the Bond in the event of default by the Contractor;
- (4) the Executive Director, Technical Services be authorized to make a payment of up to \$294,000.00, inclusive of GST, for such parts of the Contractor’s claims that the Executive Director, Technical Services, in consultation with Legal Services, considers have been satisfactorily established by the Contractor and that staff be authorized to continue negotiation of a settlement of the balance of the Contractor’s claims relating to the suspension of work in

accordance with the terms of Contract and report back to Council with respect to any resolution of such claims;

- (5) in the event that a negotiated settlement of the balance of the Contractor's claims cannot be reached and the Contractor proceeds with work on the Contract, staff be authorized to adjudicate the outstanding claims by way of arbitration, in accordance with the General Conditions of the Contract;
- (6) staff be authorized to enter into further contracts respecting the reconstruction of the TTC track allowance, pavement, curb and sidewalk, in connection with the St. Clair Avenue West streetcar line, within the approved cash flow and commitments pursuant to the provisions of the Municipal Code § 195 - Purchasing, and § 71 - Financial Control, without further prior approval by City Council; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Confidential report (May 2, 2006) from the City Solicitor, the Executive Director, Technical Services, and the General Manager, Transportation Services [Confidential Communication C.7(a)]. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.
- Confidential report (May 23, 2006) from the City Solicitor, the Executive Director, Technical Services, and the General Manager, Transportation Services [Confidential Communication C.7(b)]. The above-noted staff recommendations contained in the Recommendations Section of the report are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation.

8 Agreement Between the City of Toronto and Toronto Hydro-Electric Systems Limited (Toronto Hydro) for the Maintenance of Infrastructure of the 900 MHz Radio Communications Systems Jointly Used by the City and Toronto Hydro

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Storm of August 19, 2005 - Review of Operational and Communications Efforts

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Water and Sewer Services Connection and Disconnection Rates to December 31, 2006 (All Wards)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

11 Increase in Blanket Contract Amounts for Toronto Water Contracts 04D1-510WS (Blanket Contract 47010341) and 04D3-300WS (Blanket Contract 47010171) for the Installation of Water and Sewer Service Connections and Water and Sewer Infrastructure Emergency Repairs

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Community Program for Stormwater Management - Recommendations for Selection of Applications

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

13 Product Stewardship to Facilitate Waste Diversion

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Effectiveness and Efficiency Funding from Waste Diversion Ontario/Stewardship Ontario

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

15 Installation of Optical Sorting Technology for Plastics and Paper Separation at Single Stream Recycling Facilities

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Apartment and Multi-Residential Bulk Lift Collection of Garbage, Recyclables and Bulky Garbage in the Former Toronto, York, Etobicoke and East York

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

17 Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

- Confidential communication (May 3, 2006) from the Works Committee [Confidential Communication C.8(a)]. This communication remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.
- Confidential report (April 19, 2006) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality.

18 Turtle Island Litigation

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

- Confidential report (April 18, 2006) from the City Solicitor [Confidential Communication C.9(a)]. The following staff recommendation contained in the Recommendation Section of the report is now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

“It is recommended that the City waive the internal appeal process described in the contracts with Turtle Island Etobicoke and York, and proceed directly with the pending litigation to resolve these disputes.”

19 Authority for Members of the Community Environmental Assessment Team to Participate in Solid Waste Management Services Research Trip

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Purchase of Castlefield Yard Trailers

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 Other Items Considered by the Committee

City Council on May 23, 24 and 25, 2006:

- (1) referred Item (d), entitled “Inventory of City Laneways and Level of Services Provided (All Wards)”, back to the Works Committee for further consideration; and
- (2) postponed Item (n), entitled “The Wet Weather Flow Master Plan Implementation 2004-2005 (City-wide)”, contained in this Clause, to its special meeting on June 14, 2005.

The balance of this Clause was received, for information.

Joint Policy and Finance Committee and Administration Committee Report 1

1 Status Report on the Proposed Terms of Transfer of Properties to the City of Toronto Economic Development Corporation (Ward 10 - York Centre; Ward 11 - York South-Weston; Ward 35 - Scarborough Southwest and Ward 36 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That TEDCO be requested to consult with Enwave and Toronto Hydro and report to the Policy and Finance Committee on opportunities to facilitate district heating, district cooling and/or co-generation on the ‘Downsview Site’.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Report (May 19, 2006) from the Chief Corporate Officer [Communication 24(a)].

Councillor Li Preti declared an interest in this Clause, as it relates to Ward 10, in that he lives within the subject area.

2 Transfer of Surplus Property - 3575 Danforth Avenue (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Other Item Considered by the Joint Committee

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

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

1 Toronto 2015 World Expo Bid (All Wards)

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) to provide that, in view of the fiscal benefits resulting from Expo 2015 that go to mainly the provincial and federal governments, the City of Toronto request a financial guarantee from other orders of government, to cover 100 percent of any Capital and Operating shortfall, if the City of Toronto is successful in the bidding process; and

- (2) by adding the following:

“That the City of Toronto request increased investment from the provincial and federal governments, in recognition of the greater returns on investment that they will receive through tax revenues.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (May 15, 2006) from Randy Williams, President and CEO, Tourism Industry Association of Canada [Communication 25(a)]; and

- (May 23, 2006) from the President and Chief Executive Officer, Toronto Economic Development Corporation and Toronto World Expo Corporation [Communication 25(b)].

Etobicoke York Community Council Report 4

1 Request for Endorsement of Events for Liquor Licensing Purposes (Ward 12 – York South-Weston; Ward 13 – Parkdale-High Park and Ward 17 – Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

2 Draft By-law Naming of (i) Public Street as “Birdstone Crescent”; (ii) Private Lane as “Brickworks Lane”; and (iii) Portion of Keele Street north of St. Clair Avenue West as “Weston Road” (Ward 11 - York South-Weston)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Draft By-law to Rename the Public Highway East Avenue as “Grieves Avenue” (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 50 Bonnyview Drive (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 124 Glenholme Avenue (Ward 12 - York South-Weston)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

6 Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code - 94 Morningside Avenue (Ward 13 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

7 Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code - 54 Runnymede Road (Ward 13 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 2 Kenridge Avenue (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted the following:

“That the application for an exemption to the Toronto Municipal Code, Chapter 447, Fences, to maintain a close boarded wooden fence with lattice work attached at the top of the fence to a height of 1.83 metres (6.0 feet) within the south flankage boundary of the property, as well as within the street allowance, be approved.”

This Clause, as amended, was adopted by City Council.

9 Encroachment Agreement - Application to Maintain a Close Boarded Wooden Fence with Lattice Work on Top within the Street Allowance - 2 Kenridge Avenue (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted the following:

“That the encroachment agreement be allowed, subject to the following conditions:

- (1) the owner obtain an exemption from the Municipal Code, Chapter 447, Fences, in regard to the violation of the height of the fence, or in the alternative, the owner reduce the height of the fence to comply with the requirements of the By-law;
- (2) the owner enter into an Encroachment Agreement with the City of Toronto;
- (3) the owner pay an annual fee to the City of Toronto for use of the road allowance in the amount of \$11.00 per square metre; fees are subject to change;
- (4) the owner provide a Certificate of Insurance evidencing a third party injury and property damage insurance, in an amount of Two Million Dollars (\$2,000,000.00), or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy; and

- (5) should the owner elect to sell this property, the Encroachment shall be removed, or the buyer shall be made aware of the Encroachment Agreement.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communication:

- (May 19, 2006) from Vanessa May-Lok Lee, submitted by Councillor Peter Milczyn, Ward 5, Etobicoke-Lakeshore [Communication 22(a)].

10 Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 53 Tenth Street (Ward 6 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Request to Remove One City-Owned Tree - 1217 Islington Avenue (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted the staff recommendations contained in the Recommendations Section of the report (April 14, 2006) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

This Clause, as amended, was adopted by City Council.

12 Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 3379 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

13 Status Report - Rezoning Application - Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11 - York South-Weston)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

Council also considered the following:

Communications:

- (May 9, 2006) entitled “Rezoning Application, Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11-York South-Weston”, submitted by Councillor Frances Nunziata, Ward 11, York South-Weston [Communication 23(a)]; and
- (May 23, 2006) from Ronald M. Kanter, Gardiner Roberts, Barristers and Solicitors, on behalf of Grace Restoration (International) Ministries [Communication 23(b)].

14 Poll Results - Prohibiting Southbound Right Turns on Windermere Avenue at Rambert Crescent; and Prohibiting Eastbound Left Turns on Morningside Avenue at Rambert Crescent (Ward 13 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

15 Final Report - Part Lot Control Exemption Application Applicant: Marlene DiGiuseppe, Gemini Urban Design (Eringate) Corp. - 120 Eringate Drive (Ward 3 - Etobicoke Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Proposed 40 km/h Speed Limit on Markland Drive and Mill Road, south of Bloor Street West (Ward 3 - Etobicoke Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

17 Reduction of Speed Limit from 50 km/h to 40 km/h on roads in the Community to the southwest of the intersection of Islington Avenue and Bywood Drive (Ward 4 - Etobicoke Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

18 Proposed Parking Prohibitions on Robin Hood Road east of Chestnut Hills Parkway (Ward 4 - Etobicoke Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

19 Disabled Loading Zone; Starview Drive (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Proposed Intersection Improvements on Clendenan Avenue and Glendonwyne Road (Ward 13 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 Installation/Removal of On-Street Parking Spaces for Persons with Disabilities (Ward 13 - Parkdale-High Park and Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

22 Amendments to Parking Regulations - Davenport Road, north side, between Wiltshire Avenue and a point 44.5 metres further east (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

23 Amendments to Parking Regulations - Townsley Street, north side, between Old Weston Road and Union Street (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

24 Amendments to Parking Regulations - Union Street, east side, between Turnberry Avenue and Townsley Street (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

25 Installation of Speed Humps - Alberta Avenue, between St. Clair Avenue West and Davenport Road (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

26 Request for Approval of Variance from Chapter 215, Signs of the former City of Etobicoke Municipal Code – 600-620 The East Mall (Ward 3 - Etobicoke Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

27 Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 5322 Dundas Street West (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

28 Request for Approval of Variance from the former City of North York Sign By-law 30788 - Railway lands located on the west side of Weston Road south of Ormont Drive (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

29 Request for Approval of Variance from the former City of North York Sign By-law 30788 - Railway lands located off Weston Road north of Finch Avenue West (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

30 Request for Approval of Variance from the former City of North York Sign By-law 30788 - Railway lands located on the south side of Sheppard Avenue West, just east of 2300 Sheppard Avenue West (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

31 Application for Outdoor Café Encroachment at 3014 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

32 Application for Encroachment Agreement - Steps and Toe Wall, 10 Hunter Avenue (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

33 Application to Extend the Outdoor Marketing Display Area at 2442 Lake Shore Boulevard West (Ward 6 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

34 Naming of Proposed Private Lane at 977 to 981 Kipling Avenue (Ward 5 - Etobicoke-Lakeshore)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

35 Naming of Public Lane north of Davenport Road, Extending between Via Italia and McFarland Avenue (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

36 Sale of a Parcel of Vacant Land Adjacent to 215 Taysham Crescent (Ward 1 - Etobicoke North)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

37 Sale of a Parcel of Vacant Land Adjacent to 219 Taysham Crescent (Ward 1 - Etobicoke North)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

38 Inclusion on the City of Toronto Inventory of Heritage Properties, 1625 Dufferin Street (former Earls court Branch, Toronto Public Library) (Ward 17 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

39 Liquor Licence Application - 9 Milvan Drive Units 1 and 2 (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, amended this Clause by amending the Conditions contained in the Operative Paragraph of the motion by Councillor Mammoliti, as contained in the Clause, by:

- (1) deleting Condition (3) and inserting instead the following new Condition (3):

- “(3) There shall be at least six uniformed and licensed security guards at the Licensed Premises during the hours of operation and will be deployed as follows:
- (a) five security guards at the front entrance at the head of the lineup with two of the security guards to be searchers (one male, one female); and
 - (b) one security guard in the alleyway to guard the emergency exits.”;
- (2) deleting the word “personnel” in Conditions (5) and (6) and inserting instead the word “guards”;
- (3) deleting Condition (8) and inserting instead the following new Condition (8):
- “(8) The Licensee shall install and maintain six high-resolution video security cameras at the licensed Premises during the hours of operation in the following locations:
- (a) front parking lot;
 - (b) front entrance lineup area;
 - (c) lobby entrance;
 - (d) washrooms access/egress;
 - (e) VIP area of the bar; and
 - (f) alleyway covering the two emergency exits.”; and
- (4) adding the following new Condition (9):
- “(9) The Licensee shall store and retain the video from each camera for at least 30 days and make the video tape or DVD available immediately to police officers or liquor licence inspectors, upon request.”,

so that the Conditions to be attached to the liquor licence for 9 Milvan Drive, Units 1 and 2, now read as follows:

- “(1) The licensed Premises shall close no later than 3:30 a.m. local time each day and no patrons will be allowed to enter or remain on the licensed Premises after 3:30 a.m. local time.
- (2) Except in the event of an emergency, all patrons shall enter and exit the licensed Premises through the front entrance.
- (3) There shall be at least six uniformed and licensed security guards at the Licensed Premises during the hours of operation and will be deployed as follows:
 - (a) five security guards at the front entrance at the head of the lineup with two of the security guards to be searchers (one male, one female); and
 - (b) one security guard in the alleyway to guard the emergency exits;
- (4) All patrons shall be subject to a physical search of their person and belongings before being permitted entry to the Licensed Premises and signs to that effect shall be posted at the front entrance to the Licensed Premises.
- (5) Security guards shall have a hand-held metal detector at the front entrance of the Licensed Premises and shall use the said metal detector to screen patrons before entering the Licensed Premises.
- (6) Security guards at the front entrance shall be equipped with two mechanical or electronic counters, one for the ‘in count’ and one for the ‘out count’, so as to maintain an accurate count of the number of people in the Licensed Premises.
- (7) The Licensee shall hire an appropriate number of paid-duty police officers during the hours of operation.
- (8) The Licensee shall install and maintain six high-resolution video security cameras at the licensed Premises during the hours of operation in the following locations:
 - (a) front parking lot;
 - (b) front entrance lineup area;
 - (c) lobby entrance;
 - (d) washrooms access/egress;
 - (e) VIP area of the bar; and
 - (f) alleyway covering the two emergency exits.

- (9) The Licensee shall store and retain the video from each camera for at least 30 days and make the video tape or DVD available immediately to police officers or liquor licence inspectors, upon request.”

This Clause, as amended, was adopted by City Council.

40 Louise Russo Walk Against Violence Everywhere (Ward 7 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

41 Other Items Considered by the Community Council

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

North York Community Council Report 4

1 Requests for Endorsement of Events for Liquor Licensing Purposes (Ward 9 - York Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

2 39 Wynford Drive (Nielsen Building) - Inclusion on the City of Toronto Inventory of Heritage Properties (Ward 26 - Don Valley West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Ravine Permit Application to Remove 34 Trees and an Unspecified Number of Saplings within a Ravine Protected Area - 56 Sandringham Drive (Ward 16 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Natural Garden Exemption Request - Toronto Municipal Code, Chapter 489 – 1 Tiffany Court - Stella Kargiannakis (Ward 34 - Don Valley East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 Request to Amend the Subdivision Agreement for English Lane Homes Inc. to Eliminate the Requirement of a Sidewalk on the North Boulevard of Jessie Drive (Ward 34 - Don Valley East)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding to the end of Recommendation (1) of the North York Community Council, the words, “and located adjacent to and as close to the road as possible”, so that Recommendation (1) of the North York Community Council now reads as follows:

- “(1) amend the subdivision agreement for English Lane Homes Inc. to delete the requirement for a sidewalk on the north side of Jesse Drive, between Humphrey Gate and Dallimore Crescent, except for that portion on the north side of Jessie Drive, from Humphrey Gate to the east side of David Dunlop Circle, where a sidewalk should be provided and located adjacent to and as close to the road, as possible; and”.

This Clause, as amended, was adopted by City Council.

6 Request for a Variance to the 1.0 Metre Side Yard Setback - 52 Baltray Crescent (Ward 34 - Don Valley East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 Payment-in-Lieu of Parking - 1285 Caledonia Road - R.E. Millward and Associates Limited for Eastern Boutique Limited (Ward 15 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Parking Prohibitions - Kenaston Gardens (Ward 24 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Parking Prohibitions - Donino Court (Ward 25 - Don Valley West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Pedestrian Crossing Prohibition - Avenue Road at Carmichael Avenue (Ward 26 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Disabled Persons Loading Zone - 401 Champagne Drive (Ward 8 - York West)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Parking Prohibitions - Fisherville Road (Ward 10 - York Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

13 Permitted Parking - St. Germain Avenue (Ward 16 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Parking Prohibitions - Brookbanks Drive (Ward 34 - Don Valley East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

15 Stopping Prohibitions - Beecroft Road (Ward 23 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Parking Prohibitions - Harrison Garden Boulevard, Humberstone Drive and Everson Drive (Ward 23 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

17 40 km/h Speed Limit - Clyde Avenue, Wilson Avenue to Old Orchard Grove (Ward 15 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

18 Turn Prohibitions - 33 Sheppard Avenue East (Ward 23 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

19 Parking Prohibitions - Equestrian Court and Mallaby Road (Ward 24 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Parking/Stopping Restrictions - Hollywood Avenue, Yonge Street to Doris Avenue (Ward 23 - Willowdale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 On-Street Pay and Display Parking - Covington Road (Ward 15 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

22 Dual Northbound Left Turn Lanes - Bermondsey Road and Eglinton Avenue East (Ward 34 - Don Valley East)

City Council on May 23, 24 and 25, 2006, adopted the following:

“That the staff recommendations contained in the Recommendations Section of the report (April 19, 2006) from the Director, Transportation Services, North York District [as contained in the Clause], be adopted, subject to deleting Recommendation (4) and inserting instead the following new Recommendation (4):

“(4) the westerly southbound traffic lane on Sloane Avenue, between the northerly limit of Eglinton Avenue East and a point 70 metres northerly thereof, be designated for southbound right turns only, buses excepted.”

This Clause, as amended, was adopted by City Council.

23 Introduction of Overnight On-Street Permit Parking - Belvidere Avenue, between Oakwood Avenue and Glenora Avenue (Ward 15 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

- 24 Introduction of Overnight On-Street Permit Parking on both sides of Elm Road, between Fairlawn Avenue and St. Germain Avenue (Ward 16 - Eglinton-Lawrence)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 25 Introduction of Overnight On-Street Permit Parking on both sides of Erskine Avenue, between Mount Pleasant Road and Elvina Gardens (Ward 25 - Don Valley West)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 26 Bathurst Street Agreement with Lawrence Plaza Equities Inc. to maintain an existing Marquee Sign - Bathurst Street and Covington Road/Douglas Avenue (Ward 15 - Eglinton-Lawrence)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 27 Designation of Fire Routes in the City of Toronto - North York Community Council Area**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 28 Community Festival Permit Application - Cypriot Community of Toronto Inc. - Cultural and Wine Festival - June 24 and 25, 2006 (Ward 26 - Don Valley West)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 29 Final Report - Part Lot Control Application - 06 107774 NNY 24 PL - Derrick Parry - Georgian Project Managers Ltd. - 3336, 3338, 3340A, 3340C & 3340D Bayview Avenue (Ward 24 - Willowdale)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.
- 30 Final Report - Official Plan Amendment & Rezoning Application - 05 104461 NNY 10 OZ - Vianovus Capital Corporation - c/o Cityzen Development Group - Page + Steele Architects - 475 Patricia Avenue (Ward 10 - York Centre)**
- City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

31 Final Report - Official Plan Amendment and Rezoning Application - 04 129307 NMI 26 OZ - Deltera Inc. - Burka Varacalli - 1250 Eglinton Avenue East (Ward 26 - Don Valley West)

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (May 23, 2006) from the Chief Planner and Executive Director, City Planning Division:

“It is recommended that City Council:

- (1) Amend Recommendation (6) of the staff report dated April 25, 2006, by adding that the following issues will be addressed through the site plan process:
- (g) the provision of off-site parking spaces secured through a parking agreement for shared off-site parking with neighbouring properties, such parking agreement to be prepared to the satisfaction of the Director, Transportation Services, North York District in consultation with the City Solicitor;
 - (h) the site plan agreement for the proposed development will require that the necessary off-site shared parking spaces for the hotel will be maintained; and
 - (i) the parking management plan referenced under the heading ‘Parking Requirements’ contained in the report (April 25, 2006) from the Director, Community Planning, North York District, be prepared to the satisfaction of the Director, Transportation Services, North York District, and the Director, Community Planning, North York District in consultation with the Ward Councillor ”; and
- (2) by adding the following:

“That:

- (a) the following staff recommendation contained in the Recommendation Section of the supplementary report (May 18, 2006) from the General Manager, Transportation Services, be adopted:

‘It is recommended that:

- (1) A direct access from Eglinton Avenue East to the subject site of 1250 Eglinton Avenue East should not be provided.’; and
- (b) the supplementary report (May 25, 2006) from the General Manager, Parks, Forestry and Recreation, be received.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Report (May 18, 2006) from the General Manager, Transportation Services [Communication 12(b)].
- _____
- Report (May 23, 2006) from the Chief Planner and Executive Director, City Planning [Communication 12(c)].
- _____
- Report (May 25, 2006) from the General Manager, Parks, Forestry and Recreation [Communication 12(d)].
- _____

Communication:

- (May 17, 2006) from Stephen Upton, Vice President, Development Planning, Deltera Inc. [Communication 12(a)].

32 Request for Direction Report - Site Plan Control Application - 05 204361 NNY 25 SA - 939 Lawrence Avenue East – The Cadillac Fairview Corporation - Don Mills Shopping Centre (Ward 25 - Don Valley West)

City Council on May 23, 24 and 25, 2006, amended this Clause:

- (1) in accordance with the following settlement proposal contained in the communication (May 23, 2006) from Jeffrey L. Davies, Davies Howe Partners, and the City Solicitor was directed to do all things necessary to give effect thereto:
 - “(i) Cadillac Fairview will agree to a contribution of on-site public art in the amount of one percent of the cost of all construction on lands to be re-developed under its site plan approval application

(‘Phase I’) that have been identified as triggering the need for building permits for new construction in the letter from its planning consultant to the City dated April 28, 2006; the contribution will include the costs associated with the artwork referenced in Recommendation (2)(vi) of the staff report dated May 3, 2006, as amended and adopted by Community Council; the provisions of the agreement that will govern the public art contribution will be worked out between Cadillac Fairview and the City of Toronto prior to issuance by the Ontario Municipal Board of a final order approving the site plan, with any disagreements being resolved by the Board;

- (ii) Cadillac Fairview will agree to give the City the deed in escrow referred to in Recommendations (2)(x) and (xiv) of the staff report dated May 3, 2006, as amended and adopted by Community Council, prior to final site plan approval, on the following understandings:
 - (a) the deed in escrow will be for parkland located west or south of the Civitan arena lands, the exact location being determined in accordance with Recommendation (2)(xiv) of the staff report, as amended and adopted by Community Council, and specified by means of a reference plan denoting the lands in question, which plan will be prepared at Cadillac Fairview’s expense; and
 - (b) if Cadillac Fairview does not secure planning approval for an anticipated subsequent phase of the project (‘Phase II’), including final site plan approval for at least one component thereof, within seven years of final site plan approval for Phase I, then the deed in escrow will be registered on the direction of Council. However, if Cadillac Fairview does secure planning approval for Phase II within seven years, then the City will determine the optimal location within the Don Mills Centre site of all parkland to be dedicated for the combined Phase I + Phase II development without regard for the location of the lands identified in the deed in escrow, which will not be registered but released to Cadillac Fairview upon approval of Phase II and conveyance of the parkland to be dedicated for the combined Phase I + Phase II development;
- (iii) City Council will delete in its entirety Recommendation 1(i) of the staff report dated May 3, 2006, as amended and adopted by Community Council, and accept the location of the buildings as

proposed by Cadillac Fairview in its revised site plan submitted to the City on April 7, 2006;

- (iv) City Council will delete North York Community Council Recommendation (2)(b); and
- (v) City Council will direct staff to work with representatives of Cadillac Fairview to expeditiously resolve all remaining issues and complete the site plan agreement as soon as possible, on the understanding that both parties will attempt to settle remaining issues on the merits; any issues that cannot be settled will be determined by the Board in timely fashion.”; and

(2) by adding the following:

“That the supplementary report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be received.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

- Report (May 23, 2006) from the Chief Planner and Executive Director, City Planning [Communication 11(b)].

Communications:

- (May 9, 2006) from Marla Miller, UTSC Selector, Collection Development Department, University of Toronto Libraries [Communication 11(a)]; and
- (May 23, 2006) from Jeffrey L. Davies, Davies Howe Partners, on behalf of The Cadillac Fairview Corporation [Communication 11(c)].

33 Ontario Municipal Board Hearing - Committee of Adjustment Application - 414 Cranbrooke Avenue (Ward 16 - Eglinton-Lawrence)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

34 Other Items Considered by the Community Council

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Scarborough Community Council Report 4**1 Dedication of Certain Land East of Kennedy Road South of Lawrence Avenue East for Public Highway Purposes and to Name that Highway as “Mike Myers Drive” (Ward 37 - Scarborough Centre)**

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

2 Proposed Renaming of Empringham Park to Shawn “Blu” Rose Park (Ward 42 - Scarborough Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Request for Fence Exemption, 97 North Edgely Avenue (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Request for Fence Exemption, 42 Heatherington Drive (Ward 40 - Scarborough Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

5 Request for No Stopping Prohibitions in the Vicinity of Victoria Park Subway Station and Dentonia Golf Course Driveway (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

6 Agreement - Proposed Construction and Maintenance of Pedestrian Connection from Brimley Road to Scarborough Centre SRT Station (Ward 38 - Scarborough Centre)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

7 Proposed Speed Limit Reduction on Sanwood Boulevard and Proposed Minor Street Stop Signs in the Steeles Neighbourhood (Ward 39 - Scarborough Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

8 Proposed Parking Regulation Changes on Tiffield Road from Nashdene Road to McNicoll Avenue (Ward 41 - Scarborough Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

9 Proposed Parking Regulation Changes and Speed Limit Reduction on Nightstar Road in the Vicinity of Thomas L. Wells Public School (Ward 42 - Scarborough-Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Proposed On-Street Disabled Parking in front of 48 Greyabbey Trail (Ward 43 - Scarborough East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Proposed Installation of Traffic Control Signals on Morningside Avenue Approximately 100 Metres South of Kingston Road at the Proposed Driveway to 255 Morningside Avenue (Morningside Mall Development) (Ward 44 - Scarborough East)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Status Report Danforth Avenue Study - File No. 04 187581 EPS 35 TM (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

13 Request for Direction Site Plan Control Application 05 144956 ESC 35 SA Subdivision Application Revision TF SUB 19990002 Kennedy Birch Properties (Inaugural Source) 740-742 Kennedy Road (Ward 35 - Scarborough Southwest)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Final Report (Refusal) OPA and Rezoning Application 05 211770 ESC 39 OZ St. John's McNicoll Centre - Architect: CXT Architects Inc., 1030 McNicoll Avenue, Steeles Employment District (Ward 39 - Scarborough-Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

Council also considered the following:

Communications:

- (May 10, 2006) from Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt [Communication 9(a)]; and
- (May 19, 2006) from the President, Leaside Business Park Association [Communication 4(d)]; and
- (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 4(f)].

15 Request for Direction Rezoning Application 05 187171 ESC 39 OZ, 1632495 Ontario Inc. - 2716-2718 Kennedy Road, L'Amoreaux Community (Ward 39 - Scarborough-Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Supplementary Report Application No. 06 128507 ESC 40 TM Mondeo Developments Inc. (Green Haven Homes) 47, 47A, 47B, 49 and 49A Carrera Boulevard (Ward 40 - Scarborough-Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

17 Final Report Part Lot Control Exemption Application 06 122395 ESC 42 PL Rangemanor Estates Inc. (Viljoen Architect Inc.) Staines Road and Seasons Drive, Morningside Heights Community (Ward 42 - Scarborough-Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

18 Final Report Part Lot Control Application 05 110620 ESC 43 PL Taylorwood Park Homes Inc. 3765 Kingston Road (Ward 43 - Scarborough East)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That:

- (1) the City Solicitor be authorized to introduce the Part Lot Control Exemption By-law in Council after the owner of the subject lands has registered a Section 118 Restriction under the *Land Titles Act*, agreeing not to transfer or charge any part of the said lands without the prior written consent of the Chief Planner and Executive Director, City Planning, or his delegate; and
- (2) the City Solicitor be authorized to take the necessary steps to release the Section 118 restriction at such time as the Common Elements Condominium Plan has been registered.”

This Clause, as amended, was adopted by City Council.

19 Final Report - Rezoning Application 05 101960 ESC 40 OZ, Daniel Executive (Canada) Holdings Corp. (Architect: Henry Chiu) 3195 Sheppard Avenue East, Sullivan Community (Ward 40 - Scarborough Agincourt)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Final Report OPA and Rezoning Application 05 169649 ESC 41 OZ Parkshire Holdings Inc. (F.T. Reisman & Associates) 3250-3300 Midland Avenue and 50-70 Silver Star Boulevard, Milliken Employment District (Ward 41 - Scarborough Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 Final Report - Rezoning Application 05 106323 ESC 42 OZ, Draft Plan of Subdivision Application 05 106325 ESC 42 SB, 1681885 Ontario Inc. - 30 Massie Street, Malvern West Community (Ward 42 - Scarborough-Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

22 Final Report - Official Plan Amendment Application 03 035189 ESC 42 OZ and Rezoning Application 03 035261 ESC 42 OZ, Steeles Markham Developments Limited, 3351 Markham Road, Tapscott Employment District (Ward 42 - Scarborough-Rouge River)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

23 Other Items Considered by the Community Council

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Toronto and East York Community Council Report 4

1 Requests for Endorsement of Events for Liquor Licensing Purposes (Wards 19 and 20 - Trinity-Spadina; Ward 21 - St. Paul's and Wards 27 and 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, amended this Clause by amending the recommendations of the Toronto and East York Community Council as follows:

- (1) by adding the following to Part (h) of Recommendation (1):

“nor to the following establishments being granted a temporary liquor licence extension for the duration of this event:

Zipperz Bar/Cellblock, 72 Carlton Street – to sell and serve alcohol in an adjacent parking lot from 11:00 a.m. to 11:00 p.m.; and

Slack's Restaurant and Bar, 562 Church Street – to sell and serve alcohol in an adjacent parking lot from 11:00 a.m. to 11:00 p.m.”;

- (2) by adding the following new Parts (i) to (p) to Recommendation (1):

“(i) the Cabbagetown Festival taking place on September 9, 2006, nor to the following establishments being granted a liquor licence establishment to sell and serve alcohol on their outside patios from 11:00 a.m. to 11:00 p.m. for this event:

Flamingo House Restaurant, 446 Parliament Street

House on Parliament, 456 Parliament Street

Grasshopper Bar, 460 Parliament Street

Johnny G's, 478 Parliament Street

Cabbage Patch Pub & Restaurant, 488-490 Parliament Street

PearTree, 507 Parliament Street

The Cobourg, 533 Parliament Street

The Laurentian Room, 51A Winchester Street
Chapter 11, 557 Parliament Street
Big Mamma's Boy, 554 Parliament Street
Timothy's Tikka House, 556 Parliament Street
The Cabbage Bowl Restaurant, 568 Parliament Street
Cranberries Bar & Grill, 601 Parliament Street
Town Grill, 243 Carlton Street
Fellini's Shoe, 226 Carlton Street
Margarita's, 229 Carlton Street
Brass Taps Pizza Pub, 221 Carlton Street;

- (j) the Ninth Annual Inti Raymi Festival, being held on June 24 and 25, 2006, at Christie Pits Park, in the south-west corner near Bloor Street and Crawford Street;
- (k) the Toronto Outdoor Arts Exhibition taking place at Nathan Phillips Square on Friday, July 7, 2006, from 12:00 noon to 8.00 p.m., Saturday, July 8, 2006, from 12:00 noon to 7:00 p.m., and Sunday, July 9, 2006, from 12:00 noon to 6:00 p.m.;
- (l) the Masala Mehndi Masti Festival, taking place at Exhibition Place on July 28-30, 2006;
- (m) the Serbian Orthodox Choral Festival taking place at St. Michael the Archangel Serbian Orthodox Church, 212 Delaware Avenue, on June 2-4, 2006;
- (n) the 18th Annual Afrofest, taking place at Queen's Park on Saturday, July 8, 2006, and Sunday, July 9, 2006; and
- (o) the Annual Summer Spiel being held at the East York Curling Club, 901 Cosburn Avenue, on June 9 and 10, 2006; and
- (p) the 13th Annual Krinos Taste of the Danforth to be held on Danforth Avenue between Broadview Avenue and Jones Avenue on:

Friday, August 11, 2006, from 6:00 p.m. to 2:00 a.m., Saturday, August 12, 2006;
Saturday, August 12, 2006, from 12:00 noon to 2:00 a.m., Sunday, August 13, 2006; and
Sunday, August 13, 2006, from 12:00 noon to 8:00 p.m.;

nor to the following establishments being granted a liquor licence extension to sell and serve alcohol on their outside patios for the duration of this event:

Red Violin, 95 Danforth Avenue
Embrujo Flamenco Tapas Bar, 97 Danforth Avenue
Mambo Lounge, 120 Danforth Avenue
Old Nick English Pub, 123 Danforth Avenue
Café Brussel, 124 Danforth Avenue
Prince of Egypt, 135 Danforth Avenue
Dora Keogh, 141 Danforth Avenue
Allen's, 143 Danforth Avenue
Black Swan Tavern, 154 Danforth Avenue
South Sea Chinese Food, 162 Danforth Avenue
Terri O's Sports Bar, 185 Danforth Avenue
The Willow Tex-Mex, 193 Danforth Avenue
LCBO, 213 Danforth Avenue
Asteria Souvlaki Place, 292 Danforth Avenue
7 Numbers, 307 Danforth Avenue
Timothy's World News Café, 320 Danforth Avenue
Silk Road Café, 341 Danforth Avenue
Auld Spot, 347 Danforth Avenue
Sher-E-Punjab, 351 Danforth Avenue
Mariko Japanese Restaurant, 353 Danforth Avenue
Second Cup, 355 Danforth Avenue

GREEKTOWN BIA MEMBERS

Detroit Eatery, 389 Danforth Avenue
Astoria Shish Kebob House, 390 Danforth Avenue
Diners Thai, 395 Danforth Avenue
Caffé Demétré, 400 Danforth Avenue
Avli Restaurant, 401 Danforth Avenue
Megas Restaurant, 402 Danforth Avenue
Pantheon Greek Cuisine Restaurant, 407 Danforth Avenue
Kokkino, 414 Danforth Avenue
The Myth, 417 Danforth Avenue
Kalyvia-Greek Cuisine, 420 Danforth Avenue
Omonia Shish Kebob Place, 426 Danforth Avenue
Plazma Lounge, 433 Danforth Avenue
Pappas Grill, 440 Danforth Avenue
Wimpy's Diner, 443 Danforth Avenue
Messini Authentic Gyros, 445 Danforth Avenue
Mezes-Authentic Greek Cuisine, 456 Danforth Avenue
Sushi Delight, 461 Danforth Avenue
Plaza Garibaldi, 467 Danforth Avenue
Mocha Mocha Café, 489 Danforth Avenue
Christina's on the Danforth, 492 Danforth Avenue
Brass Taps Pizza Pub, 493 Danforth Avenue

Bamboo Chinese Restaurant, 494 Danforth Avenue
Ouzeri on the Danforth, 500A Danforth Avenue
Trapezzi, 505 Danforth Avenue
Mamma's Pizza, 507 Danforth Avenue
Athens Pastries, 509 Danforth Avenue
Lolitas Lust - Chinchilla Lounge, 513 Danforth Avenue
Pan on the Danforth, 516 Danforth Avenue
Café Frappe Bistro, 519 Danforth Avenue
521 Café, 521 Danforth Avenue
Ampeli Taverna, 526 Danforth Avenue
Fox and Fiddle, 535 Danforth Avenue
Iliada Kaffeteria Bar, 550 Danforth Avenue
The Friendly Greek, 551 Danforth Avenue
Swiss Chalet Rotisserie & Grill, 561 Danforth Avenue
Ice Lounge, 564 Danforth Avenue
Mr. Greek Mediterranean Grill, 568 Danforth Avenue
Katsu Japanese Restaurant, 572 Danforth Avenue
Il Fornello, 576 Danforth Avenue
Mong-Kut Thai Restaurant, 596 Danforth Avenue
The Court Jester Pub, 609 Danforth Avenue
Hytopp Wild Wings Sports Bar, 630 Danforth Avenue
Palladium Bar Grill, 635 Danforth Avenue
Maria's Garden Restaurant & Bar, 673 Danforth Avenue
Asteria Souvlaki Place, 679 Danforth Avenue
Zorba's Restaurant, 681 Danforth Avenue
Neon Café, 706A Danforth Avenue
Athens Restaurant – Tavern, 707 Danforth Avenue
Akropolis Pastries & Pies, 708 Danforth Avenue
Eton House, 710 Danforth Avenue
Gabby's Restaurant, 729 Danforth Avenue
Rails & Ales, 752 Danforth Avenue
Silver City Bar & Café, 780 Danforth Avenue
Pizza Pizza, 780 Danforth Avenue
Aji Sai Japanese Restaurant, 783 Danforth Avenue
The Family Thai, 785 Danforth Avenue
Chopan Kebab House, 798 Danforth Avenue
Iparho Bar, 802 Danforth Avenue
Maverick's, 804 Danforth Avenue
Maple Leaf Sports Bar & Grill, 826-828 Danforth Avenue
Madera Restaurant, 836B Danforth Avenue
Motorama Restaurant, 862 Danforth Avenue
Patris Restaurant, 888 Danforth Avenue;” and

(3) by adding the following new Recommendation (2):

“(2) request the City Clerk to advise the Alcohol and Gaming Commission that City Council has no objection to Kitty O’Shea’s Ale House, 2714 St. Clair Avenue East, being granted a temporary liquor licence extension to sell and serve alcohol on an adjacent parking lot, from 12:00 noon to 9:00 p.m., on June 17, 2006, subject to the owner providing the Ward Councillor and the City Clerk with a written undertaking that:

- (a) no amplified music will be transmitted outside the establishment for the duration of this event; and
- (b) a notice will be distributed, at the owner’s expense, to the community advising them of this event.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (April 28, 2006) from Michael Simpson, Barrister and Solicitor [Communication 13(a)(1)];
- (April 28, 2006) from Robert Costelloe, President, Leprechaun Management Inc., Kitty O’Shea’s Ale House [Communication 13(a)(2)];
- (May 3, 2006) from Karen Halliday, President, Slack’s Restaurant [Communication 13(a)(3)];
- (May 3, 2006) from Michael Kangrga, Choir Trustee, St. Michael The Archangel Serbian Orthodox Church Choir [Communication 13(a)(4)];
- (May 8, 2006) from Sue Graham-Nutter, Marketing Consultant, Krinos Taste of the Danforth 2006 [Communication 13(a)(5)];
- (May 9, 2006) from Debbie Sanderson, Booking/Tenant Administrator, Business Development, Exhibition Place [Communication 13(a)(6)];
- (May 12, 2006) from Alison Eagles, Executive Director, Toronto Outdoor Art Exhibition [Communication 13(a)(7)];
- (May 14, 2006) from Father Hernan Astudillo, Incumbent Priest, Parroquia San Lorenzo Anglican Church [Communication 13(a)(8)];
- (May 15, 2006) from Douglas Fisher, Co-ordinator, Old Cabbagetown Business Improvement Area [Communication 13(a)(9)]; and
- (May 23, 2006) from Otimo Oyemu, President, Music Africa [Communication 13(a)(10)].

2 Request for Exemption to the Toronto Municipal Code, Chapter 447 - Fences - 132 Inglewood Drive (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

3 Permanent Closing of parts of the public highways Bayview Avenue, Eastern Avenue, Cypress Street, Front Street East, Overend Street, Mill Street and Water within the West Don Lands Precinct

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

4 Permanent Closing of part of the public lane known as Glenholme Place, at the rear of 185 Gerrard Street East and flanking 117 Pembroke Street (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

5 Final Report - Application to Amend the Zoning By-law - 1639 Yonge Street (Ward 22 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

6 Final Report - Application to Amend the Zoning By-law - 46 - 62 Spadina Avenue and 378 Wellington Street West (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, amended this Clause by amending staff Recommendation (3)(i) contained in the Recommendations Section of the report (April 24, 2006) from the Director, Community Planning, Toronto and East York District, by deleting the figure "\$235,000", and inserting instead the figure "\$200,000", so that Recommendation (3)(i) now reads as follows:

“(3)(i) the amount of \$200,000 to be used towards improvements for Clarence Square Park;”.

This Clause, as amended, was adopted by City Council.

The following communication was received by the City Clerk's Office:

- (May 22, 2006) from Frédéric Geisweiller, on behalf of the Wellington Place Neighbourhood Association.

7 Final Report – Amendment to the Official Plan and Zoning By-law - 40 Adelaide Street West, 40 Temperance Street, and 335 and 347 Bay Street; and Intention to Designate under the *Ontario Heritage Act*, Alterations to a Heritage Building, and Heritage Easement Agreement - 347 Bay Street (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, amended this Clause by deleting from Recommendation (3)(b)(i) of the Toronto and East York Community Council, the words “skylights and cut outs to the Cloud Forest Park and building lobbies for all PATH connections”, and inserting instead the words “skylights and cut outs, where feasible, along the PATH connections”, so that Recommendation (3)(b)(i) now reads as follows:

“(3)(b)(i) skylights and cut outs, where feasible, along the PATH connections, in order to improve wayfinding; and”.

This Clause, as amended, was adopted by City Council.

8 Final Report - Application to Amend the Official Plan and Zoning By-law - 180-188 University Avenue and 192-194 Adelaide Street West; and Alterations to a Building Designated under the *Ontario Heritage Act* and Heritage Easement Agreement – 180 University Avenue (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding the following:

“That the Chief Planner and Executive Director, City Planning, be requested to report to the Toronto and East York Community Council at the time of site plan approval.”

This Clause, as amended, was adopted by City Council.

9 Refusal Report - 44 and 48 Havelock Street, and Intention to Designate under the *Ontario Heritage Act*, Alterations to a Heritage Building, and Heritage Easement Agreement - 48 Havelock Street (Ward 18 – Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

10 Exemption of 550 University Avenue By-law 13409, The University Avenue By-law (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

11 Inclusion on the City of Toronto Inventory of Heritage Properties - 1183 Dufferin Street (Dufferin Street Presbyterian Church) (Ward 18 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

12 Demolition of a Structure within the North Rosedale Heritage Conservation District and Approval of a Replacement Structure - 60 Binscarth Road (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

13 Inclusion of 10 Properties on the City of Toronto Inventory of Heritage Properties - Yonge Street from Marlborough Avenue to the CPR Underpass (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

14 Intention to Designate under Part IV of the *Ontario Heritage Act* - 135 First Avenue (St. Matthew's Anglican Church and Church Hall) (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted the staff recommendations contained in the Recommendations Section of the report (February 14, 2006) from the Director, Policy and Research, City Planning Division [as contained in the Clause].

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communication:

- (May 19, 2006) from Simon Li (Rev.), St. John's Chinese Congregation [Communication 20(a)].

15 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 150 Sudbury Street (Ward 18 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

16 Residential Demolition Application - 38 Burton Road (Ward 21 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

17 Request for an Exemption from Chapter 400 of the Former City of Toronto Municipal Code to Permit Front Yard Parking - 25 Maple Grove Avenue (Ward 14 - Parkdale-High Park)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

18 Request for Exemption from Chapter 248 of the Former City of Toronto Municipal Code to Permit Driveway Widening for Two Vehicles - 139 Lascelles Boulevard (Ward 22 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

19 Request for an Exemption from By-law No. 122-93 of the Former Borough of East York to Permit Boulevard Parking for a Second Vehicle - 40 Cadorna Avenue (Ward 29 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

20 Boulevard Café - The Richmond Rouge – 284 Richmond Street East (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

21 Continuation of the Operation of the Boulevard Cafe - 2620 Danforth Avenue (Ward 31 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

22 Maintenance of Various Encroachments - Hepbourne Street Flank - 642 Dovercourt Road (Ward 18 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

23 Installation and Maintenance of Benches and Flower Pots - Both Sides of Bloor Street West, between Dufferin Street and Montrose Avenue - Bloorcourt Village Business Improvement Area (Ward 18 - Davenport and Ward 19 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

24 Installation and Maintenance of Various Encroachments - Yonge Street between Crescent Road and Woodlawn Avenue - Rosedale Main Street Business Improvement Area (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

25 Amendment to Section 36 Agreement and Collateral Agreement - CBC Broadcast Centre Block - 230 Front Street West (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

26 Final Report - Part Lot Control Exemption Application - 5-13 McGee Street (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

27 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code – 255 Wellington Street West (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

28 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 854 Eglinton Avenue West (Ward 21 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

29 Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code – 21 St. Clair Avenue East (Ward 22 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

30 Second Year Review of the Construction Staging Area - 2195 Yonge Street (The Minto Midtown Development) (Ward 22 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

31 Temporary Road Occupation to Accommodate Construction Staging Area - 38 Charles Street East (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

32 Temporary Road Occupation to Accommodate Construction Staging Area - 80 and 100 Yorkville Avenue (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

33 Temporary Road Occupation to Accommodate Construction Staging Area - 311 Adelaide Street East (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

34 Temporary Road Occupation to Accommodate Construction Staging Area - 335-347 Bay Street (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

35 Request for the Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and the W. R. Allen Bridge (Ward 21 - St. Paul's)

City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.

36 Proposed Installation of Speed Bumps in East-West Public Lane Bounded by Poucher Street, Pape Avenue and Riverdale Avenue (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

37 Proposed Narrowing at the Westerly Limit of the Street - Rusholme Park Crescent (Ward 18 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

38 Request for All-Way “Stop” Sign Control – Hanna Avenue at Snooker Street (Ward 19 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

39 Prohibition of Southbound and Eastbound Left Turns During Weekday Rush Periods - King Street West and the Driveway to 23 Brant Street (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

40 Intersection Modifications - Yonge Street at Lake Shore Boulevard (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

41 Establishment of a Pick-Up and Drop-Off Zone for Disabled Persons - 44 Rusholme Drive (Ward 18 - Davenport)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

42 Provision of Designated On-Street Loading Zones for Disabled Persons - Bay Street, west side, south of Hagerman Street and Chestnut Street, east side, south of Dundas Street West (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

43 Designation of an On-Street Loading Zone for Disabled Persons - Sammon Avenue, north side, east of Wiley Avenue (Ward 29 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

44 Installation/Removal of On-Street Parking Spaces for Persons with Disabilities (Ward 14 - Parkdale-High Park; Ward 22 - St. Paul's; Ward 30 - Toronto-Danforth; and Ward 32 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

45 Amendments to Parking Regulations – Argyle Street, between Givins Street and Shaw Street (Ward 19 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

46 Adjustments to Parking Prohibitions – Wellington Street West, between Bathurst Street and Portland Street (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

47 Introduction of Thursday Parking Prohibitions to Enhance Mechanical Street Sweeping Operations - St. Clair Avenue West, Winona Drive, Davenport Road and Bathurst Street (Ward 21 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

48 Amendment to Parking Regulations - Carlaw Avenue, east side, between Harcourt Avenue and Cavell Avenue (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

49 Amendments to Parking Regulations - Musgrave Street, south side, between Dengage Avenue and a point 80 metres west of Victoria Park Avenue (Ward 32 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

50 Construction and Maintenance of Encroaching Doors - Public Laneway Rear of 519 St. Clair Avenue West (Ward 21 - St. Paul's)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

51 Maintenance of a Cedar Trellis Screen - 129 Summerhill Avenue (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

52 Installation of Decorative Sidewalks with Granite Pavers - South East Corner of Dundas Street West and Bay Street - 55 Dundas Street West (Ryerson University, Faculty of Business) (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

53 Use of Nathan Phillips Square: The Toronto Urban Music Festival - Irie Music Festival - August 4 - 7, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

54 Use of Nathan Phillips Square: Hiroshima Day Commemoration - August 9, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

55 Use of Nathan Phillips Square: Toronto Cuba Friendship Day - August 26, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

56 Use of Nathan Phillips Square: Proctor and Gamble's "Leaps and Bounds for the United Way" – September 10, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

57 Use of Nathan Phillips Square: Juvenile Diabetes Research Foundation's "Ride for Diabetes Research" – September 15, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

58 Use of Nathan Phillips Square: Canadian Breast Cancer Foundation's "CIBC Run for the Cure" - October 1, 2006 (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

59 Surplus Land Declaration and Proposed Closing of the Above-Grade Portion of the Public Lane known as Victoria Street Lane, between 26 and 38 Shuter Street (Ward 27 -Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

60 Surplus Land Declaration and Proposed Closing of a Portion of Basin Street, west of Bouchette Street and Saulter Street South, extending northerly from Basin Street to Commissioners Street (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

61 Donation of Public Art (Al Purdy Memorial) (Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

62 Non-Objection Letter to the Alcohol and Gaming Commission for the 2006 Celebrate Toronto Street Festival (Ward 19 - Trinity-Spadina; Ward 21 - St. Paul's and Ward 27 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, amended this Clause by adding to staff Recommendation (3) contained in the Recommendations Section of the report (March 27, 2006) from the General Manager, Economic Development, Culture and Tourism, as contained in the Clause, the following words:

“and that the Alcohol and Gaming Commission be advised that it has no objection to the following establishments being granted a temporary liquor licence to sell and serve alcohol on an outside patio for the duration of this event:

- (a) The Superior Restaurant, 253 Yonge Street; and
- (b) The Mars Uptown Diner, 2363 Yonge Street.”

This Clause, as amended, was adopted by City Council.

Council also considered the following:

Communications:

- (May 15, 2006) from the North York Community Council [Communication 10(a)];
- (May 1, 2006) from Tom Lexovsky, General Manager, Superior Restaurant [Communication 10(b)]; and
- (May 5, 2006) from Tom Pazianas and Terry Karabassis, Owners, The Mars Uptown Diner [Communication 10(c)].

63 Appointments to the Applegrove Community Complex Board of Management (Ward 32 - Beaches-East York)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

64 Bicycle Lanes on Eastern Avenue, between Leslie Street and Carlaw Avenue (Ward 30 - Toronto-Danforth)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

65 Status and Further Directions Report – Rezoning Application - 450, 470 and 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, received this Clause.

Council also considered the following:

- Report (May 18, 2006) from the Chief Planner and Executive Director, City Planning [Communication 17(a)].

66 Ontario Municipal Board Hearing - 6 Croft Street (Ward 19 - Trinity-Spadina)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

67 Reclamation of Land - Anniversary Park – Northwest Corner of Parliament Street and Gerrard Street West (Ward 28 - Toronto Centre-Rosedale)

City Council on May 23, 24 and 25, 2006, adopted this Clause without amendment.

68 Other Items Considered by the Community Council

City Council on May 23, 24 and 25, 2006, received this Clause, for information.

Notices of Motions

F(1) Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners

Moved by Deputy Mayor Feldman, seconded by Deputy Mayor Pantalone

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (January 31, 2006) in response to a request for report on whether the award of a contract for research services breached any City policies or procedures;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (January 31, 2006) from the Integrity Commissioner, and that the report be received for information.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

In adopting Motion F(1), without amendment, Council received the report (January 31, 2006) from the Integrity Commissioner for information.

Council also considered the following:

- Report (January 31, 2006) from the Integrity Commissioner.
- _____

Mayor Miller declared an interest in this Motion, in that an associate of the subject firm is the Campaign Manager for his upcoming election campaign.

F(2) Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (April 12, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (April 12, 2006) from the Integrity Commissioner, and that the report be received for information.”

Disposition:

City Council on May 23, 24 and 25, 2006, postponed consideration of this Motion to its special meeting on June 14, 2006, as the first item of business.

Council also considered the following:

- Report (April 12, 2006) from the Integrity Commissioner.

F(3) Review of Certain Applications Before the North York Committee of Adjustment

Moved by Mayor Miller, seconded by Councillor Holyday

“**WHEREAS** at its meeting held on October 26-31, 2005, City Council adopted a motion to provide for the Auditor General to conduct a review ‘respecting the processing and hearing of certain applications to the Committee of Adjustment’; and

WHEREAS the motion further requested that the Auditor General's findings be provided to the City Solicitor, and that the City Solicitor report, in consultation with the Integrity Commissioner, directly to Council, on whether there may be reasons to consider this matter further and, if so, the appropriate procedures under which that further consideration should be carried out; and

WHEREAS the Auditor General has completed his review and the Auditor General's findings have been provided to the City Solicitor who has consulted with the Integrity Commissioner;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the public report (April 13, 2006) from the Auditor General, which recommends that Council adopt the recommendations in the confidential report (April 13, 2006) from the Auditor General; and
- (2) receive the confidential report (April 19, 2006) from the City Solicitor."

Disposition:

City Council on May 23, 24 and 25, 2006, postponed consideration of this Motion to its special meeting on June 14, 2006, as the second item of business.

Council also considered the following:

- Public report (April 13, 2006) from the Auditor General.
 - Confidential report (April 13, 2006) from the Auditor General [Confidential Communication C.11(a)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals; and
 - Confidential report (April 19, 2006) from the City Solicitor [Confidential Communication C.11(b)]. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.
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Communication:

- (May 23, 2006) from Jon Williams [Confidential Communication C.11(d)]. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

- Confidential Fiscal Impact Statement (April 26, 2006) from the Deputy City Manager and Chief Financial Officer [Confidential Communication C.11(c)].
- Confidential Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

F(4) Approval of Expressway Banner Installations for the International AIDS Conference 2006

Moved by Councillor Rae, seconded by Councillor McConnell

“**WHEREAS** the XVI International AIDS Conference (AIDS Conference) to be held in Toronto from August 13 to the 18, 2006, is the world’s largest, most comprehensive global health forum in the world, aimed at expanding public awareness of HIV/AIDS, sharing knowledge and learning from others in the field and charting a course for a stronger, more effective global response to this pandemic; and

WHEREAS the AIDS Conference will be among one the largest such international events the City has hosted, providing an optimum opportunity for the City to play a leadership role in HIV/AIDS issues at a local, national and international levels; and

WHEREAS the AIDS Conference is expected to attract over 20,000 delegates from around the world, 3,000 top-tier journalists and generate \$30 to \$40 million in direct spending, providing the City with an exceptional opportunity to capture substantial convention spending by attending delegates, as well as help support the positioning of Toronto as a world leader in the medical/pharmaceutical research industry, as identified in the City’s economic development strategy; and

WHEREAS the AIDS Conference local host organizing team is committed to delivering a successful conference experience for all the delegates and journalists to the AIDS Conference, recognizing the enormous tourism and economic benefits to be yielded from their attendance and the broad international exposure anticipated;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the installation of a maximum of three welcome banners over the expressways including, at a minimum, the F.G. Gardiner Expressway and Dufferin Street eastbound, and the Don Valley Parkway and Dundas Street East southbound, from August 1 to August 18, 2006, inclusive, subject to the City:

- (a) supplying, installing, maintaining and removing banners, including any repair of the bridges or utility poles required as a result of the 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;

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

F(5) Protection of Individuals at Toronto City Hall and Nathan Phillips Square
Moved by Councillor Pitfield, seconded by Councillor Stintz

“WHEREAS Councillor Michael Thompson and his assistant were aggressively approached by a panhandler at Nathan Phillips Square on April 26, 2006, at approximately 6:10 p.m.; and

WHEREAS Councillor Thompson was assaulted; and

WHEREAS panhandling is increasingly becoming a problem throughout the City;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) request the Chief Corporate Officer to report to the next meeting of City Council, through the Administration Committee, on measures that can be implemented to discourage panhandling at Toronto City Hall, Nathan Phillips Square and other Civic Centres;

- (2) request that the City Manager, in consultation with the Toronto Police Service, determine ways to ensure the safety and security of Toronto residents, businesses and tourists across the City and to discourage panhandling and report the findings, through the Policy and Finance Committee, to the next meeting of City Council; and
- (3) request the City Solicitor, in consultation with the appropriate staff, to report to next meeting of City Council, through the Policy and Finance Committee, on the possibility of a 'quality-of-life' by-law that would include a provision that 'no person can impede any other person's reasonable enjoyment of day-to-day activities through panhandling,' such report to also include a communications strategy to notify residents, businesses, tourists and panhandlers of such a by-law, as well as an enforcement strategy."

Disposition:

City Council on May 23, 24 and 25, 2006, postponed consideration of this Motion to its special meeting on June 14, 2006, as the third item of business.

I(1) Potential Ontario Municipal Board Hearing – 2 Traymore Crescent
Moved by Councillor Saundercook, seconded by Councillor Grimes

“WHEREAS the Committee of Adjustment held a public meeting on April 6, 2006, to consider a request for the granting of a minor variance at 2 Traymore Crescent; and

WHEREAS the Committee heard from area residents opposed to the granting of this variance; and

WHEREAS the Committee of Adjustment refused to grant the requested variance, on the basis that the general intent and purpose of the Official Plan and Zoning By-law is not maintained and the variances were neither minor in nature nor were they considered desirable for the appropriate development of the land; and

WHEREAS the proposal would legalize three additional dwelling units currently existing in the dwelling at 2 Traymore Crescent, by reducing the required number of parking spaces; and

WHEREAS the three additional dwelling units were built in the absence of a building permit and may be in violation of the Building Code; and

WHEREAS the applicant is expected to appeal this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT in the event of an appeal of the Committee of Adjustment decision, the City Solicitor be directed to attend at the Ontario Municipal Board in defence of the City's Committee of Adjustment decision."

Disposition:

City Council on May 23, 24 and 25, 2006, postponed consideration of this Motion to its special meeting on June 14, 2006.

Council also considered the following:

- Notice of Decision (April 7, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Etobicoke York Panel.

J(1) Request for Report on Establishment of a Fund to Assist Families of Taxi Drivers Who Are Victims of Violence

Moved by Councillor Moscoe, seconded by Councillor Carroll

“WHEREAS on Tuesday, May 3, 2006, taxi driver Mahmoud Bhatti was brutally murdered by a passenger during an attempted robbery; and

WHEREAS there have been four recent attacks against taxi drivers in rapid succession, two of these in Toronto; and

WHEREAS notwithstanding that, the City has done everything possible to make taxis secure, including:

- (1) making cameras mandatory in all taxis;
- (2) requiring the installation of flashing red lights to signal that a taxi driver is in trouble; and
- (3) amended its taxi by-law to provide for the installation of protective shields; and

WHEREAS driving a taxi is an extremely dangerous occupation; and

WHEREAS the tragic death of Mahmoud Bhatti has shocked and saddened all of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the Treasurer and the Executive Director, Municipal Licensing and Standards report to the Planning and Transportation Committee on the following:

- (1) the City establishing a fund to assist the families of taxi drivers who are the victims of violence;
- (2) if the new *City of Toronto Act* permits, the fund being created by way of a mandatory \$5.00 levy on the renewal of taxi drivers' licenses and a \$10.00 levy on the renewal of all taxi plates;
- (3) if it is not possible to make this levy mandatory, that it be voluntary; and
- (4) the fund being administered by a Board of Directors representing the taxi industry who will establish the terms of reference for the fund, assisted by the City, in terms of collecting and managing the financial aspects of the fund, and overseen by the Auditor General."

Disposition:

City Council on May 23, 24 and 25, 2006, referred this Motion to the Planning and Transportation Committee.

J(2) Proposed Improvements for the Safety of Taxi Drivers

Moved by Councillor Davis, seconded by Councillor Moscoe

“WHEREAS the job of driving a taxi is a dangerous one and drivers are faced with the prospect of being assaulted by passengers; and

WHEREAS the recent murder of Mr. Mahmoud Bhatti, in his taxi, on May 3, 2006, demonstrates the urgent need to improve taxi driver safety; and

WHEREAS ensuring the safety of taxi drivers is a priority for the City of Toronto; and

WHEREAS a previous survey of taxi drivers ranked protective shields highest amongst a range of options for improving taxi driver safety; and

WHEREAS protective shields for drivers reduce the incidence of crime against taxi drivers; and

WHEREAS support from taxi drivers for the mandatory installation of protective shields has been growing, as a result of recent and ongoing assaults on drivers;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto take urgent action to improve the safety of taxi drivers in Toronto and request the Executive Director of Municipal Licensing and Standards to report to the June 1, 2006 meeting of the Planning and Transportation Committee on a mandatory taxi driver protective shield program, such a report to include:

- (1) a consultation process with taxi drivers, including the possibility of conducting a poll; and
- (2) models for financing the installation of protective shields through a taxi fare surcharge or other viable financing options.”

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by deleting the first Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto take urgent action to improve the safety of taxi drivers in Toronto and request the Executive Director of Municipal Licensing and Standards to report to the July 4, 2006 meeting of the Planning and Transportation Committee on a mandatory taxi driver protective shield program, such a report to include:

- (1) a consultation process with taxi drivers, including the possibility of conducting a poll; and***
- (2) models for financing the installation of protective shields through a taxi fare surcharge or other viable financing options without direct cost to the City of Toronto”.***

This Motion, as amended, was adopted by City Council.

Council also considered the following:

- Petition (May 24, 2006) on safety shields in cabs, containing the signatures of approximately 181 individuals.

J(3) Donation of a Wheelchair Accessible Bronze Drinking Fountain at Bill Hancox Park by the Rotary Club of Scarborough

Moved by Councillor Cowbourne, seconded by Councillor Soknacki

“WHEREAS on September 13, 2005, the Rotary Club of Scarborough approached the City of Toronto with a proposal for a donation of a wheelchair accessible bronze drinking fountain, in celebration of Rotary’s 100th anniversary, to be installed in the Scarborough District; and

WHEREAS on January 31, 2006, the Board of Directors of the Rotary Club of Scarborough approved the donation of a wheelchair accessible bronze drinking fountain to the City of Toronto, to be installed by the City in part of Bill Hancox Park; and

WHEREAS the additional annual maintenance costs for the wheelchair accessible bronze drinking fountain are nominal and the current Parks budget contains funds for such maintenance; and

WHEREAS the Rotary Club of Scarborough will be recognized for their generous donation by having their name cast on the wheelchair accessible bronze drinking fountain;

NOW THEREFORE BE IT RESOLVED THAT the City accept the donation of a wheelchair accessible bronze drinking fountain, to be installed by the City in part of Bill Hancox Park, from the Rotary Club of Scarborough, with thanks;

AND BE IT FURTHER RESOLVED THAT the City issue a tax receipt to the Rotary Club of Scarborough for the value of the donation, in accordance with CCRA guidelines, which will be approximately \$11,100.00 [\$9,500.00 (value of bronze drinking fountain), \$1,000.00 (shipping) and \$600.00 (to cover the cost of installation)];

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(4) Annual Report of the Integrity Commissioner for the Period September 1, 2004 to December 31, 2005

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted his annual report on the operations of the Integrity Commissioner’s Office for the period September 1, 2004, to December 31, 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 8, 2006) from the Integrity Commissioner, and that the report be received for information.”

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by adding the following:

“That a copy of the Integrity Commissioner’s Annual Report be forwarded to the Bellamy Implementation Steering Committee with a request that the Committee consider, as part of its established mandate, expanding the jurisdiction of the Integrity Commissioner and Complaint Protocol to apply to citizen members of agencies, boards and commissions.”

This Motion, as amended, was adopted by City Council.

In adopting Motion J(4), as amended, Council received the report (May 8, 2006) from the Integrity Commissioner, for information.

Council also considered the following:

- Report (May 8, 2006) from the Integrity Commissioner.

J(5) Affirm the Three-Year Term for Municipal Officials

Moved by Councillor Walker, seconded by Councillor Pitfield

“WHEREAS Ontario Minister of Municipal Affairs and Housing, John Gerretsen indicated in late 2005 that ... ‘we will not be proceeding with amendments to the *Municipal Elections Act* ...we do not intend to proceed at this time with proposed change to the term of office for municipal officials’; and

WHEREAS in a contrary manner, Premier Dalton McGuinty announced on February 21, 2006 that his government intended to introduce amendments to the *Municipal Elections Act* replacing three-year terms with four-year terms for all municipal Mayors, Councillors and School Trustees; and

WHEREAS from 1837 to the late 1950s, the City of Toronto had one-year municipal terms; and

WHEREAS from the late 1950s to 1982, the City of Toronto had two-year municipal terms with a succession of five progressive Mayoral greats, namely Nathan Phillips, Philip Givens, David Crombie, John Sewell and Art Eggleton; and

WHEREAS from 1982 to present, the City of Toronto has had three-year municipal terms; and

WHEREAS the frequency of elections is one of the most valued means for ensuring the highest standard of public accountability and transparency in municipal government; and

WHEREAS this standard has suffered badly in recent years as a result of alleged wrongdoing associated with events such as the MFP scandal;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council petition the provincial government (Minister of Municipal Affairs and Housing) to place a plebiscite question regarding extending the term of office for Mayor, City Councillor, and School Trustee on the ballot of the November 13, 2006 municipal election to gain public input on this issue;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be requested to take any necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

Disposition:

City Council on May 23, 24 and 25, 2006, referred this Motion to the Administration Committee.

Council also considered the following:

- Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

J(6) Jones Auto Wreckers - 1 Thora Avenue

Moved by Councillor Altobello, seconded by Councillor De Baeremaeker

“**WHEREAS** the rear yards of residential properties on Lucy Avenue are adjacent to Jones Auto Wreckers;

WHEREAS the cars in Jones Auto Wreckers are stacked higher than the fence between the residential properties and the auto wreckers; and

WHEREAS this creates a possible safety problem for the homeowners; and

WHEREAS cars are being crushed practically in the back yards of the homes on Lucy Avenue; and

WHEREAS the noise from the crushing disturbs the homeowners on Lucy Avenue; and

WHEREAS the crushing of the cars has gasoline, anti-freeze and oil being distributed into the soil, which in turn could migrate into the residential properties on Lucy Avenue; and

WHEREAS an auto wrecking yard and residential homes cannot co-exist in the same area;

NOW THEREFORE BE IT RESOLVED THAT Deputy City Manager Fareed Amin, in consultation with appropriate staff, report to the July 4, 2006, meeting of the Planning and Transportation Committee on ways to remove the auto wreckers from this area.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(7) Request for Review of Ontario’s Workplace Safety and Insurance Act - Firefighters’ Illness or Disease

Moved by Councillor Mihevc, seconded by Deputy Mayor Bussin

“**WHEREAS** firefighters provide an invaluable service to the public and often risk their own personal safety in order to protect the lives of residents of the City of Toronto; and

WHEREAS studies have shown that firefighters suffer from an incidence of some cancers and other diseases that is significantly greater than the normal population, and that this may be due to firefighters’ exposure to toxic chemicals and carcinogens during the course of fighting fires; and

WHEREAS in response to these studies, the Provinces of Manitoba, Alberta, Saskatchewan and Nova Scotia have amended their Workers’ Compensation legislation to include a presumption that, for identified types of cancer in firefighters, the disease is attributable to work as a firefighter; and

WHEREAS the City of Toronto wishes to demonstrate our support for a comprehensive review of Ontario’s Workers’ Compensation scheme as it specifically relates to firefighters;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council call on the Government of Ontario to review Ontario's *Workplace Safety and Insurance Act* in order to ensure that firefighters and their families receive fair and timely compensation for illness or disease that is attributable to their work as firefighters; and that this motion be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities."

Disposition:

City Council on May 23, 24 and 25, 2006, referred this Motion to the Policy and Finance Committee.

Councillor Augimeri declared an interest in this Motion, in that her spouse acts as a consultant dealing specifically with *Workplace Safety and Insurance Act* matters.

Councillor Silva declared an interest in this Motion, in that his spouse works for the spouse of Councillor Augimeri.

J(8) Request for Changes to the *Condominium Act* to Allow Access to Capital Reserve Funds for Energy Efficiency Upgrades

Moved by Councillor Del Grande, seconded by Councillor Pitfield

“WHEREAS the Province estimates that the City of Toronto currently faces an electrical supply shortage of 500 MW; and

WHEREAS the debate over the Minister of Environment's recent decision to proceed with the development of the Portland Energy Centre highlighted the need to incorporate energy conservation and the pursuit of energy efficiencies to address part of this shortage; and

WHEREAS many condominium complexes, particularly those built in the early 1980s, employ technology that has since been vastly improved from an energy efficiency standpoint; and

WHEREAS the replacement technology, while more energy efficient, requires sizeable capital investment; and

WHEREAS condominium corporations are required to undertake a reserve fund study that establishes when expenditures are expected; and

WHEREAS the reserve fund can have an investment plan for that portion of the reserve for which expenditure is not anticipated in the near or mid term; and

WHEREAS the use of reserve funds to support energy efficiency retrofitting projects would result in an increased ability to finance energy efficiency initiatives, improved return on investment on reserve funds via the energy savings realized, and reduced building maintenance liabilities since energy efficiency upgrades are building improvements which increase asset values and often reduce future maintenance expenditures; and

WHEREAS the period over which the investment in energy efficiency retrofitting program would be recovered from energy savings could be within the timeframe for longer term investment of reserve funds; and

WHEREAS condominium complexes are currently prevented from accessing their capital reserves for energy efficiency-related upgrades;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council request the Province of Ontario to amend the *Condominium Act* to allow condominium corporations to access capital reserves for specified, energy efficiency-related upgrades and investments.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Communication (May 3, 2006) from Richard Lu, Chief Conservation Officer, Vice President, EHS, Toronto Hydro Corporation.

J(9) Toronto/Markham Liaison Advisory Committee

Moved by Councillor Del Grande, seconded by Councillor Ainslie

“**WHEREAS** the City of Toronto and the Town of Markham share a long border along Steeles Avenue; and

WHEREAS there are numerous issues of mutual interest along Steeles Avenue where open lines of communication and co-operation at both the bureaucratic and political levels are likely to produce more favourable outcomes; and

WHEREAS issues dealt with in adjacent municipalities, such as planning, transportation planning and construction, impact Toronto residents; and

WHEREAS there currently exists limited safeguards to ensure that the City of Toronto and its residents are given the opportunity to provide input into important issues in the Town of Markham that impact our City and vice versa; and

WHEREAS an informal meeting was held on Tuesday, May 16, 2006, between several City of Toronto Councillors and several Town of Markham Councillors to discuss the challenges with the status quo and alternatives for improving it; and

WHEREAS elected representatives from both municipalities recognize the need to maintain and enhance communication between and across Steeles Avenue;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council approve the establishment of a Toronto/Markham Liaison Advisory Committee as per the attached Terms of Reference and in accordance with Section 108 of the Toronto Municipal Code Council Procedural By-law.”

Disposition:

City Council on May 23, 24 and 25, 2006, referred this Motion to the Policy and Finance Committee.

Council also considered the following:

- Toronto/Markham Liaison Advisory Committee, Terms of Reference.

J(10) City of Toronto - Street Needs Assessment Results

Moved by Councillor Ootes, seconded by Councillor Kelly

“**WHEREAS** on April 19, 2006, the City of Toronto conducted its first ever Street Needs Assessment; and

WHEREAS the full findings of the Street Needs Assessment, along with an in-depth analysis of the data will be reported to City Council in July, 2006; and

WHEREAS it would be very straightforward and simple for City staff to prepare a report to City Council on just the actual number of homeless people who were surveyed on April 19, 2006; and

WHEREAS the Community Services Committee will next meet on June 8, 2006, and City Council will next meet on June 27, 28 and 29, 2006;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Shelter, Support and Housing Administration, be requested to prepare a preliminary report for the June 8, 2006 Community Services Committee, containing the number of homeless people who were surveyed on April 19, 2006, resulting in this preliminary report being considered by City Council at its meeting of June 27, 28, and 29, 2006;

AND BE IT FURTHER RESOLVED THAT the full report be considered by City Council at its July 25, 26 and 27, 2006 meeting.”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 27, 2006.

J(11) Section 37 Funds for Gwendolyn MacEwen Park Memorial

Moved by Councillor Silva, seconded by Councillor Soknacki

“**WHEREAS** City of Toronto Planning Division received Section 37 money in the amount of \$200,000.00 in relation to the 35 Walmer Road development for ‘improvements to Walmer Road Circle, Gwendolyn MacEwen Park, Ecology Park and/or Sibelius Park’; and

WHEREAS the Gwendolyn MacEwen Park Memorial Group has the support of the Annex Ratepayers Association for their proposed installation of a memorial to the poet Gwendolyn MacEwen as an improvement to Gwendolyn MacEwen Park and no other improvements are planned at this site by the City of Toronto in the immediate future; and

WHEREAS the Gwendolyn MacEwen Park Memorial has the support of the Executor of the Estate of Gwendolyn MacEwen; and

WHEREAS this proposed memorial donation was approved, in principle, by the Council-appointed advisory group, the Public Art Commission, in November 2000; and

WHEREAS this proposal had the support of Toronto’s inaugural Poet Laureate, Dennis Lee, and has the continued support of the City of Toronto Legacy Project Committee, whose mandate is to celebrate Toronto’s great artists and thinkers by weaving their names into the fabric of the City; and

WHEREAS in 1970, Gwendolyn MacEwen won Canada's highest literary prize, the Governor General's Award, for her collection ‘The Shadow-Maker’, wrote highly praised novels and children's books and was considered one of the most vital and original presences on the Canadian literary scene; and

WHEREAS the Gwendolyn MacEwen Park Memorial Group has complied with the installation and maintenance requirements of City of Toronto Culture, who will be accepting the completed memorial into its Outdoor Art and Monuments Collection; and

WHEREAS Pteros Gallery has lead the fundraising efforts for this project and private donors have pledged funds for a memorial consisting of a bronze bust by noted sculptor John McCombe Reynolds, accompanied by biographical and poetry plaques, for installation at Gwendolyn MacEwen Park in consultation with staff from City of Toronto's Urban Design, Culture and Parks, Forestry and Recreation Divisions;

NOW THEREFORE BE IT RESOLVED THAT \$6,000.00 of the Section 37 benefits totalling \$200,000.00 received through the development at 35 Walmer Road, and secured for improvements to parks in Ward 20, be directed towards the Gwendolyn MacEwen Park Memorial project in Gwendolyn MacEwen Park and that the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

J(12) Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 - Etobicoke-Lakeshore

Moved by Deputy Mayor Bussin, seconded by Councillor Carroll

“WHEREAS the Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore) was before Council on April 25, 26 and 27, 2006; and

WHEREAS Dunpar Homes had consulted Etobicoke Planning staff and the local Councillor before acquiring the property; and

WHEREAS over \$1 million has been spent on site clean-up of the 1.7 acre contaminated industrial land; and

WHEREAS the property is surrounded on three sides by residential homes and has three homes currently on it; and

WHEREAS the community in the immediate neighbourhood are overwhelmingly in support of the application; and

WHEREAS the proposal meets the City of Toronto Official Plan guidelines with respect to housing intensification; and

WHEREAS the proposal is within walking distance to the Islington Subway station, a community centre, parks, schools and shopping; and

WHEREAS the Official Plan Amendment and Rezoning was approved by the Etobicoke York Community Council; and

WHEREAS at the Council meeting of April 25, 26 and 27, 2006, a motion was made that the application as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District be refused; and

WHEREAS there was some confusion about the impact of the motion and several Members of Council would have voted otherwise;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community Council Report 3, Clause 57, headed ‘Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)’, be re-opened for further consideration, in order to allow the vote to be taken again.”

Disposition:

City Council on May 23, 24 and 25, 2006, re-opened Etobicoke York Community Council Report 3, Clause 57, headed “Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)”, and postponed consideration of the balance of the Motion to its special meeting on June 14, 2006.

Council also considered the following:

- Communication (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade [Communication 4(f)].

J(13) Ontario Municipal Board Decision - 1625 Military Trail (Ward 44)

Moved by Councillor Cowbourne, seconded by Councillor Soknacki

“**WHEREAS** the Ontario Municipal Board issued a Decision on April 27, 2006, granting approval to planning applications to allow a 66 housing unit proposal on a 1.08 ha parcel of land at 1625 Military Trail, at Kingston Road; and

WHEREAS the Board accepted the evidence from the applicant's land-use planner that the applicable guidelines concerning townhouse development had been substantially met in this case; and

WHEREAS the only expert evidence on urban design matters, as opposed to land use opinion matters, was led by the City and that evidence was to the effect that the Highland Creek Village guidelines for urban design, along with the City's Infill townhouse guidelines, were not at all being achieved through the layout of this townhouse project; and

WHEREAS the Decision will result in some of the lots having their back yards extending into a 10 metre buffer zone between the townhouse lots and the adjacent Highland Creek ravine sought by the Toronto and Region Conservation Authority; and

WHEREAS the Board accepted the testimony of the applicant's witness on transportation evidence over that of the City's witness, raising the possibility of there being a secondary access on to Kingston Road, at a point very close to the bridge structure spanning the Highland Creek ravine, and being a matter of public safety to City staff; and

WHEREAS the *Ontario Municipal Board Act*, under Section 43, allows the Board to review, change or vary any Decision made by the Board upon certain grounds involving material errors of facts or law being established; and

WHEREAS a Section 43 application is required to be filed with the Chair of the Board within 30 days of the date of the written Decision in accordance with the Board's Rules of Practice and Procedure, and there is therefore urgency to obtain the authorization of Council to file the application by May 26, 2006;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendation contained in the Recommendation Section of the confidential report (May 18, 2006) from the City Solicitor."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

In adopting Motion J(13), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the confidential report (May 18, 2006) from the City Solicitor. This recommendation is now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information that is subject to solicitor-client privilege:

“That the City Solicitor be authorized to make an application, supported by necessary affidavit evidence, to the Ontario Municipal Board under the authority of Section 43 of the Ontario Municipal Board Act, and to request a review and rehearing of the Board’s Decision of April 27, 2006, approving planning applications for a 66 unit housing development in mostly townhouse form, located at 1625 Military Trail.”

Council also considered the following:

- Confidential report (May 18, 2006) from the City Solicitor [Confidential Communication C.15(a)]. The above-noted staff recommendation contained in the Recommendation Section of the report is now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.

J(14) Request for City Legal Representation at the Ontario Municipal Board Appeal for 34 Canadine Road (Application File No. A309/05SC)

Moved by Councillor Thompson, seconded by Councillor Altobello

“WHEREAS the Committee of Adjustment, Scarborough Panel, held a public meeting on May 3, 2006, to consider an application for minor variances at 34 Canadine Road; and

WHEREAS the owner of 34 Canadine Road made application to the Committee of Adjustment, Scarborough Panel for variances to permit an increased lot coverage for an existing dwelling with a second suite, an existing garage workshop, and an existing rear yard storage shed, to permit a rear yard storage shed to be located nearer to the rear property line than the By-law allows, and to permit one parking space instead of two parking spaces required by the Zoning By-law, and to permit the parking space in the street yard despite a prohibition of street yard parking spaces; and

WHEREAS City Planning staff provided a report to the Committee of Adjustment with a recommendation that the variances pertaining to the parking requirements be refused because the effect of these changes has been to create a negative impact on the character of the neighbourhood, and staff also recommended refusal of the variance pertaining to the location of the storage shed because the proposed setback does not allow for a visual and functional separation from neighbouring properties; and

WHEREAS the Committee of Adjustment, Scarborough Panel, refused to grant the requested variances because the general intent and purpose of the Zoning By-law were not maintained, and the variances were not minor and were not considered desirable for the appropriate development of the land; and

WHEREAS the owner is expected to appeal this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT, in the event of an appeal of the Committee of Adjustment decision, the City Solicitor and City Planning staff be directed to attend at the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the variances pertaining to the requirements for the number and location of parking spaces on the property and the location of the rear yard storage shed."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (May 3, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel.

J(15) Request for City Legal Representation at the Ontario Municipal Board Appeal for 173 Chesterton Shores (Application A259/05SC)

Moved by Councillor Cowbourne, seconded by Councillor Altobello

“WHEREAS the owner of 173 Chesterton Shores has made application to the Committee of Adjustment for side yard building setback and rear yard building setback variances to permit a basement and first floor addition to the south and west sides of the existing building, built without benefit of a building permit, site plan agreement and variances; and

WHEREAS the Director of Community Planning, Scarborough District, prepared a staff report recommending refusal of the application; and

WHEREAS the Committee of Adjustment, Scarborough Panel, considered the test of appropriate development of the lands and building and were not satisfied due to issues such as slope stability, the dwelling's location on hazardous lands, and development proceeding without any encroachment or limiting distance agreements with Toronto and Region Conservation Authority; and

WHEREAS the general intent and purpose of the Zoning By-law regulating side and rear yard building setbacks had not been satisfied; the general intent and purpose of the Official Plan has not been satisfied since this land is designated Open Space and an Environmental Impact Zone; and in the opinion of Committee, the variances are not minor in nature; and

WHEREAS the Committee of Adjustment, Scarborough Panel therefore refused the application; and

WHEREAS the owner has appealed the Committee of Adjustment Decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, Planning staff and other City staff deemed appropriate, be directed to attend the hearing of the Ontario Municipal Board to support the Committee of Adjustment's decision to refuse the application."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (April 13, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel.

J(16) Request for City Legal Representation of the Ontario Municipal Board Appeal for 300 Raleigh Avenue (Application A020/06SC)

Moved by Councillor Altobello, seconded by Councillor Del Grande

“WHEREAS the owner of 300 Raleigh Avenue applied to the Committee of Adjustment for minor variances to: (1) permit 6 parking spaces to be partially located on City property, whereas the Zoning By-law requires parking spaces to be located on the same lot as the use they serve; and (2) permit 9 parking spaces in the flankage and front yards, whereas the Zoning By-law permits parking spaces in the side or rear yards only; and

WHEREAS the Committee of Adjustment Scarborough Panel refused the application to permit parking on City property and the flankage and front yards because the amount and location of the proposed parking spaces, and history of derelict cars parked adjacent to the building, is not congruent with the intent and purpose of the Official Plan and Zoning By-law to ensure compatibility between employment uses and adjacent residential areas; and

WHEREAS the owner is expected to appeal the Committee of Adjustment Decision to the Ontario Municipal Board and Community Planning staff did not take a position on this application;

NOW THEREFORE BE IT RESOLVED THAT, in the event of an appeal of the Committee of Adjustment decision, the City Solicitor be directed to attend the Ontario Municipal Board Hearing and be authorized to hire outside planning staff to support the Committee of Adjustment Decision.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (May 3, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel.

J(17) Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – Complaint (1)

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (May 17, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 17, 2006) from the Integrity Commissioner, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Disposition:

City Council on May 23, 24 and 25, 2006, referred this Motion to the City Manager and the City Solicitor with a request that they provide advice to the Integrity Commissioner on employee issues, and requested the Integrity Commissioner to submit a further report to City Council.

Council also considered the following:

- Public report (May 17, 2006) from the Integrity Commissioner.
 - Confidential Appendix A (May 16, 2006) from the Integrity Commissioner [Confidential Communication C.16(a)]. This Appendix remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.
-
- Confidential Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

J(18) Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – Complaint (2)

Moved by Mayor Miller, seconded by Deputy Mayor Feldman

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted a report (May 17, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 17, 2006) from the Integrity Commissioner, and that the report be received for information.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

In adopting Motion J(18), without amendment, Council received the report (May 17, 2006) from the Integrity Commissioner, for information.

Council also considered the following:

- Public report (May 17, 2006) from the Integrity Commissioner.
 - Confidential Appendix A (May 16, 2006) from the Integrity Commissioner [Confidential Communication C.17(a)]. This Appendix remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.
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- Confidential Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

J(19) Support for City of Toronto By-law Prohibiting Burning of Used Motor Oil for Space Heating

Moved by Councillor Carroll, seconded by Councillor Hall

“**WHEREAS** burning waste motor oil releases a host of toxic substances into Toronto’s air, including heavy metals and carcinogens such as lead, cadmium, arsenic and trichlorethylene; and

WHEREAS re-refining used motor oil is an environmentally superior waste management option; and

WHEREAS the City of Toronto passed a by-law in 2000 prohibiting the burning of waste oil in space heaters; and

WHEREAS the federal government has categorized waste motor oil as ‘toxic’ under the Canadian *Environmental Assessment Act*; and

WHEREAS the Minister of the Environment in 2002 designated used motor oil as a waste for which a stewardship management plan focused on re-use and recycling be developed; and

WHEREAS the City of Toronto’s by-law prohibiting burning waste oil in space heaters may be superseded by a provincial certificate of approval; and

WHEREAS the Ministry of Environment lifted a six-year moratorium on new certificates of approval to burn used motor oil as fuel in 2003 and has awarded two new certificates of approval to facilities in Toronto; and

WHEREAS there are already over 40 facilities in Toronto that have historical permits from the 1990s to burn used motor oil in space heaters; and

WHEREAS Ontario Redimix Ltd. at 21 Goodmark Place, Suite 3, in Toronto has applied for a certificate of approval to burn waste motor oil for space heating; and

WHEREAS formal comments in writing regarding Redimix Ltd.'s application will be accepted by the Ministry of the Environment until June 1, 2006;

NOW THEREFORE BE IT RESOLVED that Toronto City Council direct the Medical Officer of Health and the City Manager to direct the appropriate staff to:

- (a) submit a formal objection to the Ministry of the Environment regarding Redimix Ltd.'s application to burn waste oil for space heating by June 1, 2006, on the grounds of protecting Toronto's already burdened air quality and respecting Toronto's by-law prohibiting the burning of waste oil in a heating device;
- (b) submit formal objections to any future proposals to burn waste motor oil in space heaters in Toronto whenever such a proposal is posted for comment on the Ontario Environmental Registry;
- (c) formally request the Ministry of the Environment to issue no new certificates of approval to burn waste motor oil and expire all existing certificates of approval in Toronto within the next two years; and
- (d) report back to City Council on whether wider jurisdictional authority exists under the new *City of Toronto Act* for the City to prohibit waste motor oil burning in a manner that would supersede provincial certificates of approval."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(20) Authority to Enter into a Heritage Easement Agreement - 2205 Queen Street East (Ward 32 Beaches-East York)

Moved by Deputy Mayor Bussin, seconded by Councillor Rae

“WHEREAS the property located at 2205 Queen Street East is designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the owner wishes to alter this building to accommodate proposed renovations; and

WHEREAS the alterations to the designated heritage building have been reviewed by staff under the Delegation By-law 929-2005; and

WHEREAS the Committee of Adjustment approved minor variances on February 15, 2006 in order to accommodate the proposed alterations; and

WHEREAS one of the conditions of approval for the variances was that the owner enter into a Heritage Easement Agreement with the City; and

WHEREAS the owner wishes to enter into the Heritage Easement Agreement as quickly as possible; and

WHEREAS staff require authority from Council to enter into a Heritage Easement Agreement; and

WHEREAS the Toronto Preservation Board considered this matter at its meeting of May 18, 2006 and recommended that City Council grant authority to enter into a Heritage Easement Agreement;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 2205 Queen Street East, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning;

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Communication (May 19, 2006) from the Toronto Preservation Board.

J(21) 606 College Street (Pylon Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* a Property Listed on the City of Toronto Inventory of Heritage Properties – Ward 19 - Trinity-Spadina

Moved by Deputy Mayor Pantalone, seconded by Councillor Silva

“**WHEREAS** the property located at 606 College Street contains the Pylon Theatre, which has design or physical value as a representative example of a World War II era movie theatre designed in the Art Deco style, and has contextual value as a local landmark on College Street in the area west of Bathurst Street; and

WHEREAS the property at 606 College Street was listed on the City of Toronto Inventory of Heritage Properties on October 26, 2005; and

WHEREAS the Toronto Official Plan states that heritage resources or properties listed on the City of Toronto Inventory of Heritage Properties will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition; and

WHEREAS the Toronto Preservation Board considered this matter at its meeting of May 18, 2006 and recommends that City Council state its intention to designate the property;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give notice of its intention to designate the property at 606 College Street (Pylon Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Communication (May 19, 2006) from the Toronto Preservation Board.

J(22) Solid Waste Management Contractual Issues (All Wards)

Moved by Councillor Carroll, seconded by Councillor Palacio

“**WHEREAS** City Council at its meeting of January 31, February 1 and 2, 2006, in response to a staff report, introduced under Notice of Motion J(26), dated January 31, 2006, headed ‘Solid Waste Management Contractual Issues Supplementary Report’, approved recommendations, including Recommendations (4) and (5), that provided authority to the General Manager of Solid Waste Management Services to issue a procurement call for: (i) contingency disposal capacity to be utilized in the event of a closure of the U.S.-Canada border to imports of solid waste from Canada or the introduction of onerous taxes and fees; (ii) the re-direction of limited quantities of solid waste to Ontario disposal facilities; and (iii) options for disposal capacity beyond 2010; and

WHEREAS a need has been identified to expand the scope of the aforementioned procurement call to include by-products from the City's Water Filtration Plants and Wastewater treatment plants and associated collection systems (including, but not limited to, ash resulting from the incineration of sewage sludge, biosolids, catch basin and sewer cleaning debris, grit and screenings, contaminated/organic soils, spoils, sludges and slurries, and water residuals) and street sweepings, which are currently disposed at the Carleton Farms Landfill located in Michigan, U.S.A., in order to also provide contingency disposal capacity for these materials in the event of a border closure or the introduction of onerous taxes and fees;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(26) respecting Solid Waste Management Contractual Issues (All Wards), adopted by City Council on January 31, February 1 and 2, 2006, be re-opened, only as it pertains to Recommendations (4) and (5) contained in the report (January 31, 2006) from the General Manager of Solid Waste Management Services and the City Solicitor, and that such Recommendations be amended to read as follows:

- '(4) the General Manager of Solid Waste Management Services, in consultation with the General Manager of Toronto Water and the General Manager of Transportation Services, be authorized to issue a procurement call, in such manner and on such terms as he considers appropriate in the circumstances, for contingency disposal capacity to be utilized in the event of a closure of the U.S.-Canada border or conditions that adversely impact the flow of imports of solid waste, Water and Wastewater Treatment Plant and associated collection systems by-products (including, but not limited to ash resulting from the incineration of sewage sludge, biosolids, catch basin and sewer cleaning debris, grit and screenings, contaminated/organic soils, spoils, sludges and slurries, and water residuals) and street sweepings from Canada or the introduction of onerous taxes and fees; and
- (5) the General Manager, Solid Waste Management Services, in consultation with the General Manager of Toronto Water and the General Manager of Transportation Services, be authorized to issue a procurement call in such manner and on such terms as he considers appropriate in the circumstances, for solid waste disposal capacity in order to re-direct solid waste from the Republic-Wilson Contract in the amounts shown on the Republic Contract Term Sheet up to a maximum of 50,000 tonnes per year in 2010, and include options for disposal capacity beyond 2010 for solid waste and Water and Wastewater Treatment Plant and associated collection systems by-products (including, but not limited to ash resulting from the incineration of sewage sludge, biosolids, catch

basin and sewer cleaning debris, grit and screenings, contaminated/organic soils, spoils, sludges and slurries, and water residuals) and street sweepings’.”

Disposition:

City Council on May 23, 24 and 25, 2006, re-opened Motion J(26) respecting Solid Waste Management Contractual Issues (All Wards), as it pertains to Recommendations (4) and (5), adopted by City Council on January 31, February 1 and 2, 2006, and adopted the balance of this Motion, without amendment.

J(23) Approval of Temporary Signage Permit for Annual Rotary Canada Day Ribfest Community Event

Moved by Councillor Milczyn, seconded by Councillor Grimes

“**WHEREAS** The Rotary Club of Etobicoke has held their annual Ribfest event for the past six years and direct 100 percent of the proceeds to local charities; and

WHEREAS Toronto Ribfest is one of the largest Canada Day celebrations and last year hosted over 150,000 during the four day event; and

WHEREAS promotion of this event has, each year since its inception, relied on and involved the placement of various temporary signs at key locations and intersections in Etobicoke, erected approximately two weeks before the event and removed diligently within hours of the Ribfest conclusion; and

WHEREAS this organization’s event has proven to be a success and previous signage erected during the past six years has generated no complaints to the office of the Councillor of Etobicoke-Lakeshore; and

WHEREAS the Municipal Code Chapter 693, Section 693-25, which outlines the requirements for signs being used to advertise charitable, non-profit and community events, does not permit any variance or appeal to the criteria which regulate temporary signage;

NOW THEREFORE BE IT RESOLVED THAT City Council approve a special permit to the Rotary Club for their 2006 Canada Day event and allow the placement of these signs, providing that they are removed within 12 hours of the events’ closure and that locations are reviewed in advance with staff to ensure that any sightline issues are resolved.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(24) Opposition to Application for Liquor Licence and Review of Business Licence - Club H2O Stereophonic - 82 Peter Street (Ward 20 - Trinity-Spadina)

Moved by Councillor Silva, seconded by Councillor Giambrone

“**WHEREAS** 1614276 Ontario Ltd. is the corporate licensee which is intending to operate a licensed establishment called Club H2O Stereophonic (‘H2O’) in premises located at 82 Peter Street, situated in the area bounded by Queen Street West, Spadina Avenue, Front Street West and John Street and Simcoe Street, often referred to as the Entertainment District (‘Entertainment District’) which permits a variety of uses including residential and commercial; and

WHEREAS H2O was issued a City of Toronto business licence on January 12, 2006, which permits the operation of a restaurant on the premises, the licence number being B71-3500120, and at the time of issuance, H2O was advised by the City that an outdoor patio is not permitted by the applicable zoning By-law and therefore the licence indicates – ‘no patio permitted’; and

WHEREAS H2O has submitted an application for a new liquor sales licence to the Alcohol and Gaming Commission of Ontario (‘AGCO’) to permit the sale and service of liquor for an indoor area permitting a capacity of approximately 450 persons and an outdoor area, AGCO file number 811164; and

WHEREAS through telephone calls, e-mails, letters and meetings, local residents have expressed concerns to the Ward Councillor about the proposed operations of H2O as it will increase the already existing problems in the Entertainment District with increased noise, late night pedestrian and automobile traffic, littering, property damage and occurrences of violence from patrons of the Entertainment District businesses; and

WHEREAS the Superintendent and Detective Sergeant Plainclothes of 52 Division, Toronto Police Service, have also expressed to the Ward Councillor and City staff their concerns about any increase in the number of licensed establishments in the Entertainment District as there is already an extraordinary strain on their services and therefore they are not supportive of any additional licensed premises; and

WHEREAS the City of Toronto has taken measures to control and improve the compatibility of licensed establishments, in particular entertainment facilities/nightclubs and residential uses in the Entertainment District by enacting By-law 20-2006 on February 2, 2006, amending the Toronto Municipal Code Chapter 545, respecting the regulation of entertainment establishments and nightclubs, by creating a new type of licence specifically for these establishments which imposes a number of conditions on the licensee; and

WHEREAS the City of Toronto has also taken further steps to address the incompatibility of commercial and residential uses in the Entertainment District by imposing an Interim Control By-law [By-law 336-2005 which was further amended by By-laws 300-2006 and 301-2006] preventing any additional entertainment facilities, nightclubs or new patios in the Entertainment District until a planning study has been completed and considered by Council; and

WHEREAS the restrictions of the Interim Control By-law do not apply to H2O due to the timing of its applications to the City, however, the various actions of Council described above, the current applicable zoning restrictions, and the ongoing concerns of the residents and the Toronto Police Service support the position that the issuance of a liquor licence for an indoor capacity of 450 persons and/or an outdoor area is not in the public interest having regard to the needs and wishes of the municipality in which the premises are located; and

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and H2O that it opposes the issuance of a new liquor sales licence for indoor area and/or an outdoor area as it would not be in the public interest having regard to the needs and wishes of the municipality in which the premises are located;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to H2O to oppose the issuance of a liquor sales licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO as a party or otherwise, which relate to H2O;

AND BE IT FURTHER RESOLVED THAT Council request the Executive Director, Municipal Licensing and Standards to investigate the conformity of the proposed operations of the business in relation to the zoning by-law and in relation to new licensing requirements and any other legal requirements and to take any other action she may consider necessary and appropriate.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Municipal Licensing and Standards - Request for Zoning Clearance (September 27, 2005) for 82 Peter Street, Toronto.

J(25) Appeal to the Ontario Municipal Board by the Canadian Broadcasting Corporation

Moved by Councillor Rae, seconded by Councillor Silva

“**WHEREAS** the Canadian Media Guild appeared before the Mayor’s Roundtable on Arts and Culture on May 17, 2006, to discuss the potential loss of the Canadian Broadcasting Corporation’s design department and the proposed conversion of significant space in the Canadian Broadcasting Centre to commercial uses; and

WHEREAS Toronto is in the midst of a ‘cultural renaissance’, with the unprecedented building and architectural transformation of close to a dozen major arts and cultural institutions; and

WHEREAS the remarkable surge of dynamic cultural landmarks will dramatically enhance the cultural landscape of Toronto, and will position the City as a distinctive and competitive presence on the world stage; and

WHEREAS the Canadian Broadcasting Centre is the main production and broadcast centre for English-language public television in Canada and one of the most important cultural facilities in the City; and

WHEREAS the Canadian Broadcasting Centre is an important industrial centre for the creative sector and the proposed reduction of industrial space would have a negative impact on this sector; and

WHEREAS the media cluster is identified as a strategic economic cluster in the City’s Economic Development Strategy, within which broadcasting is a growing sector providing high quality jobs;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto oppose the appeal to the Ontario Municipal Board by the Canadian Broadcasting Corporation regarding its variance application to allow more non-cultural uses in the Canadian Broadcasting Centre, on the grounds that the changes sought by the CBC are major and should be subject to a full rezoning process that allows for full public input and debate.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Notice of Decision (March 30, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel.

J(26) Consideration of the Naming of the Public Lanes Between Lewis Street and Saulter Street, South of Queen Street East, in Honour of June Callwood

Moved by Councillor Fletcher, seconded by Councillor McConnell

“**WHEREAS** the Works Committee unanimously adopted the motion (June 2, 2004) moved by Councillor Fletcher, seconded by Deputy Mayor Bussin, reserving the name ‘June Callwood’ for future use on a street in the downtown area of Toronto, as set out in Works Committee Report 4, Clause 13(p), received by Council for information at its meeting of June 22, 23 and 24, 2004; and

WHEREAS June Callwood has given freely of her time to human rights causes, civil liberties concerns, and particularly to the battle against child poverty; and

WHEREAS June Callwood has also been a founding member of several human rights organizations including the Canadian Civil Liberties Association, Justice for Children and Youth, and Canadians for Choice; and

WHEREAS June Callwood has also been involved in over 70 service organizations and has founded a number of social action organizations including Digger House for Toronto’s street kids, Nellie’s Hostel for abused women, the world’s first AIDS hospice, Casey House, and Jessie’s Centre for Teenagers, a centre for pregnant teens; and

WHEREAS the public lanes between Lewis Street and Saulter Street, south of Queen Street East are in the immediate vicinity of Nellie’s Hostel;

NOW THEREFORE BE IT RESOLVED THAT the public lanes between Lewis Street and Saulter Street, south of Queen Street East (north of Eastern Avenue), as shown on the Map dated May 10, 2006, attached to this Notice of Motion, be named ‘June Callwood Way’;

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Site Map (May 10, 2006) depicting the location between Lewis Street and Saulter Street, south of Queen Street East.

J(27) Change in Membership - Roundtable on Arts and Culture

Moved by Councillor Rae, seconded by Mayor Miller

“**WHEREAS** Sonia Chai was appointed to the Mayor’s Roundtable on Arts and Culture by City Council, as the representative of the Toronto Public Library; and

WHEREAS Sonia Chai is no longer with the Toronto Public Library; and

WHEREAS Linda Hazzan has succeeded Sonia Chai as the Director of Marketing and Communications for the Toronto Public Library;

NOW THEREFORE BE IT RESOLVED THAT City Council amend the membership of the Mayor’s Roundtable on Arts and Culture by deleting the name ‘Sonia Chai’, and inserting the name ‘Linda Hazzan’ as the Toronto Public Library representative on the Roundtable.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(28) Waiving of Park Fees - Habitat for Humanity

Moved by Councillor Grimes, seconded by Councillor Saundercook

“**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 and their children; and

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

WHEREAS Habitat for Humanity has previously requested and been granted dispensation from paying administrative fees to the Municipality; and

WHEREAS Habitat for Humanity relies primarily on volunteers to build Habitat homes; and

WHEREAS Habitat for Humanity engaged over 10,500 volunteers in 2005, and those volunteers donated 18,000 shifts of labour along side families contributing ‘sweat equity’ in the construction of over 40 homes in the City of Toronto; and

WHEREAS the Lakeshore Village build that is the site of one of Habitat for Humanity's builds in 2006 is a partnered program on a Daniel's project which is comprised of a high-rise tower, townhouses and an underground parking garage; and

WHEREAS the construction activity comprises all areas of the site and does not provide an area for Habitat for Humanity volunteers, who travel from all over the City to support this affordable housing project, to take rest and lunch breaks from time to time; and

WHEREAS Habitat for Humanity has applied to the Parks, Forestry and Recreation Division and received approval for the use of a portion of Garnett Janes Park, which is directly opposite the building site, during the period from June 1 to August 1, 2006, to be used as a rest area for Habitat for Humanity volunteers, subject to a \$4,000.00 permit fee, and will also require a permit to erect a tent in this area which is anticipated to attract additional fees; and

WHEREAS I anticipate that there may be additional fees and charges required by the City related to miscellaneous municipal approvals throughout the life of the project; and

WHEREAS Habitat for Humanity has committed to apply for and obtain approvals in accordance with any municipal processes that may apply and it is only the waiving of fees that is being proposed; and

WHEREAS all payments of fees like this must be drawn directly from public donations to Habitat for Humanity and are therefore, re-directed from its core mission of building affordable homes for those in need in the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive the park permit fee and tent permit fee related to the use of Garnett Janes Park, and any other miscellaneous permit fees that may arise relative to the Habitat for Humanity housing project involving the development of 10 townhouses at 8 Elisnore Path, located at Lake Shore Boulevard West and Twelfth Street."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

Council also considered the following:

- Fiscal Impact Statement (May 24, 2006) from the Deputy City Manager and Chief Financial Officer.

J(29) TorontoBMX Riders' Alliance - Agreement for Construction and Maintenance of an Extreme Sports Facility

Moved by Councillor Watson, seconded by Deputy Mayor Pantalone

“**WHEREAS** City Council, at its meeting on July 19, 20, 21 and 26, 2005, adopted, as amended, Policy and Finance Committee Report 7, Clause 51, headed ‘Authority for the City to Receive Donations of Cash for the Planning, Design and Development of a BMX Racetrack at Marilyn Bell Park (Ward 14 – Parkdale - High Park)’, whereby authority was given to Michael Heaton to seek private donations for the development of the BMX and extreme sports facility at Marilyn Bell Park, on behalf of the City; and

WHEREAS Michael Heaton and his fellow BMX enthusiasts formally organized and registered themselves as the charitable foundation known as the TorontoBMX Riders’ Alliance for the purpose of this fundraising initiative; and

WHEREAS the TorontoBMX Riders’ Alliance are now ready to commence construction of the BMX and extreme sports facility at Marilyn Bell Park; and

WHEREAS City Council, at its meeting on October 1, 2 and 3, 2002, adopted, as amended, Policy and Finance Committee Report 13, Clause 1, headed ‘Policy for City-Owned Space Provided at Below-Market Rent (All Wards)’, whereby the TorontoBMX Riders’ Alliance would be required to complete an eligibility review to determine whether or not it meets the criteria pursuant to the Policy;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the TorontoBMX Riders’ Alliance for the construction and ongoing maintenance of the BMX and extreme sports facility at Marilyn Bell Park only, for a period up to five years, with TorontoBMX Riders’ Alliance having the right to renew the agreement for an additional term of five years, under the same terms and conditions, save and except any further option to renew; as TorontoBMX Riders’ Alliance is a non-profit organization, the rent shall be a nominal sum of two dollars (\$2.00), net, per annum plus any and all applicable taxes, the agreement shall be a completely carefree net agreement to the City and in a form and content satisfactory to the City Solicitor;

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

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by deleting the first Operative Paragraph, and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the TorontoBMX Riders’ Alliance for

the construction and ongoing maintenance of the BMX and extreme sports facility at Marilyn Bell Park only, for a period up to five years, with TorontoBMX Riders' Alliance having the right to renew the agreement for an additional term of five years, under the same terms and conditions, save and except any further option to renew; and should the TorontoBMX Riders' Alliance meet all criteria of the Below-Market Rent Policy, the rent shall be a nominal sum of two dollars (\$2.00), net, per annum plus any and all applicable taxes. The agreement shall be a completely carefree net agreement to the City and in a form and content satisfactory to the City Solicitor;”.

This Motion, as amended, was adopted by City Council.

J(30) Toronto Youth Strategy 2006 Implementation Priorities

Moved by Councillor Carroll, seconded by Councillor Hall

“**WHEREAS** City Council, at its meeting on February 14, 2006, adopted Policy and Finance Committee Report 1, Clause 21a, headed ‘Toronto Youth Strategy’; and

WHEREAS Council adopted the following recommendation of the Policy and Finance Committee:

‘That Deputy City Manager Sue Corke be requested to immediately begin work on all elements of the Toronto Youth Strategy 2006 priorities, including the Young Ambassadors Program, that can be implemented either within existing resources or with external funding; and that staff submit a report back to the April 11 meeting of the Policy and Finance Committee on implementation progress on these priorities;’ and

WHEREAS one of the Toronto Youth Strategy 2006 priorities is open to a variety of interpretations, some of which may not be feasible within the City’s existing policy framework;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 1, Clause 21a, headed ‘Toronto Youth Strategy’, be re-opened for further consideration only as it pertains to Toronto Youth Strategy 2006 Priority 3(c), in order to clarify the work to be undertaken by staff in the implementation of the Toronto Youth Strategy 2006;

AND BE IT FURTHER RESOLVED THAT Toronto Youth Strategy 2006 Priority 3(c), which reads as follows:

‘Ensure all City agencies, boards and commissions have youth representatives on their boards, and that they are resourced to support these youth according to the best practices of youth engagement’

be deleted, and replaced with the words:

‘Use the City’s outreach and recruitment processes for representatives to the boards of agencies, boards, commissions and corporations, to ensure that youth aged 18 and over are aware that they may be eligible to serve as members of these boards, and that they are aware of the application process for participation on these boards’.

Disposition:

City Council on May 23, 24 and 25, 2006, re-opened Policy and Finance Committee Report 1, Clause 21a, headed “Toronto Youth Strategy”, as it pertains to Priority 3(c), and adopted the balance of this Motion, without amendment.

J(31) Permanent Acquisition of the Roseneath Gardens Parkette (“Langford Parkette”, Roseneath Gardens and Glenhurst Avenue) – 243 Alberta Avenue
Moved by Councillor Palacio, seconded by Councillor Mihevc

“WHEREAS the Roseneath Gardens Parkette, located at Roseneath Gardens and Glenhurst Avenues has become an integral part of the local neighbourhood that serves local residents very well; and

WHEREAS the Langford Parkette was installed as part of a lease agreement between the City and a private land owner, and the lease is due to expire in September 2008; and

WHEREAS the property owner has recently advised the City that he is ‘exploring his options’ including proposing a housing development upon expiry of the lease, or selling the land to the City for Parks purposes; and

WHEREAS the local City Councillor and local community as a whole would strongly oppose any attempt to convert the Park and playground into a different land use; and

WHEREAS according to the City Council adopted Parkland Acquisition Strategy (2001), this area of Ward 17 has been identified as having the lowest provision of parkland in the entire City of Toronto, making any potential loss of this Parkette even more unacceptable;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee on seeking a lease renewal or permanent acquisition from the Parks Acquisition funds of the current Roseneath Gardens Parkette, or a possible expansion, for parks purposes.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(32) Issuance of Residential Building Permits that Cause Building Code Violations to Adjacent Residential Buildings

Moved by Councillor Stintz, seconded by Deputy Mayor Feldman

“**WHEREAS** the City of Toronto is responsible for issuing residential Building Permits based on the conditions established in the Ontario Building Code (OBC); and

WHEREAS certain building permits allow construction of residential buildings that cause adverse impact on adjacent residential buildings; and

WHEREAS it has been suggested that Article 9.14.4.4. of the OBC requires chimney flues be positioned at least 600 mm (23.625 inches) higher than any portion of a building within 3 metres (9 feet, 10 inches) horizontal, should be considered relative to adjacent buildings; and

WHEREAS construction causes a financial burden on existing property owners who are required to retrofit or relocate their chimney away from their neighbour’s new residential building; and

WHEREAS there is no policy within the Ontario Building Code that protects existing residential homeowners from the impact of these new buildings; and

WHEREAS a precedent was set from the Building Code Commission in 1994 (DECISION ON B.C.C. #94-36-414) upheld by the Courts in the decision of *Alaimo v. City of York*, 1995, which concluded that ‘The Code does not address any adverse effect to adjacent properties in this matter of chimney flues such as the Code does in the matters of surface drainage and groundwater levels.’; and

WHEREAS the OBC obliges the City of Toronto to issue permits for the construction of buildings that may have an adverse impact on downdrafts, etc. of chimneys of adjacent buildings that can result in an unsafe situation under Fuel Safety requirements, resulting in the issuance of orders prohibiting occupancy, and/or remedial work; and

WHEREAS the OBC and the decision from the Building Code Commission, upheld in the Courts, have, in some cases, resulted in the City of Toronto being named in actions for damages caused by new construction; and

WHEREAS the Chief Building Official is aware of this problem;

NOW THEREFORE BE IT RESOLVED THAT Council urge the Province of Ontario to meet with the Chief Building Official in an effort to create a framework to resolve the issues that have been created;

AND BE IT FURTHER RESOLVED THAT the Chief Building Official report to the Planning and Transportation Committee with the results of the investigation and recommendations.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(33) Appeal of Committee of Adjustment Decision – 399 Adelaide Street West

Moved by Councillor Silva, seconded by Councillor Mihevc

“**WHEREAS** an application to the Committee of Adjustment was submitted by 2026598 Ontario Limited requesting six variances to the Zoning By-law to permit the development of an 11-storey (167 unit) residential building at 399 Adelaide Street West (Committee of Adjustment File A0140/06/TEY); and

WHEREAS requested Variance #1 proposed a maximum building height of 38.45 metres, whereas the zoning by-law permits a maximum building height of 23 metres plus an additional five metres for rooftop mechanical equipment, and requested Variance #5 proposed a 0.0 metre building set back above a building height of 20 metres, whereas the zoning by-law requires a minimum 3.0 metre building setback above a building height of 20 metres; and

WHEREAS City Planning staff submitted a report to the Committee recommending that two of the requested variances, Variance #1 related to building height and Variance #5 related to upper level building setback, be refused advising that approval of these proposed variances would represent a departure from the built form approach consistently applied in the King-Spadina Plan area west of Spadina Avenue and would not meet the intent of the Zoning By-law and the Official Plan; and

WHEREAS at its hearing of May 3, 2006, the Committee of Adjustment approved the application on condition, the condition being refusal of requested Variance #5 related to upper level building setback; and

WHEREAS the Committee's approval of the requested variance for building height sets an unacceptable precedent for future applications in the area; and

WHEREAS in the opinion of the Director, Community Planning, Toronto and East York District, the variances sought would not meet the intent of the Zoning By-law or the Official Plan, are not appropriate for the development of the lands, and are not minor; and

WHEREAS pursuant to section 45(12) of the *Planning Act*, any public body who has an interest in a Committee of Adjustment decision may appeal to the Ontario Municipal Board against the decision within 20 days of the decision by filing with the Secretary-Treasurer of the Committee of Adjustment, a notice of appeal setting out the objection to the decision and reasons in support of the objection with payment of a prescribed fee;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to submit a Notice of Appeal to the Committee of Adjustment objecting to the approval of Variance #1 for building height and supporting the refusal of Variance #5;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing seeking refusal of Variance #1 related to building height, with consideration for the potential to support additional building height to a maximum of 29.6 metres (with a 3.0 metre set back beginning at an elevation of 20.0 metres) including rooftop mechanical equipment and confirmation of no additional sun/shadow impact on public streets beyond that that would be permitted as of right."

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by deleting the second Operative Paragraph and inserting instead the following:

"AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor and Planning staff:

- (1) to try and negotiate with the developer the limitations set out in part (2); and***
- (2) that failing to achieve such limitations by negotiation, to attend the Ontario Municipal Board hearing seeking refusal of Variance #1 related to building height, with consideration for the potential to support additional building height to a maximum of 29.6 metres (with a 3.0 metre set back beginning at an elevation of 20.0 metres) including rooftop mechanical equipment and confirmation of no additional sun/shadow impact on public streets beyond that that would be permitted as of right;"***

This Motion, as amended, was adopted by City Council.

Council also considered the following:

- Notice of Decision (May 10, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel; and
- Report (April 4, 2006) from the Director, Community Planning, Toronto and East York District, addressed to the Chairman and Members of the Committee of Adjustment, Toronto and East York Panel.

Councillor Shiner declared an interest in this Motion, in that his family owns property in the area.

J(34) Pandemic Planning and Emergency Preparedness Information Session

Moved by Councillor Pitfield, seconded by Councillor Stintz

“**WHEREAS** pandemic influenza is of a growing concern to all levels of government because of its potential health, social and economic consequences; and

WHEREAS the City of Toronto and its agencies, boards and commissions, employ over 50,000 individuals that provide service to 2.5 million residents; and

WHEREAS there is no way to predict when the next pandemic will occur; and

WHEREAS Toronto City Councillors would benefit from as much information as possible regarding pandemic planning and emergency preparedness; and

WHEREAS the Ontario Hospital Association provides educational services to interested organizations that want to learn more about pandemic planning and emergency preparedness;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Clerk to write to Warren DiClemente, Vice President of Educational Services and Operations, Ontario Hospital Association (OHA), inviting the OHA to provide an information session to interested City Councillors on pandemic planning and emergency preparedness, and that the information session ideally be held prior to the June 27, 28 and 29, 2006, meeting of City Council.”

Disposition:

This Motion was withdrawn at City Council on May 23, 24 and 25, 2006.

J(35) Draft Plan of Subdivision Approval – 725 Warden Avenue

Moved by Councillor Altobello, seconded by Councillor Del Grande

“**WHEREAS** Mattamy (Warden) Limited has submitted a Subdivision Approval application for 725 Warden Avenue; and

WHEREAS City Council at its meeting of January 31, February 1 and 2, 2006, in adopting Scarborough Community Council Report 1, Clause 14, recommended that the Chief Planner and Executive Director, City Planning, approve the draft plan of subdivision, with draft plan approval not being issued until appropriate Official Plan land use designations and zoning implementing the Official Plan are in full force and effect; and

WHEREAS as a result of the withdrawal of the appeal by Mattamy (Warden) Limited, Official Plan Amendment No. 1145 (Warden Woods Community Secondary Plan) is in full force and effect for 725 Warden Avenue; and

WHEREAS City Council enacted Zoning By-law No. 152-2006 on February 2, 2006, which has been appealed to the Ontario Municipal Board, and is therefore not in full force and effect; and

WHEREAS in the event that there are any appeals of the Chief Planner’s decision to approve the draft plan of subdivision, it would be desirable that they be dealt with by the Ontario Municipal Board concurrently with the appeals of Zoning By-law No. 152-2006;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report 1, Clause 14, headed ‘Final Report Rezoning Application 04 175530 ESC 35 OZ Draft Plan of Subdivision Application 04 175559 ESC 35 SB Mattamy (Warden) Limited (Architect: Quadra Design Studios Inc.) 725 Warden Avenue - Golden Mile Employment District (Ward 35 - Scarborough Southwest)’, be re-opened for further consideration as it pertains to the approval of the draft plan of subdivision;

AND BE IT FURTHER RESOLVED THAT the actions of Council be amended so that the Chief Planner and Executive Director, City Planning, be authorized to issue approval of the draft plan of subdivision for 725 Warden Avenue, subject to such conditions as he deems appropriate to ensure the orderly development of the lands.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(36) Removal of One Privately-Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)

Moved by Councillor De Baeremaeker, seconded by Councillor Thompson

“**WHEREAS** City Council, on April 25, 26 and 27, 2006 adopted, without amendment, Scarborough Community Council Report 3, Clause 6, headed ‘Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)’; and

WHEREAS, in adopting this Clause, City Council approved the removal of one privately-owned tree at 341 Friendship Avenue, subject to conditions; and

WHEREAS staff recommended, in the report (March 14, 2006) from the General Manager, Parks, Forestry and Recreation contained in the Clause, that the request for a permit to remove one (1) privately-owned Carolina poplar tree at 341 Friendship Avenue be denied; and

WHEREAS the vote was recorded during the Scarborough Community Council meeting as approving the permit, and Toronto City Council approved the Scarborough Community Council recommendations without debate; and

WHEREAS the intent of the Scarborough Community Council was to adopt the staff recommendations to deny the permit;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report 3, Clause 6, headed ‘Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council adopt the following staff recommendations contained in the Recommendations Section of the report (March 14, 2006) from the General Manager, Parks, Forestry and Recreation that:

- ‘(1) the request for a permit to remove one (1) privately-owned Carolina poplar tree at 341 Friendship Avenue be denied; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’”

Disposition:

City Council on May 23, 24 and 25, 2006, re-opened Scarborough Community Council Report 3, Clause 6, headed “Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)”, for further consideration, and referred the balance of this Motion to the Scarborough Community Council.

J(37) Request for Authorization to Install Traffic Calming on Fernalroy Boulevard
Moved by Councillor Milczyn, seconded by Councillor Grimes

“**WHEREAS** Toronto West Community Council Report 5, Clause 1, adopted by City Council on June 22, 23 and 24, 2004, approved the Community Council action, being: ‘The Toronto West Community Council recommends that the Director, Transportation Services, West District, be authorized to proceed with a formal poll of the residents on Fernalroy Boulevard, and the surrounding neighbourhood, for the implementation of traffic calming measures on Fernalroy Boulevard’; and

WHEREAS the results of the traffic calming poll were as follows:

- number of ballots sent out 43, response rate 74 percent and 78 percent in favour; and

WHEREAS the Bill for this matter was before City Council at its meeting of December 8, 9 and 12, 2005, and it was withdrawn by staff because it included traffic calming on The Kingsway, which had been referred to the Ministry of the Environment; and

WHEREAS the Notice of Completion under the Municipal Environmental Assessment appeal period ended with no formal objections;

NOW THEREFORE BE IT RESOLVED THAT the installation of speed humps and associated 30 km/h speed limit reduction on Fernalroy Boulevard be approved;

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

Disposition:

This Motion was withdrawn at City Council on May 23, 24 and 25, 2006.

J(38) Request for Authorization to Install Traffic Calming on Meadowvale Drive and Glenroy Avenue

Moved by Councillor Milczyn, seconded by Councillor Grimes

“**WHEREAS** Toronto West Community Council Report 3, Clause 27a, adopted by City Council on May 18, 19 and 20, 2004, directed: ‘That staff proceed with the formal poll for traffic calming on Edgemore Drive, Glenroy Avenue and Meadowvale Drive’; and

WHEREAS the results of the traffic calming poll were as follows:

- (1) Meadowvale Drive, number of ballots sent out 52, response rate 79 percent and 68 percent in favour;
- (2) Glenroy Avenue, number of ballots sent out 43, response rate 81 percent and 89 percent in favour; and
- (3) Edgemore Drive, number of ballots sent out 54, response rate 72 percent and 49 percent in favour; and

WHEREAS less than 60 percent of the ballots returned were in favour of the installation of speed humps on Edgemore Drive, in accordance with the City's traffic calming policy, no speed humps should be installed on Edgemore Drive; and

WHEREAS the Bills for this matter were before City Council at its meeting of December 8, 9 and 12, 2005, and they were withdrawn by staff because they included traffic calming on The Kingsway, which had been referred to the Ministry of the Environment; and

WHEREAS the Notice of Completion under the Municipal Environmental Assessment appeal period ended with no formal objections with respect to Glenroy Avenue and Meadowvale Drive; and

NOW THEREFORE BE IT RESOLVED THAT the installation of speed humps and associated 30 km/h speed limit reduction on Glenroy Avenue and Meadowvale Drive be approved;

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

Disposition:

This Motion was withdrawn at City Council on May 23, 24 and 25, 2006.

J(39) Request for Report - Settlement Respecting an Application by the Mount Pleasant Group of Cemeteries to Construct a Visitation Centre

Moved by Councillor Rae, seconded by Mayor Miller

“WHEREAS the Government of Ontario, through Bill 108, has amended the *Cemeteries Act* to allow cemeteries to own and operate funerary services; and

WHEREAS By-law 425-93 (Cityplan) amended the former City of Toronto's Zoning By-law (438-86) to zone cemeteries in the former City of Toronto to 'G' (open space); and

WHEREAS the 'G' zoning designation has no height or density criteria; and

WHEREAS By-law 425-93 allowed for permissive exceptions, 'notwithstanding anything herein before contained, none of the provisions of this by-law or of any restrictive by-law applies to prevent a cemetery, columbarium, crematorium or mausoleum as defined by the *Cemeteries Act* and associated uses' within the 'G' zoned cemeteries; and

WHEREAS in April 2005, the Mount Pleasant Group of Cemeteries applied to construct a 'visitation centre' in Mount Pleasant Cemetery, which is not a defined term in By-law 438-86; and

WHEREAS the Chief Building Official indicated that the application did not comply with the requirements of Zoning By-law 438-86 as a funeral chapel is not permitted in a 'G' district; and

WHEREAS the Mount Pleasant Group of Cemeteries requested a review of this decision and provided additional information about their proposal to the Chief Building Official; and

WHEREAS on August 12, 2005, the Chief Building Official upheld the original decision of the Buildings Division that a 'visitation centre' is not a permitted use in a 'G' zone; and

WHEREAS the Mount Pleasant Group of Cemeteries filed a judicial review of the refusal of the Chief Building Official; and

WHEREAS prior to Court date in December 2005, an offer to settle was proposed by the Chief Building Official based on confidential advice from the City Solicitor; and

WHEREAS based on this settlement, the Mount Pleasant Group of Cemeteries filed an application for site plan approval in January 26, 2006; and

WHEREAS the delegated authority of this site plan has been withdrawn and the matter will be before the Toronto and East York Community Council as early as June 13, 2006;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to report directly to an in-camera session of City Council on the legal advice and the settlement that was provided to the Chief Building Official;

AND BE IT FURTHER RESOLVED THAT the Chief Building Official and the City Solicitor report on the process of settling such matters without instruction from Council and without notification of the Ward Councillor;

AND BE IT FURTHER RESOLVED THAT any consideration of the release or amendment of the two easements which traverse the site be reported to the Toronto and East York Community Council for a decision by City Council of any release of or changes to the easement agreements;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, report on the planning merits of the subject application and the provisions of By-law 425-93 as it applies to cemeteries.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(40) Hiring of Relatives of Members of Council in Council Offices

Moved by Councillor Del Grande, seconded by Councillor Altobello

“**WHEREAS** in June 2000, City Council adopted the policy that states ‘no employment of relatives of Members of Council shall be permitted within Councillors’ offices and the Mayor’s offices’; and

WHEREAS during the current meeting of City Council, we will consider Policy and Finance Committee Report 4, Clause 1, headed ‘The Hiring and Appointment of Relatives of Members of Council to City of Toronto Staff and Agencies, Boards and Commissions’; and

WHEREAS the report currently before Council contemplates an exemption of presently held positions for the list of job titles included in the Integrity Commissioner’s report; and

WHEREAS in June 2000, Council appears to have overlooked the fact that an Ontario Human Rights Code violation may be forced if the policy adopted at that time requires the termination of a long-term employee solely on the grounds that their spouse exercised their democratic right to run for elected office and was successful;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council amend the June 2000 policy to allow Council Office staff, whose relative as defined in the June 2000 Council policy, becomes a member of Council, be grandparented and permitted to continue their employment with their existing Councillor (to the end of the Council term).”

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 27, 2006.

Councillor Kelly declared an interest in this Motion, in that his wife works for one of the City's agencies, boards and commissions.

Councillor Mammoliti declared an interest in this Motion, in that his brother works for the Toronto Community Housing Corporation (TCHC).

Councillor Saundercook declared an interest in this Motion, in that his brother works for Toronto Hydro.

Councillor Shiner declared an interest in this Motion, in that a member of his family works for the City on a part-time basis.

J(41) Opposition to Application for Liquor License at Aftermath Café, 536 Manning Avenue (Ward 19)

Moved by Deputy Mayor Pantalone, seconded by Councillor Silva

“**WHEREAS** the operators of Aftermath Café have submitted an application for a new liquor sales licence to the Alcohol and Gaming Commission of Ontario (‘AGCO’) for their premises located at 536 Manning Avenue, which is a location where Liquor Licenses have been denied repeatedly and justifiably in the past; and

WHEREAS in response to objections from the public to the application to permit the sale and service of liquor for an indoor area, AGCO file number 802023, the AGCO has called an evening public hearing in the community for May 25th, 2006 making this motion an urgent item; and

WHEREAS through telephone calls, e-mails, letters and meetings, local residents, Harbord Collegiate Institute and Palmerston Area Residents’ Association, have expressed concerns to the Ward Councillor about the proposed operations of Aftermath Café as a Liquor Licensed establishment directly across from Harbord Collegiate Institute and in a quiet residential neighbourhood; and

WHEREAS the granting of the application would destabilize both the residential nature and night time activity of a quiet area, and potentially cater to clientele of minors, and therefore, is not in the public interest; and

WHEREAS no liquor licences have been issued on Harbord Street between Bathurst Street to Grace Street (Bickford Park) as the neighbourhood is well served by two nearby vibrant commercial areas that hosts many liquor licensed premises on College Street (Little Italy) and Bloor Street West (Korea Town);

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and Aftermath Café that it opposes the issuance of a new liquor sales licence for indoor area as it would not be in the public interest having regard to the needs and wishes of the municipality in which the premises are located;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with a future opportunity to participate in any proceedings with respect to Aftermath Café to oppose the issuance of a liquor sales licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO as a party or otherwise, which relate to Aftermath.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(42) Scarborough Summer Festival – Declaration of Municipal Significance for Liquor Licensing Purposes

Moved by Councillor De Baeremaeker, seconded by Councillor Thompson

“**WHEREAS** the Midweek Cycling Club Inc. has organized the ‘Scarborough Summer Festival’ to take place on Saturday, August 12 and Sunday, August 13, 2006, at the Scarborough Civic Centre, including Borough Drive and Ellesmere Road;

NOW THEREFORE BE IT RESOLVED THAT for liquor licensing purposes, City Council declare the Scarborough Summer Festival, on Saturday, August 12 and Sunday, August 13, 2006, from 12:00 noon to 10:00 p.m. each day, to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to it taking place.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(43) Official Plan Amendment and Rezoning Application 04 104605 STE 20 OZ, and Site Plan Approval 04 104611 STE 20 SA. - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College - Ward 20 - Trinity-Spadina

Moved by Councillor Silva, seconded by Deputy Mayor Pantalone

“**WHEREAS** City Council on April 25, 26 and 27, 2006, considered Toronto and East York Community Council Report 3, Clause 30; and

WHEREAS City Council refused the application for ‘demolition’ at 100 and 112 Howland Avenue (Royal St. George’s College) under Section 34 of the *Ontario Heritage Act* on the grounds that it is, in fact, an alteration and not a demolition and has already been dealt with by Council as an alteration; and

WHEREAS City Council requested the City Solicitor to meet with the local residents and the proponents, and report directly to the next regular meeting of City Council on May 23, 2006, on the outcome; and

WHEREAS the City Solicitor’s office has met with the solicitor and representatives of the neighbours of St. Alban’s Park, several residents and proponents; and

WHEREAS the City Solicitor has prepared an in-camera report on the outcome of these meetings;

WHEREAS the Royal St. George’s College has applied for an expansion that is opposed by a large segment of the surrounding community; and

WHEREAS the OMB has scheduled mediation for the middle of June to try and achieve consensus on this issues; and

WHEREAS the residents have brought forward a set of conditions that if agreed to by the College, could possibly lead to a resolution of the issue; and

WHEREAS it appears that a recent traffic survey by Royal St. George’s College shows that for every four boys enrolled three cars travel on local streets to the school every morning; and

WHEREAS traffic and parking problems have persisted since residents first brought them to the attention of Royal St. George’s College in 1996;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (May 24, 2006) from the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed to go to the mediation sessions to determine whether the following revisions are feasible, and if so, try to achieve the following:

- (1) that any new construction on the east side of Albany Avenue be adjusted to comply with the residential setback there;
- (2) that any mechanical garage door and ramp be located within the site and not face houses on Albany or Howland Avenues;

- (3) that the applicant seek an alternative to the bus and parking lay-by located in front of the historic See House and the Cathedral;
- (4) that enrolment at the College be capped at 426 students; and
- (5) that Royal St. George's College be urged to seek out funding from donors for a joint project with the Toronto Transit Commission and the Board of Health, to design and implement policies to make Royal St. George's College a model downtown public transit school, and that such policies be circulated for use by other downtown private institutions where appropriate."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

In adopting Motion J(43), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (May 24, 2006) from the City Solicitor. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the Municipal Act, 2001, as it contains information that is subject to solicitor-client privilege:

"It is recommended that:

- (1) ***City Council direct the City Solicitor to appear at the Ontario Municipal Board in support of:***
 - (a) ***the Recommendations set out in the report (November 1, 2005) from the Director, Community Planning, Toronto and East York District and the report (May 26, 2005) from the Director, Policy and Research, City Planning Division wherein City staff recommended that the Official Plan Amendment, Rezoning and Site Plan applications and the proposed alterations to the heritage structures at the Ontario Municipal Board be supported and that certain matters be secured, including:***
 - (i) ***Section 37 benefits, as outlined in the report (November 1, 2005);***
 - (ii) ***a Heritage Easement Agreement to permanently protect three significant heritage buildings on site; and***

(iii) Designation of the building at 120 Howland Avenue (St. Alban's Chapel) under Part IV of the Ontario Heritage Act; and

(b) the following additional conditions and requirements:

(i) an amendment to the draft Zoning By-law to provide that the school grounds and buildings shall be used only for school purposes and accessory uses to the school use and that the rental of facilities for cultural, arts and sport events will be limited to events which are non-profit in nature or for the purposes of resident and ratepayer groups;

(ii) an amendment to the draft Zoning By-law to provide that the Parking Maximization Plan for Special Events (using portions of the grounds where parking would otherwise not be permitted) be limited to School Events; and

(iii) the inclusion of obligations under the Traffic Demand Management Plan required by the Section 37 Agreement requiring the Owner to implement policies:

- encouraging parents to use nearby Toronto Parking Authority lots when attending school events;**
- encouraging parents and students to use public transportation to attend on-site events and for daily attendance at school; and**
- implementing a Metropass program offering free or significantly subsidized Metropasses to members of the faculty which shall be in effect by September 1, 2006."**

Council also considered the following:

- Confidential report (May 24, 2006) from the City Solicitor [Confidential Communication C.18(a)]. The above-noted recommendations contained in**

the Recommendations Section of the report are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege.

- Communication (May 24, 2006) from John Sewell [Communication 28(a)].

J(44) 400 Roncesvalles Avenue (Revue Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 14 (Parkdale- High Park)

Moved by Councillor Watson, seconded by Councillor Rae

“**WHEREAS** the property located at 400 Roncesvalles Avenue contains the Revue Theatre (more recently known as the Revue Cinema), which has design or physical value as a representative example of a World War I era theatre with features of Edwardian Classicism, and has contextual value as a local landmark on Roncesvalles Avenue; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 400 Roncesvalles Avenue (Revue Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(45) Railway Lands East - Amendment to Agreements - 25 York Street

Moved by Councillor McConnell, seconded by Councillor Davis

“**WHEREAS** 5,000 square feet of community services and facilities space and daycare space at 185 Bremner Boulevard and daycare space at 15 York Street have been secured for Railway Lands East; and

WHEREAS the Revised Precinct B Precinct Agreement for the Railway Lands East requires the provision of an additional 15,000 square feet of community services and facilities space for the first site plan application approved after 1,000,000 square feet of development is site plan approved within the larger area; and

WHEREAS the City Planning Division has site plan applications submitted to the City but not yet approved for 15 York Street and 25 York Street; and

WHEREAS City Planning Division is anticipating a site plan application for 18 York Street and 25 Lower Simcoe Street by the end of 2006; and

WHEREAS the site plan application for 25 York Street may or may not be the application that is required to provide the 15,000 square feet of community services and facilities space; and

WHEREAS the existing Revised Precinct B Precinct Agreement already requires the owner of 25 York Street to build, operate and maintain a public building (the 'Union Station South Public Building') on the property in conjunction with the development; and

WHEREAS the urban design guidelines for this public building are listed in Schedule M-1 of the Revised Precinct B Precinct Agreement and include:

- the creation of a building which will function as the main south entrance to Union Station;
- the character of the building should be reflective of a public entrance into Union Station through use of architectural elements, scale, geometry, materials, and other appropriate elements compatible with Union Station;
- the quality and design of the building should clearly signify it as part of the public realm;
- the building be designed as a major public space, with a generous floor to ceiling height; and
- the public space should be organized to integrate the geometry of the Union Plaza open space to the south with the classical, central axial plan of Union Station, and should also provide a clear entrance to the Galleria on Block 3; and

WHEREAS the site plan application provides the opportunity to enhance public features in access of the Revised Precinct B Precinct Agreement in terms of a Union Station South Public Building and an enlarged Union Plaza in return for the modification of the obligations to provide community services and facilities space in accordance with the existing agreements;

NOW THEREFORE BE IT RESOLVED THAT Council has elected to modify the 15,000 square feet of community services and facilities space requirement with the approval of the 25 York Street site plan application which will provide an interior south entrance to Union Station which provides 24-hour emergency fire access/egress and public access during the hours that Union Station is open, and an expanded exterior space on the property functioning as an expanded Union Plaza beyond that from what is required in the Revised Precinct B Agreement in full satisfaction of all remaining community services and facility space requirements; the public use of the Union Station South Public Building shall be at the discretion of the City; and the development at 25 York Street shall respect:

- a minimum 20-metre setback from the existing most westerly corner wall of the Air Canada Centre to the south wall of the Union Station South Public Building;
- a minimum 29-metre setback from the existing most westerly corner wall of the Air Canada Centre for the ground floor of the podium;
- a minimum 24-metre setback from the existing most westerly wall of the Air Canada Centre for the second to fourth floors of the podium; and
- a minimum 40-metre setback from the existing most westerly wall of the Air Canada Centre for the fifth floor and above to protect the view corridor between the Royal York Hotel and Central Bayfront;

AND BE IT FURTHER RESOLVED THAT the City's agreement to these amendments is also based on a financial contribution from the owner of 25 York Street for community services and facilities purposes to be used at the discretion of the City in the amount of \$1 million, to be applied to the area of Railway Lands East between York Street and Bay Street, and to be paid prior to the issuance of the first above-grade building permit for 25 York Street, in full satisfaction of all remaining community services and facility space requirements;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, be directed to amend the Revised Precinct B Precinct Agreement to address the revision to the community services and facilities space."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(46) Ontario Municipal Board Hearing - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control - 1 Botham Road (Ward 23 - Willowdale)

Moved by Councillor Filion, seconded by Councillor Moscoe

“**WHEREAS** in April 2005, the applicant appealed the City’s refusal to respond to the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control application for the property at 1 Botham Road, to the Ontario Municipal Board; and

WHEREAS revised plans for the proposal were received on January 27, 2006; and

WHEREAS an Ontario Municipal Board hearing has been scheduled for June 5, 2006; and

WHEREAS it is urgent that City Council take a position on the applications for the proposed redevelopment in advance of the June 5, 2006, Ontario Municipal Board hearing and provide direction to the City Solicitor; and

WHEREAS the Chief Planner and Executive Director, City Planning, has also submitted a memorandum (May 25, 2006) advising of the importance of dealing with this matter at this meeting in order for Council to have a position for the hearing;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (May 23, 2006) from the Chief Planner and Executive Director, City Planning.”

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED that the staff recommendations contained in the Recommendations Section of the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be adopted, subject to amending Recommendation (3) by adding the words ‘so that it substantially conforms with either the existing North York Official Plan or the new City of Toronto Official Plan.’ ”

This Motion, as amended, was adopted by City Council.

In adopting Motion J(46), as amended, Council adopted, as amended, the following staff recommendations contained in the Recommendations Section of the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) Council refuse the proposed Official Plan, Zoning By-law Amendment and Site Plan Control applications in its current form;***
- (2) the City Solicitor and City staff be authorized to appear before the Ontario Municipal Board in support of Council’s refusal; and***
- (3) City staff be authorized to continue discussions with the applicant and residents, towards a revised application to resolve any issues or improve the application as necessary, so that it substantially conforms with either the existing North York Official Plan or the new City of Toronto Official Plan.”***

Council also considered the following:

- Report (May 23, 2006) from the Chief Planner and Executive Director, City Planning; and
- Memorandum (May 25, 2006) from the Chief Planner and Executive Director, City Planning.

Communications:

- (May 23, 2006) from Adam J. Brown, Sherman Brown Dryer Karol, Barristers and Solicitors [Communication 30(a)];
- (May 16, 2006) from Peter D. Lauwers, Miller Thompson, Barristers and Solicitors, addressed to Chris Tzekas, Weir & Foulds, submitted by Councillor Giorgio Mammoliti, Ward 7, York West [Communication 30(b)]; and
- Document, headed “Development Application for 1 Botham Road”, submitted by Councillor Giorgio Mammoliti, Ward 7, York West [Communication 30(c)].

J(47) Ontario Ministry of Transportation's Controlled Access Encroachment Permit for the Widening of Port Union Road between Lawrence Avenue East and Kingston Road and for Modifications to the Intersection of Kingston Road and Port Union Road

Moved by Councillor Cowbourne, seconded by Councillor De Baeremaeker

“**WHEREAS** at its meeting held on May 18, 19 and 20, 2004, Council adopted Works Committee Report 3, Clause 10, thereby endorsing the plan for widening Port Union Road between Lawrence Avenue East and Kingston Road and for making certain modifications to the intersection of Kingston Road and Port Union Road; and

WHEREAS in order to carry out such work, it is necessary for the City to acquire certain land from the Province of Ontario, as represented by the Ministry of Transportation; and

WHEREAS City staff has negotiated with Ministry of Transportation staff to purchase Parts 3, 4, 5 and 6 on Plan 66R-22148 from the Province, which acquisition has been approved by the City Manager pursuant to the delegated approval process; and

WHEREAS Ministry of Transportation staff recently advised the City that the remaining land required by the City to carry out the road improvements, designated as Parts 1 and 2 on Plan 66R-22148 (the ‘Permit Lands’), is not available for sale, but can be used by the City pursuant to the terms of the Ministry of Transportation’s standard Controlled Access Encroachment Permit, for a term of ten (10) years, at a fee of \$450.00; and

WHEREAS the Ministry of Transportation’s standard Controlled Access Encroachment Permit contains a number of conditions, including the following:

- (1) upon the expiry of the initial ten (10) year term, an application to renew the permit must be submitted by the City, which application may be approved or denied by the Ministry;
- (2) if the permit expires and is not renewed, the City must, if requested by the Ministry, remove all works constructed, maintained or operated on the Permit Lands;
- (3) at any time, upon receiving sixty (60) days’ notice from the Ministry, the City must suspend operations, remove, alter or relocate any or all of its works from the Permit Lands;
- (4) the permit may be cancelled at any time for breach of the conditions of the permit or for such other reasons as the Ministry in its sole discretion deems proper; and

- (5) the Ministry may charge an annual fee which may be adjusted from time to time by the Ministry; and

WHEREAS the City must agree to accept the conditions in the Ministry of Transportation's standard Controlled Access Encroachment Permit in order for the improvements to Port Union Road and the intersection of Kingston Road and Port Union Road to proceed;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City to accept the Ministry of Transportation's standard Controlled Access Encroachment Permit, for a term of ten (10) years, at a fee of \$450.00, in respect of the lands shown as Parts 1 and 2 on Plan 66R-22148, for the widening of Port Union Road between Lawrence Avenue East and Kingston Road and for modifications to the intersection of Kingston Road and Port Union Road."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(48) Northlea Public Elementary School – School Yard Re-development Project
Moved by Councillor Pitfield, seconded by Councillor Li Preti

“WHEREAS funds have been secured and received by the City under a Section 37 Agreement with Daniels Midtown Corporation, in the amount of \$300,000.00 for the construction or improvement of Community Services and Facilities; and

WHEREAS the Toronto District School Board (TDSB) has an approved plan for the re-development of the Northlea Public Elementary School yard; and

WHEREAS the TDSB has allocated \$218,364.00 in Capital Funding to the project; and

WHEREAS the local community has raised approximately \$100,000.00 additional funds for the project; and

WHEREAS the combined amount of \$318,364.00 available to date is not sufficient to fully realize the redevelopment plans for the project; and

WHEREAS it has been determined, in consultation with the local community and with staff, that redevelopment of the Northlea Public Elementary School yard is a desirable and appropriate use of the Section 37 funds and is in keeping with the definition of Community Services and Facilities; and

WHEREAS the TDSB must carry out the proposed work during the months of July and August during the summer break when children are not attending school, and time is of the essence in order to retain a contractor for that period; and

WHEREAS the Development Agreement and Section 37 Agreement have been approved and registered and there are no outstanding conditions with respect to allocation of the funds;

NOW THEREFORE BE IT RESOLVED THAT \$240,000.00 of the Section 37 funds secured for Community Services and Facilities be made payable to the Toronto District School Board for their use in completing the redevelopment plans for the Northlea Public Elementary School, and request the City and Toronto District School Board enter into a community access agreement for public use of the facilities at no additional cost to the City or public;

AND BE IT FURTHER RESOLVED THAT the General Manager, Parks, Forestry and Recreation, be requested to report to the Economic Development and Parks Committee, for submission to Council at its meeting on June 27, 2006, on an appropriate allocation for the remaining \$60,000.00 of Section 37 funds.”

Disposition:

City Council on May 23, 24 and 25, 2006, amended this Motion by adding to the second Operative Paragraph, the words “this report to include confirmation of the total project cost and the contributions from all of the parties involved”, so that the second Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the General Manager, Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee, for submission to Council at its meeting on June 27 2006, on an appropriate allocation for the remaining \$60,000.00 of Section 37 funds, this report to include confirmation of the total project cost and the contributions from all of the parties involved.”

This Motion, as amended, was adopted by City Council.

J(49) Approval of Architect for the Child Care Component of Jenner-Jean Marie Community Centre Renovation

Moved by Councillor Pitfield, seconded by Councillor Davis

“WHEREAS City Council approved Thorncliffe Park Child Care Centre as a project under the Children’s Services 2006 Capital Budget at its meeting of April 25, 26 and 27, 2006; and

WHEREAS the renovation of the child care centre is included in the Jenner-Jean Marie Community Centre reconstruction; and

WHEREAS Levitt Goodman Architects Ltd. was selected as the architectural firm for the Jenner-Jean Marie Community Centre expansion through a call;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to the General Manager of Children's Services to enter into an agreement with Levitt Goodman Architects Ltd. for \$127,500.00 for architectural services related to the development of a child care centre at Jenner-Jean Marie Community Centre and Library."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(50) Streetscape Improvements - Wilson Avenue and Dufferin Street Area

Moved by Councillor Augimeri, seconded by Councillor Soknacki

"**WHEREAS** First Long Weekend Development Ltd., by way of Committee of Adjustment decisions A293/04NY & A0845/05NY, has contributed \$30,000.00 to the City of Toronto; and

WHEREAS the Committee of Adjustment decisions include the following conditions:

Decision A293/04NY

'First Long Weekend Development Ltd. agrees to contribute \$20,000.00 to the City of Toronto to be applied to streetscape improvements in the Wilson Avenue/Dufferin Street area in Ward 9; furthermore, the local Councillor in consultation with City staff shall determine such improvements'; and

Decision 0845/05NY

'First Long Weekend Development Ltd. agrees to contribute \$10,000.00 to the City of Toronto to be applied to streetscape improvements in the Wilson Avenue area in Ward 9, and that the local Councillor in consultation with City staff shall determine such improvements'; and

WHEREAS the City of Toronto is in receipt of \$30,000.00 from First Long Weekend Developments Ltd. ; and

WHEREAS the local Councillor and staff have agreed to redevelop the Winston Park parkette; and

WHEREAS the Clean and Beautiful City Secretariat has developed, with the local Councillor, a plan for the Winston Park parkette redevelopment; and

WHEREAS the development of this parkette improves and creates a significant public space on Wilson Avenue;

NOW THEREFORE BE IT RESOLVED that up to \$30,000.00 received through Committee of Adjustment decisions A0845/05NY and A293/04NY be used for streetscape improvements in the Wilson Avenue/Dufferin Street area;

AND BE IT FURTHER RESOLVED that the Clean and Beautiful City Secretariat's 2006 Operating Budget be amended by \$30,000.00 gross, \$0 net, to reflect this expenditure and any other streetscape improvements in the Wilson Avenue area in Ward 9."

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion, without amendment.

J(51) 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the Ontario Heritage Act – Ward 5 (Etobicoke - Lakeshore)

Moved by Councillor Milczyn, seconded by Councillor Lindsay Luby

"**WHEREAS** the property located at 3030 Bloor Street West contains the Kingsway Theatre, which has design or physical value as a representative example of a movie theatre built between World Wars I and II with features of Art Deco styling, and has contextual value as a local landmark on Bloor Street West in the Kingsway neighbourhood; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Disposition:

City Council on May 23, 24 and 25, 2006, postponed consideration of this Motion to its special meeting on June 14, 2006.

Condolence Motions

(1) **Moved by:** Deputy Mayor Feldman

Seconded by: Councillor Moscoe

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Robert Yuill, on Wednesday, May 17th, 2006; and

WHEREAS Bob owned and operated a successful business which continues today and is run within the family; and

WHEREAS Bob was a Member of North York Council and Metropolitan Toronto Council over a 25-year period; and

WHEREAS Mr. Yuill continued his public service as Chairman of the North York Parking Authority for 9 years; and

WHEREAS Bob retired in 1993 to enjoy his cottage in Bluewater Beach, which he built himself in 1950; and

WHEREAS Bob loved the outdoors so much, he built two more cottages for his children and grandchildren nearby, so that they could enjoy their summers together;

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 Dorothy and all surviving members of the Yuill family.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

(2) **Moved by** Councillor Davis

Seconded by Councillor Fletcher

“**WHEREAS** Mahmood Ahmed Bahatti was killed tragically on the morning of Tuesday, May 2, 2006, while driving his taxi; and

WHEREAS Mr. Bahatti came from Pakistan to Toronto in 1993 and had been employed as a taxi-driver since his arrival; and

WHEREAS Mr. Bahatti was a very active member of Ahmadyya Mosque in East York, where he was Secretary of Education, and Assistant Secretary for Hospitality; and

WHEREAS Mr. Bahatti gave generously of his time teaching religious and cultural classes to youth and assisting with many activities in the community; and

WHEREAS Mr. Bahatti will be remembered by his brothers, friends and fellow drivers as a friendly, hardworking and helpful man who loved his family and his community; and

WHEREAS in the words of a friend, ‘We wish his soul is resting in peace and his good values stay alive among us so we can make this world a happy paradise and peaceful place’;

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 Nusrat Rana, his daughters Kinza Mahmood and Tamseela Mahmood, his sons Furqan Ahmed Bahatti and Irshan Ahmed Bahatti; his father Nawab Din Bahatti; his brothers Naseer Ahmed Bahatti, Jameel Ahmed Bahatti; and Maqsood Ahmed Bahatti; his sisters Khadeeja Kishwar, Sajida Afzal, and Zahida Kalsoom.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

(3) **Moved by: Councillor Walker**

Seconded by: Councillor Thompson

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Bradley Dillabough in his 42nd year, on May 1, 2006, after a courageous battle against cancer; and

WHEREAS Brad was an employee of the City of Toronto for over 20 years who truly loved his work, his City and all the friendships that resulted; and

WHEREAS Brad was a close friend and confidant to many and was well regarded by all who knew him; and

WHEREAS Brad was also a longtime coach and member of Ted Reeves Arena; and

WHEREAS Brad is survived by his loving wife Darlene Jeannette Toole, children Ryan Mitchell, Brittany Michelle, Trent Dearing and stepson Lee, siblings Stasia, George, Beverly and her husband Carl, nieces Danielle, D'Arcy and husband Cameron, nephews Lucas, George Jr., Michael and aunt Margaret Oulds; and

WHEREAS Brad was the dearest son of the late Rose Jane and grandson of the late Sophie and Stanley Rame;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the members of the Dillabough family.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

(4) **Moved by:** **Councillor Jenkins**

Seconded by: **Councillor Grimes**

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Pat Marsden on Thursday, April 2, 2006, at the age of 69, after being diagnosed with lung cancer in January; and

WHEREAS Mr. Marsden was a fixture in Canadian sports broadcasting, having started his radio broadcasting career at CKOY-Radio in Ottawa then moving on to the television media in Toronto with CFTO-TV, later returning to radio at CFRB and The Fan 590; and

WHEREAS Pat’s style of reporting got him into hot water from time to time but also captured the admiration of the listening and viewing audience and from within the industry; and

WHEREAS he will be best remembered for his play-by-play coverage of the CFL broadcasts during the 1970s and 1980s; and

WHEREAS he was a person who enjoyed life by looking at the positive side of things; and

WHEREAS Pat will be missed by his loving family and his many friends in the industry;

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 Terry Anne and his children Taylor, Connor, Mike, Patti-Lee and Ruth Mary.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

(5) **Moved by: Councillor Cho**

Seconded by: Councillor Davis

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the tragic death of Professor Chan-Ung Park; and

WHEREAS Chan-Ung Park dedicated his life to fight for human rights and justice and advocated for the poor; and

WHEREAS Chan-Ung Park served as a Professor at the Inha University in South Korea; and

WHEREAS Professor Chan-Ung Park’s passion for human rights and justice led him to organize active resistance to military dictatorship in South Korea; and

WHEREAS Professor Chan-Ung Park immigrated to Toronto, Canada in 1975 to escape inevitable persecution from the military regime for his human rights activism; and

WHEREAS Professor Chan-Ung Park has been the most outstanding leader in the Korean Community in Toronto, as the President of the Korean-Canadian Cultural Association in 1987 and 1988, and challenging the violation of human rights in North Korea; and

WHEREAS Professor Chan-Ung Park and his wife have been regular members of the Toronto Korean United Church for over 25 years where he has been a respected leader for his honesty and integrity; and

WHEREAS Professor Chan-Ung Park continued to be an icon in the Korean Community for his endless pursuit of human rights and justice and has been regarded as an expert on these issues, having written six books and numerous articles; and

WHEREAS Professor Chan-Ung Park was in the midst of writing his seventh book at the time of his death on May 17, 2006, during his walk home from the library through Dentonia Park;

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, Yung-Sun Park, his son, Hyon-Woo, his daughter, Uhn-Kyung Park, his younger brother, Chan-Do Park, and his grandchildren and extended family.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

(6) **Moved by: Councillor Filion**

Seconded by: Councillor Mihevc

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Heather Crowe on Monday, May 22, 2006, in her 61st year; and

WHEREAS Heather Crowe was exposed to second hand tobacco smoke as a waitress for 40 years, but never smoked herself; and

WHEREAS Heather Crowe was diagnosed with inoperable lung cancer in 2002, as a result of exposure to second hand smoke; and

WHEREAS Heather Crowe won a ground-breaking workers compensation award for her illness; and

WHEREAS Heather Crowe, despite her serious illness, spent the last years of her life traveling across Canada advocating for measures to protect workers and members of the public from the health hazards of second hand smoke; and

WHEREAS Heather Crowe told her story in Health Canada television campaigns and before municipal councils, provincial committees and at public meetings across Canada; and

WHEREAS Ontario will implement, on May 31, province-wide anti-smoking legislation to protect workers and members of the public from second hand smoke;

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 the family of Heather Crowe.”

Disposition:

City Council on May 23, 24 and 25, 2006, adopted this Motion unanimously.

Issued: May 31, 2006