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These Minutes were confirmed by City Council on April 25, 2006.

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, JANUARY 31, 2006,
WEDNESDAY, FEBRUARY 1, 2006 AND
THURSDAY, FEBRUARY 2, 2006**

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

CALL TO ORDER - 9:40 a.m.

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

The meeting opened with *O Canada*.

1.2 CONFIRMATION OF MINUTES

Councillor Soknacki, seconded by Councillor Moscoe, moved that the Minutes of the Council for the following meetings be confirmed in the form supplied to the Members, which carried:

- regular meeting held on December 5, 6 and 7, 2005;
- special meeting held on December 8, 9 and 12, 2005; and
- special meeting held on December 14 and 16, 2005.

1.3 ENQUIRIES AND ANSWERS

Council had before it the following:

- (a)(1) (November 21, 2005) Enquiry from Councillor Michael Walker, regarding the St. Clair Avenue West Right of Way Streetcar Project (See Attachment 1, Page 204).
- (a)(2) (January 16, 2006) Answer from the City Solicitor (See Attachment 2, Page 205).
- (b)(1) (November 22, 2005) Enquiry from Councillor Michael Walker, regarding the St. Clair Avenue West Right-of-Way Streetcar Project (See Attachment 3, Page 206).

- (b)(2) (January 20, 2006) Answer from the City Manager (See Attachment 4, Page 207).
- (c)(1) (November 30, 2005) Enquiry from Councillor Cesar Palacio, regarding the St. Clair Avenue West Right of Way Streetcar Project (See Attachment 5, Page 210).
- (c)(2) (January 16, 2006) Answer from the City Solicitor (See Attachment 6, Page 211).

Disposition:

Council received the Enquiries and Answers.

PRESENTATION OF REPORTS

- 1.4 Councillor Del Grande presented the following Reports for consideration by Council:

Deferred Clause from November 24, 2005:

Policy and Finance Committee Report 8 (2005), Clause 12c

Deferred Clauses from December 5, 6 and 7, 2005:

Administration Committee Report 9 (2005), Clause 13a
Scarborough Community Council Report 9 (2005), Clause 5a

Deferred Clause from December 14 and 16, 2005:

Planning and Transportation Committee Report 10 (2005), Clause 8a

New Committee Reports:

Policy and Finance Committee Report 1
Administration Committee Report 1
Board of Health Report 1
Community Services Committee Report 1
Economic Development and Parks Committee Report 1
Planning and Transportation Committee Report 1
Striking Committee Report 1
Works Committee Report 1

New Community Council Reports:

Etobicoke York Community Council Report 1
North York Community Council Report 1
Scarborough Community Council Report 1
Toronto and East York Community Council Report 1

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

1.5 **DECLARATIONS OF INTEREST**

Deputy Mayor Bussin declared her interest in Item (v), entitled “Extension of Free Parking for Canadian Veterans”, contained in Policy and Finance Committee Report 1, Clause 40, headed “Other Items Considered by the Committee”, in that her father is a veteran and her brother is a member of the Armed Forces.

Deputy Mayor Bussin also declared her interest in Motion J(31), respecting Opposition to an Application for Liquor Licence – Cassidy’s Bar – 2856 Danforth Avenue, in that her parents own property in the subject area.

Councillor Cowbourne declared her interest in Item (k), entitled “Renewable Energy”, contained in Policy and Finance Committee Report 1, Clause 40, headed “Other Items Considered by the Committee”, in that her husband is employed by an electricity system operator which is directly involved in the power issues facing Toronto.

Councillor Grimes declared his interest in Motion J(3), respecting the Restriction of Delivery Vehicles in the Downtown Core, in that he is the owner of a Transportation Logistics Company.

Councillor Li Preti declared his interest in Policy and Finance Committee Report 1, Clause 28, headed “Declaration as Surplus of Various City-Owned Properties for Transfer 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)”, only as it relates to Ward 10, in that he owns property in the subject area.

Councillor Mammoliti declared his interest in the Enquiries and Answers regarding the St. Clair Avenue West Right-of-Way Streetcar Project, in that his wife owns property in the subject area.

Councillor Mammoliti also declared his interest in Motion I(1), respecting a Grant to Save Our St. Clair (SOS) Group, in that his wife owns property in the subject area.

Mayor Miller declared his interest in Item (d), entitled “Summary of City Applications Submitted to the FCM Green Municipal Fund”, contained in Policy and Finance Committee Report 1, Clause 40, headed “Other Items Considered by the Committee”, in that his cousin has a financial interest in one of the projects identified.

Mayor Miller also declared his interest in Motion J(24), respecting the Integrity Commissioner Report on Awarding of a City Contract for Market Research Services to

Northstar Research Partners, in accordance with the provisions of the *Municipal Conflict of Interest Act*.

Councillor Walker declared his interest in Policy and Finance Committee Report 1, Clause 26, headed "Toronto City Centre Airport Community Advisory Committee", in that his daughter is an employee of the Toronto Port Authority.

[Note: Councillor Filion, at the special meeting of City Council on February 14, 2006, declared his interest in Motion J(35), moved by himself, seconded by Councillor Moscoe, respecting 21 Cameron Avenue – Designation of a Property under Part IV of the *Ontario Heritage Act* – Ward 23 (Willowdale), which was adopted by Council at its January 31, February 1 and 2, 2006 meeting, in that, subsequent to that Council meeting, he was advised that one of the owners of the property was the general contractor for a house Councillor Filion was building. Councillor Filion requested that the minutes of the January 31, February 1 and 2, 2006 meeting of City Council be amended to delete him as the mover of Motion J(35) and substitute Councillor Moscoe, the seconder of the Motion, as the mover.]

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Policy and Finance Committee Report 8 (2005), Clause 12c

Administration Committee Report 9 (2005), Clause 13a

Scarborough Community Council Report 9 (2005), Clause 5a

Planning and Transportation Committee Report 10 (2005), Clause 8a

Policy and Finance Committee Report 1, Clauses 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 34, 39 and 40 [Clause 29 was not used]

Administration Committee Report 1, Clauses 3, 5, 6, 7, 9, 10, 11, 12, 14 and 18

Community Services Committee Report 1, Clauses 2, 3, 4, 6 and 7

Economic Development and Parks Committee Report 1, Clauses 1, 3, 4, 5, 7, 8, 10, 14, 15, 16 and 17

Planning and Transportation Committee Report 1, Clauses 1, 6, 7, 8, 12 and 13

Striking Committee Report 1, Clause 5

Works Committee Report 1, Clauses 2, 4, 5, 7, 8, 9, 10, 11, 12 and 15

Etobicoke York Community Council Report 1, Clauses 3, 4, 18, 19 and 21

North York Community Council Report 1, Clauses 2, 26, 36 and 40

Scarborough Community Council Report 1, Clause 4

Toronto and East York Community Council Report 1, Clauses 1, 2, 4, 6, 9, 39, 57 and 59

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

Scarborough Community Council Report 9 (2005), Clause 5a

Policy and Finance Committee Report 1, Clauses 3, 6, 8, 11, 18, 25 and 34

Administration Committee Report 1, Clauses 3, 5, 6, 7, 9, 11, 12, 14 and 18

Community Services Committee Report 1, Clauses 2 and 4

Economic Development and Parks Committee Report 1, Clauses 8 and 15

Planning and Transportation Committee Report 1, Clauses 7 and 12

Striking Committee Report 1, Clause 5

Works Committee Report 1, Clauses 9 and 12

Etobicoke York Community Council Report 1, Clause 19

North York Community Council Report 1, Clause 36

Scarborough Community Council Report 1, Clause 4

Toronto and East York Community Council Report 1, Clause 57

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

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

1.7 Policy and Finance Committee Report 1, Clause 40, headed “Other Items Considered by the Committee”.

Motion:

Councillor Del Grande moved that Item (q), entitled “Request to Toronto Police Services Board to Expand Strategic Traffic Enforcement Measures (STEM) Team”, contained in this Clause, be referred back to the Policy and Finance Committee for further consideration.

Votes:

Adoption of the motion by Councillor Del Grande:

Yes - 25	
Councillors:	Altobello, Ashton, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Shiner, Stintz, Thompson, Walker, Watson
No - 16	
Mayor:	Miller
Councillors:	Augimeri, Bussin, Carroll, Cowbourne, Davis, Filion, Grimes, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Soknacki

Carried by a majority of 9.

The balance of this Clause was received for information.

1.8 Economic Development and Parks Committee Report 1, Clause 17, headed “Appointments to the Board of Management of the Toronto Zoo”.

Motion:

Councillor Carroll moved that the Clause be referred to the Board of Management of the Toronto Zoo, in accordance with the following recommendation of the Board of Management of the Toronto Zoo, as contained in the communication (January 24, 2006) from the Board Secretary:

“The Board of Management of the Toronto Zoo on January 24, 2006, recommended that City Council refer back to the Board for further consideration Report 1, Clause 17 of the Economic Development and Parks Committee, headed ‘Appointments to the Board of Management of the Toronto Zoo’, as a result of the resignation of two of the Toronto Foundation Board members being recommended for appointment.”

Vote on Referral:

The motion by Councillor Carroll carried.

1.9 Planning and Transportation Committee Report 1, Clause 13, headed “Other Items Considered by the Committee”.

Motion:

Councillor Walker moved that Item (c), entitled “Leaf Blower Use Restriction in the City of Toronto”, contained in this Clause, be referred back to the Planning and Transportation Committee for further consideration.

Vote:

Adoption of the motion by Councillor Walker:

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

Carried by a majority of 3.

Summary:

Council:

- (1) postponed Item (b), entitled “Mandatory Certification of Food Handlers”, contained in this Clause, to its special meeting on February 14, 2006; and
- (2) referred Item (c), entitled “Leaf Blower Use Restriction in the City of Toronto”,

contained in this Clause, back to the Planning and Transportation Committee for further consideration.

The balance of the Clause was received for information.

1.10 Works Committee Report 1, Clause 15, headed “Other Items Considered by the Committee”.

Motion:

Councillor Ootes moved that Item (d), entitled “Agreement Regarding Garbage Disposal Between the City of Toronto and the Regions of York, Durham and Peel”, contained in this Clause, be referred back to the Works Committee for further consideration.

Votes:

The motion by Councillor Ootes carried.

The balance of the Clause was received for information.

1.11 Toronto and East York Community Council Report 1, Clause 2, headed “Final Report - Official Plan Amendment and Rezoning Application and Subdivision Application - Bridgepoint Health – 430 Broadview Avenue, 14 St. Matthews Road and 548, 550-558 Gerrard Street East (Bridgepoint Health) (Ward 30 - Toronto-Danforth)”.

The Clause was submitted without recommendation.

Motion:

Councillor Fletcher moved that Council adopt the following:

“That:

- (1) Council adopt the staff recommendations contained in the Recommendations Section of the report (January 4, 2006) from the Director, Community Planning, Toronto and East York District [as contained in the Clause];
- (2) a Riverdale Bridgepoint Liaison Committee be established, with membership to include representatives from the Riverdale Historical Society, the Task Force to Bring Back the Don and interested community partners, and a mandate to provide advice to Council on the implementation of the Urban Design Guidelines entitled ‘Bridgepoint Health Don Jail Site Master Plan’, dated October 28, 2005;
- (3) the report (January 16, 2006) from the Director, Transportation Services,

Toronto and East York District, relating to appropriate locations for two signalized intersections on Broadview Avenue, north of the Bridgepoint lands, south of Danforth Avenue, be referred to the Riverdale Bridgepoint Liaison Committee for consideration and report to the Works Committee; and

- (4) Bridgepoint Health be requested to consider the following two motions of the Task Force to Bring Back the Don, and report to the Toronto and East York Community Council:

‘That:

- (1) the footprint of the building as outlined in the Master Plan not be moved any further west into the ravine; and
- (2) Bridgepoint Health be requested to prepare a study to assess impacts on the natural environment with a view to achieving a “net gain” in environmental values through this redevelopment.’ ”

Vote:

Adoption of the Clause, as amended by the motion by Councillor Fletcher:

Yes - 39	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

February 1, 2006:

Deputy Mayor Feldman in the Chair.

Motion to Re-Open:

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

Motion:

Councillor Fletcher moved that Council also adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (January 31, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment 1.”

Votes:

The motion by Councillor Fletcher carried.

The Clause, as further amended, carried.

Summary:

Council adopted the following:

“That:

- (1) Council adopt the staff recommendations contained in the Recommendations Section of the report (January 4, 2006) from the Director, Community Planning, Toronto and East York District [as contained in the Clause];
- (2) Council adopt the following staff recommendation contained in the Recommendation Section of the supplementary report (January 31, 2006) from the Chief Planner and Executive Director, City Planning:

‘It is recommended that City Council direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment 1.’;
and

- (3) a Riverdale Bridgepoint Liaison Committee be established, with membership to include representatives from the Riverdale Historical Society, the Task Force to Bring Back the Don and interested community partners, and a mandate to provide advice to Council on the implementation of the Urban Design Guidelines entitled 'Bridgepoint Health Don Jail Site Master Plan', dated October 28, 2005;
- (4) the report (January 26, 2006) from the Director, Transportation Services, Toronto and East York District, relating to appropriate locations for two signalized intersections on Broadview Avenue, north of the Bridgepoint lands, south of Danforth Avenue, be referred to the Riverdale Bridgepoint Liaison Committee for consideration and report to the Works Committee; and
- (5) Bridgepoint Health be requested to consider the following two motions of the Task Force to Bring Back the Don, and report to the Toronto and East York Community Council:

‘That:

- (1) the footprint of the building as outlined in the Master Plan not be moved any further west into the ravine; and
- (2) Bridgepoint Health be requested to prepare a study to assess impacts on the natural environment with a view to achieving a “net gain” in environmental values through this redevelopment.’ ”

Mayor Miller in the Chair.

1.12 Toronto and East York Community Council Report 1, Clause 4, headed “Final Report - Section 37 Agreement - 2195 Yonge Street (Ward 22 - St. Paul’s)”.

Motion:

Councillor Walker moved that the Clause be amended by deleting from Recommendations (2) and (4) the date “February 15, 2006”, and inserting instead the date “March 1, 2006”, so that Recommendations (2) and (4) now read as follows:

- “(2) require that this approval be conditional on the execution by Minto Midtown Development of an agreement for the administration of the program based on the provisions in Attachment 1 no later than March 1, 2006, in form and substance to the satisfaction of the General Manager, Shelter, Support and Housing Administration; and
- (4) further provide by approval of this recommendation that if the conditions in

Recommendation (2) are not met by March 1, 2006, the City authorize the City Solicitor, in consultation with General Manager, Shelter, Support and Housing Administration, to exercise the City's option under the terms of the Section 37 Agreement to advise the Owner that it rejects the rent supplement proposal and requires the Owner to pay to the City forthwith the full sum of \$1,000,000.00; and".

Votes:

The motion by Councillor Walker carried.

The Clause, as amended, carried.

February 2, 2006:

Motion to Re-Open:

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

Motion:

Councillor Walker moved that the Clause be further amended by deleting Recommendation (2) and inserting instead the following:

- “(2) require that this approval be conditional on the execution by Minto Midtown Development and other necessary parties, of an agreement or agreements for the implementation and administration of the program based on the provisions of Attachment 1 no later than March 31, 2006, in form and substance to the satisfaction of the General Manager, Shelter, Support and Housing Administration;”.

Votes:

The motion by Councillor Walker carried.

The Clause, as further amended, carried.

Summary:

Council amended this Clause by:

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

- “(2) require that this approval be conditional on the execution by Minto Midtown Development and other necessary parties, of an agreement or agreements for the implementation and administration of the program based on the provisions of Attachment 1 no later than March 31, 2006, in form and substance to the satisfaction of the General Manager, Shelter, Support and Housing Administration;”; and
- (2) deleting from Recommendation (4) the date “February 15, 2006”, and inserting instead the dated “March 1, 2006”, so that Recommendation (4) now reads as follows:
 - “(4) further provide by approval of this recommendation that if the conditions in Recommendation (2) are not met by March 1, 2006, the City authorize the City Solicitor, in consultation with General Manager, Shelter, Support and Housing Administration, to exercise the City’s option under the terms of the Section 37 Agreement to advise the Owner that it rejects the rent supplement proposal and requires the Owner to pay to the City forthwith the full sum of \$1,000,000.00; and”.

1.13 Planning and Transportation Committee Report 1, Clause 6, headed “Parking Space Dimensions Zoning Review”.

Motion:

Councillor Moscoe moved that the Clause be referred to the Chief Planner and Executive Director, City Planning, with a request that he address the following issues and report to the Planning and Transportation Committee:

- (a) the matter of the size and dimensions of disabled parking spaces and a standardized format for their identification;
- (b) a process for dealing with applications currently pending; and
- (c) a process for transitioning between the new and revised by-law.

Vote on Referral:

The motion by Councillor Moscoe carried.

Deputy Mayor Feldman in the Chair.

1.14 Administration Committee Report 9, Clause 13a, headed “Lease of a Portion of the City-owned Property Located at 76 Wychwood Avenue: Non-Residential Component of Wychwood Green/Arts Barn Project (Ward 21 - St. Paul’s West)”, and

Policy and Finance Committee Report 1, Clause 15, headed “Lease of a Portion of City Owned Property Located at 76 Wychwood Avenue Affordable Housing Component of Wychwood Green/Arts Barn Project (Ward 21 - St. Paul’s West)”.

Motions:

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

“That the City of Toronto negotiate with Toronto Artscape that the residents of the Wychwood Green/Arts Barn Project be selected from the General Social Housing Waiting List.”
- (b) Councillor Milczyn moved that these Clauses be amended to provide that the major Terms and Conditions contained in Appendix ‘A’ to the report (October 28, 2005) from the Chief Corporate Officer [as contained in the Clauses], be amended to provide that the leases to Toronto Artscape for residential and non-residential components be conditional on:
 - (a) the City’s financial contributions being capped to those funding sources identified in the report of the Chief Corporate Officer; and
 - (b) Toronto Artscape funding its proportionate share of all Capital components of the facilities that have been identified by staff as Toronto Artscape’s responsibility.
- (c) Councillor Mihevc moved, with respect to Administration Committee Report 9, Clause 13a, that Council adopt the staff recommendations contained in the Recommendations Section of the report (October 28, 2005) from the Chief Corporate Officer [as contained in the Clause].

Mayor Miller in the Chair.

Votes:

Motion (b) by Councillor Milczyn carried.

Adoption of motion (a) by Councillor Del Grande:

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

Lost by a majority of 23.

Adoption of Policy and Finance Committee Report 1, Clause 15, as amended:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Thompson, Watson
No - 7	
Councillors:	Del Grande, Holyday, Kelly, Minnan-Wong, Nunziata, Pitfield, Walker

Carried by a majority of 25.

Adoption of Administration Committee Report 9, Clause 13a, as amended by motion (c) by Councillor Mihevc:

Yes - 31	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Rae, Shiner, Soknacki, Stintz, Thompson
No - 7	
Councillors:	Del Grande, Holyday, Kelly, Minnan-Wong, Nunziata, Pitfield, Walker

Carried by a majority of 24.

Summary:

Administration Committee Report 9, Clause 13a:

Council adopted the following:

“That Council adopt the staff recommendations contained in the Recommendations Section of the report (October 28, 2005) from the Chief Corporate Officer [as contained in the Clause], subject to the major Terms and Conditions contained in Appendix ‘A’ being amended to provide that the leases to Toronto Artscape for residential and non-residential components be conditional on:

- (a) the City’s financial contributions being capped to those funding sources identified in the report of the Chief Corporate Officer; and
- (b) Toronto Artscape funding its proportionate share of all Capital components of the facilities that have been identified by staff as Toronto Artscape’s responsibility.”

Policy and Finance Committee Report 1, Clause 15:

Council amended this Clause to provide that the staff recommendations contained in the Recommendations Section of the report (October 28, 2005) from the Chief Corporate Officer [as contained in Recommendation (I) of the Policy and Finance Committee], be adopted, subject to the major Terms and Conditions contained in Appendix ‘A’ being amended to provide that the leases to Toronto Artscape for residential and non-residential components be conditional on:

- (a) the City’s financial contributions being capped to those funding sources identified in the report of the Chief Corporate Officer; and
- (b) Toronto Artscape funding its proportionate share of all Capital components of the facilities that have been identified by staff as Toronto Artscape’s responsibility.”

1.15 **Economic Development and Parks Committee Report 1, Clause 3, headed “Business Improvement Area (BIA) 2003-2006 Boards of Management - Additions and Deletions and Nominees to a Newly Established BIA (All Wards)”.**

Motions:

- (a) Councillor Stintz moved that the Clause be amended to provide for the following:

“Uptown Yonge Business Improvement Area Board of Management:

‘That Michael Burg, Toronto Dominion Bank, be appointed, and the number of appointees to the Board be increased accordingly, to 13.’ ”

- (b) Councillor Nunziata moved that the Clause be amended to provide for the following:

“Weston Business Improvement Area Board of Management:

‘That Pat Gallan be appointed, and the appointment of Al Loy be terminated.’ ”

- (c) Mayor Miller, on behalf of Councillor Watson, moved that the Clause be amended to provide for the following:

“Liberty Village Business Improvement Area Board of Management:

‘That Brian Brown, Reid Henry, Kerry Kollar and Al Long be appointed, and the appointments of Michael Gorski, David Hayes, Chris Phibbs, Kathy Traill, and Julian Wharton be terminated, with the number of appointees to the Board reduced accordingly, from 19 to 18.’ ”

Vote:

The Clause, as amended by motion (a) by Councillor Stintz, motion (b) by Councillor Nunziata, and motion (c) moved by Mayor Miller, on behalf of Councillor Watson, carried.

February 1, 2006:

Motion to Re-Open:

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

- (d) Councillor Mammoliti moved that the Clause be further amended to provide for the following:

“Emery Village Business Improvement Area Board of Management:

‘That Tim Lambrinos be appointed, and the appointment of Dr. Debra Wilson be terminated.’ ”

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as further amended, carried.

Summary:

Council amended this Clause to provide:

(1) Emery Village Business Improvement Area Board of Management:

“That Tim Lambrinos be appointed, and the appointment of Dr. Debra Wilson be terminated.”;

(2) Liberty Village Business Improvement Area Board of Management:

“That Brian Brown, Reid Henry, Kerry Kollar and Al Long be appointed, and the appointments of Michael Gorski, David Hayes, Chris Phibbs, Kathy Traill, and Julian Wharton be terminated, with the number of appointees to the Board reduced accordingly, from 19 to 18.”;

(3) Uptown Yonge Business Improvement Area Board of Management:

“That Michael Burg, Toronto Dominion Bank, be appointed, and the number of appointees to the Board be increased accordingly, to 13.”; and

(4) Weston Business Improvement Area Board of Management:

“That Pat Gallan be appointed, and the appointment of Al Loy be terminated.”

1.16 North York Community Council Report 1, Clause 26, headed “Turn Prohibitions - 1890 Avenue Road (Ward 16 - Eglinton-Lawrence)”.

The Clause was submitted without recommendation.

Motion:

Councillor Stintz moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (December 21, 2005) from the Director, Transportation Services, North York District [as contained in the Clause].

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

1.17 Policy and Finance Committee Report 1, Clause 26, headed “Toronto City Centre Airport Community Advisory Committee”.

Motion:

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

“That Council adopt the following staff recommendation contained in the Recommendation Section of the report (January 30, 2006) from the City Solicitor:

‘It is recommended that the main contact for the Toronto City Centre Airport Community Advisory Committee (TCCACAC) from City Legal Services be the Director of Litigation.’ ”

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

1.18 Policy and Finance Committee Report 1, Clause 27, headed “Toronto Waterfront Revitalization: Memorandum of Understanding between the City of Toronto, City of Toronto Economic Development Corporation and Toronto Waterfront Revitalization Corporation”.

Motions:

- (a) Councillor McConnell moved that the Clause be amended to provide that the Memorandum of Understanding be amended to ensure that the public realm is protected as set out in the East Bay Front Precinct Plan and that both Project Symphony and Project 24/7 be sited in consultation with the Ward Councillor, the Toronto Waterfront Revitalization Corporation and the citizen coalition, at the western end of the Queen Elizabeth Docks.
- (b) Councillor Ashton moved that the Clause be amended in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (January 30, 2006) from Deputy City Manager Fareed Amin:

“It is recommended that Recommendation (3) contained in the January 17,

2006 report from Deputy City Manager Fareed Amin be amended by substituting the amended Shareholder Resolution attached as Appendix 1 to this report for the Shareholder Resolution referred to in Recommendation (3), and the Shareholder Resolution to be attached to the Memorandum of Understanding and the Unanimous Shareholder Declaration be the amended Shareholder Resolution that is attached as Appendix 1 to this report.”,

subject to amending Appendix 1 to the report (January 30, 2006) by deleting Part (5) and inserting instead the following new Part (5):

“(5) as directed by Council, any one officer or director of TEDCO, of the following officers of the City: the City Clerk or the person acting in that capacity and the Deputy City Manager and Chief Financial Officer or the person acting in that capacity (the ‘City Representatives’), is authorized and directed, for and in the name of and on behalf of TEDCO, to execute (whether under the corporate seal of TEDCO or otherwise) and deliver all such other agreements, instruments, certificates and other documents and to do all such other acts and things as have been directed by Council, in order to carry out the intention of the foregoing resolutions.”

- (c) Councillor Lindsay Luby moved that motion (b) by Councillor Ashton be amended to provide that Appendix 1 to the report (January 30, 2006), be further amended to include the following additional provision:

“Given that the City of Toronto is making a unanimous shareholder’s declaration to TEDCO directing TEDCO to pass a resolution to enter into the MOU, make Property Transfers in accordance with the MOU, and otherwise comply with the MOU, the City provide an indemnity to the directors and officers of TEDCO, indemnifying them and holding them harmless against any liabilities or expenses they may incur as a result of any legal action brought against them arising from compliance with the terms of the unanimous shareholder’s declaration, such indemnity to be in a form satisfactory to the City Solicitor and the Deputy City Manager and Chief Financial Officer.”.

Deputy Mayor Feldman in the Chair.

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

“That Deputy City Manager Fareed Amin be requested to report to the Policy and Finance Committee on:

- (1) the financial contributions, both in land and cash, originally agreed to with all three levels of government, as well as the commitments made under (former)

Mayor Lastman; and

- (2) the details of the commitments currently in place by all three levels of government and the amount of their contributions to date.”
- (e) Mayor Miller moved that motion (d) by Councillor Ootes be amended by adding the following additional Parts (3) and (4):
 - “(3) a request to the partner governments to match any City land contributions, made by the City of Toronto; and
 - (4) a request to the Toronto Waterfront Revitalization Corporation to forward to City Council, as soon as practicable, a full Business Plan including revenue projections.”

Votes:

Adoption of motion (a) by Councillor McConnell:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (c) by Councillor Lindsay Luby:

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

Carried by a majority of 35.

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

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

Carried by a majority of 33.

Adoption of motion (e) by Mayor Miller, as it relates to the addition of Part (3):

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (e) by Mayor Miller, as it relates to the addition of Part (4):

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (d) by Councillor Ootes, as amended:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of the Clause, as amended:

Yes - 36	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 5	
Councillors:	Minnan-Wong, Nunziata, Ootes, Shiner, Stintz

Carried by a majority of 31.

Summary:

Council amended this Clause:

- (1) to provide that the Memorandum of Understanding be amended to ensure that the public realm is protected as set out in the East Bay Front Precinct Plan and that both Project Symphony and Project 24/7 be sited in consultation with the Ward Councillor, the Toronto Waterfront Revitalization Corporation and the citizen coalition, at the western end of the Queen Elizabeth Docks;
- (2) in accordance with the following staff recommendation contained in the Recommendation Section of the supplementary report (January 30, 2006) from Deputy City Manager Fareed Amin:

“It is recommended that Recommendation (3) contained in the January 17, 2006 report from Deputy City Manager Fareed Amin be amended by substituting the amended Shareholder Resolution attached as Appendix 1 to this report for the Shareholder Resolution referred to in Recommendation (3), and the Shareholder Resolution to be attached to the Memorandum of Understanding and the Unanimous Shareholder Declaration be the amended Shareholder Resolution that is attached as Appendix 1 to this report.”,

subject to amending Appendix 1 to the report (January 30, 2006) by:

- (a) deleting Part (5) and inserting instead the following new Part (5):

“(5) as directed by Council, any one officer or director of TEDCO, of the following officers of the City: the City Clerk or the person acting in that capacity and the Deputy City Manager and Chief Financial Officer or the person acting in that capacity (the ‘City Representatives’), is authorized and directed, for and in the name of and on behalf of TEDCO, to execute (whether under the corporate seal of TEDCO or otherwise) and deliver all such other agreements, instruments, certificates and other documents and to do all such other acts and things as have been directed by Council, in order to carry out the intention of the foregoing resolutions.”; and

- (b) including the following additional provision:

“Given that the City of Toronto is making a unanimous shareholder’s declaration to TEDCO directing TEDCO to pass a resolution to enter into the MOU, make Property Transfers in accordance with the MOU, and otherwise comply with the MOU, the City provide an indemnity to the directors and officers of TEDCO, indemnifying them and holding them harmless against any liabilities or expenses they may incur as a result of any legal action brought against them arising from compliance with the terms of the unanimous shareholder’s declaration, such indemnity to be in a form satisfactory to the City Solicitor and the Deputy City Manager and Chief Financial Officer.”; and

- (3) by adding the following:

“That Deputy City Manager Fareed Amin be requested to report to the Policy and Finance Committee on:

- (1) the financial contributions, both in land and cash, originally agreed to with all three levels of government, as well as the commitments made under (former) Mayor Lastman;
- (2) the details of the commitments currently in place by all three levels of government and the amount of their contributions to date;
- (3) a request to the partner governments to match any City land contributions, made by the City of Toronto; and
- (4) a request to the Toronto Waterfront Revitalization Corporation to forward to City Council, as soon as practicable, a full Business Plan including revenue projections.”

Mayor Miller in the Chair.

1.19 Planning and Transportation Committee Report 10, Clause 8a, headed “Proposed Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing Regarding the Regulation of Entertainment Facilities”.

Mayor Miller advised Council that the following motions had carried at the December 14 and 16, 2005 meeting of Council, and that subsequently, the Clause was re-opened, only as it pertains to section (d)(2) of Schedule A to the report (October 11, 2005) from the Acting Executive Director, Municipal Licensing and Standards:

- (a) Councillor Watson moved that the Clause be amended by deleting Part 2 of Section (d) of Schedule A to the report (October 11, 2005) from the Acting Executive Director, Municipal Licensing and Standards and inserting instead the following:

“2. From Monday to Wednesday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance and from Thursday to Sunday, the number of security guards be in a ratio of 1 for every 100 patrons authorized by the approved occupancy load noted on the liquor licence.”

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

“That the Acting Executive Director, Municipal Licensing and Standards report back to City Council in June 2006, through the Planning and Transportation Committee, on the possibility of licensing event promoters in the City of Toronto.”

- (c) Councillor Rae moved that motion (a) by Councillor Watson be amended by inserting the words “as well as at private functions” after the words “From Monday to Wednesday” in Part 2 of Section (d) of Schedule A.

Mayor Miller further advised Council that, in accordance with the procedural motion adopted by Council on December 16, 2005, the following motion had been brought forward for consideration with this Clause:

Motion from Council Meeting of December 14 and 16, 2005:

- (d) Councillor Mihevc moved that motion (a) by Councillor Watson be amended by deleting from the amendment to Part 2 of Section (d) of Schedule A, the words “authorized by the approved occupancy load noted on the liquor licence”, and inserting instead the words “in attendance”, so that Part 2 of Section (d) of Schedule A, now reads as follows:

“2. From Monday to Wednesday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance and from Thursday to Sunday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance.”

Motion moved on February 1, 2006:

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

“That the Executive Director, Municipal Licensing and Standards Division be requested to report to the Planning and Transportation Committee, in six months time, on the effectiveness of the security provisions contained in Part 2 of Section (d) of Schedule A.”

Votes:

Motion (a) by Councillor Watson, as amended by motion (c) by Councillor Rae and motion (d) by Councillor Mihevc, carried.

Motion (e) by Councillor Kelly carried.

The Clause, as amended, carried.

Summary:

Council amended this Clause by:

- (1) deleting Part 2 of Section (d) of Schedule A to the report (October 11, 2005) from the Acting Executive Director, Municipal Licensing and Standards, and inserting instead the following:

“2. From Monday to Wednesday, as well as at private functions, the number of security guards be in a ratio of 1 for every 100 patrons in attendance and from Thursday to Sunday, the number of security guards be in a ratio of 1 for every 100 patrons in attendance.”; and

- (2) adding the following:

“That the Executive Director, Municipal Licensing and Standards, be requested to:

- (a) report to the Planning and Transportation Committee, in six months time, on the effectiveness of the security provisions contained in Part 2 of Section (d) of Schedule A; and
- (b) report back to City Council in June 2006, through the Planning and Transportation Committee, on the possibility of licensing event promoters in the City of Toronto.”

1.20 Policy and Finance Committee Report 1, Clause 20, headed “Making Green Roofs Happen”.

Motion:

Deputy Mayor Pantalone moved that the Clause be amended by:

- (1) deleting Recommendation (22) of the Policy and Finance Committee and inserting instead the following new Recommendation (22), as recommended in the supplementary report (January 27, 2006) from the Chief Planner and Executive Director, City Planning:

“(22) the Chief Planner and Executive Director, City Planning, be requested to ensure that above-grade green roofs are not considered an alternative to landscaped open space at-grade or parkland dedication in the review of applications for development, and thus do not result in the loss of green space on the ground;”; and

- (2) adding the following:

“That Council adopt the following staff recommendations contained in the Recommendations Section of the supplementary report (January 30, 2006) from the General Manager, Toronto Water:

‘It is recommended that:

- (1) a Green Roof Incentive Pilot Program be implemented in 2006 and applicable to projects completed by the end of 2007;
- (2) Toronto Water’s 2006 approved Capital Budget be amended to reallocate \$200,000.00 (net of GST) from Capital Account: WBS CWW447-01 SWM INA/EA to a new Capital Account: CWW475-01 Green Roof Incentive Pilot Program 2006-2007, to provide financial incentives in support of the Green Roof Incentive Pilot Program;
- (3) the General Manager of Toronto Water, in consultation with the Chief Planner and the Chief Building Official, be requested to report to the Works Committee in March 2006, on the eligibility criteria and process of application for the Green Roof Incentive Pilot Program;
- (4) the General Manager of Toronto Water and the Deputy City Manager and Chief Financial Officer report to the Works Committee in July 2006, on the feasibility of implementing a stormwater utility charge as part of the water rate structure review and stakeholder consultations; and
- (5) the appropriate City officials be granted the authority to give effect thereto.’ ”

Vote:

Adoption of the Clause, as amended by the motion by Deputy Mayor Pantalone:

Yes - 37	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 2	
Councillors:	Shiner, Stintz

Carried by a majority of 35.

1.21 **Policy and Finance Committee Report 1, Clause 17, headed “Approval to Enter into Funding Agreements with the Ministry of Municipal Affairs and Housing to Secure Funding to Purchase 110 Edward Street for Affordable and Supportive Rental Housing and Endorsement of Selection Criteria and Project Selection Process for Three Procurement Calls”.**

Motion:

Councillor Rae moved that the Clause be amended in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary report (January 30, 2006) from Deputy City Manager Sue Corke:

“It is recommended that:

- (1) Council amend Recommendation (1) of the January 6, 2006 staff report regarding 110 Edward Street to provide that authority be granted to enter into a Provincial Contribution Agreement, and any other documents contemplated by that Agreement, including security acceptable to the Province and the City, in a form acceptable to the City Solicitor and the Deputy City Manager and Chief Financial Officer, for 110 Edward Street with the Ministry of Municipal Affairs and Housing substantially on the terms and conditions as set out in the revised Appendix A in this report;

- (2) authority be granted to enter into a Service Manager Administration Agreement for the Canada-Ontario New Affordable Housing Program Strong Start Program - Rental and Supportive Component (the 'Program') with the Ministry of Municipal Affairs and Housing;
- (3) the Deputy City Manager for Affordable Housing Development, or her designate, be authorized and directed on behalf of the City, to execute the Service Manager Administration Agreement for the Program and any other agreements deemed necessary, on terms and conditions satisfactory to the Deputy City Manager, or her designate, in a form acceptable to the City Solicitor; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

1.22 North York Community Council Report 1, Clause 2, headed "Encroachment Agreement - 267 Burbank Drive (Ward 24 - Willowdale)".

The Clause was submitted without recommendation.

Motion:

Councillor Stintz moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (October 31, 2005) from the Manager, Municipal Licensing and Standards, North York District [as contained in the Clause].

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

1.23 Toronto and East York Community Council Report 1, Clause 59, headed “Ontario Municipal Board Appeals - 1A and 3 Millbank Avenue and 1 Strathearn Boulevard (Ward 21 - St. Paul’s)”.

The Clause was submitted without recommendation.

Motion:

Councillor Mihevc moved that Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (January 30, 2006) from the City Solicitor.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

Summary:

Council adopted the staff recommendations contained in the Recommendations Section of the confidential report (January 30, 2006) from the City Solicitor. The following recommendations are now public and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information pertaining to litigation or potential litigation:

“It is recommended that:

- (1) the City Solicitor be authorized to advise the Ontario Municipal Board (OMB) that the Council of the City of Toronto (‘City Council’) requests the OMB to refuse the appeals of Eric Gangbar, for minor variances to permit the proposed addition, over 1A Millbank Avenue, to the existing home at 3 Millbank Avenue [This was previously authorized by the Council action at its meeting of October 26, 27, 28 and 31, 2005, in adopting Clause 55 of Report 8 of the Toronto and East York Community Council.];
- (2) the City Solicitor be authorized to advise the OMB that City Council requests the OMB to refuse Mr. Gangbar’s appeal from the City’s refusal to issue a permit to remove the tree at the rear of 1A Millbank Avenue; and
- (3) the City Solicitor be authorized to advise the OMB that City Council has no position with respect to:

- (a) the appeal of Eric Gangbar from the decision of the Committee of Adjustment refusing a consent application to sever a strip of land from 1A Millbank Avenue to form part of 1 Strathearn Boulevard; and
- (b) the associated appeal of Murray Goldman from the decision of the Committee of Adjustment refusing a consent application to sever a strip of land from 1 Strathearn Boulevard to be conveyed to 1 Millbank Avenue.”

1.24 Works Committee Report 1, Clause 4, headed “Standing Authority for the General Manager, Transportation Services to Dedicate Land for Public Highway, Lane or Walkway Purposes (All Wards)”.

Motion:

Councillor Moscoe moved that the Clause be amended by deleting from Recommendation (3) contained in the report (December 6, 2005) from Deputy City Manager Fareed Amin, the word “councillor”, and inserting instead the word “councillor(s)”, so that Recommendation (3) now reads as follows:

- “(3) prior to the approval of any proposed dedication of land, the General Manager of Transportation Services inform the affected ward councillor(s) who shall have the option of referring the proposed dedication of land to the affected community council;”.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.25 Works Committee Report 1, Clause 5, headed “Scarlett Road/CP Rail Bridge Class Environmental Assessment Study (York South-Weston and Parkdale-High Park)”.

Motion:

Councillor Moscoe moved that consideration of the Clause be postponed to the next regular meeting of City Council on April 25, 2006, and the Toronto Transit Commission be requested to provide their comments directly to Council on the Scarlett Road/CP Rail Bridge Class Environmental Assessment Study.

Vote to Postpone:

The motion by Councillor Moscoe carried.

1.26 Works Committee Report 1, Clause 7, headed “Development Infrastructure Policy and Standards – Installation of Fibre Optic Cable and Co-axial Cable Ducts in New Streets and Developer/Owner Contribution Level for Annual Traffic Calming Costs”.

Motion:

Councillor Moscoe moved that the Clause be amended by referring the following Recommendation (2) contained in the report (December 16, 2005) from the Executive Director, Technical Services, back to the Works Committee for further consideration:

“(2) the installation of surplus ducts for telecommunication is not necessary for new and existing local residential streets; and”,

and that the Executive Director, Technical Services be requested to report to the Works Committee on including the following additional policies with regard to cable installation:

- (a) no pavement disruption for five years after a street has been paved (City of Chicago);
- (b) all utility re-locates to be at the expense of the utility company after eight years;
- (c) the cost of utility re-locates within the eight-year period be subject to a sliding scale (FCM policy); and
- (d) co-location of multiple users.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

1.27 Toronto and East York Community Council Report 1, Clause 6, headed “Refusal and Directions Report - Official Plan Amendment and Rezoning Application - 4, 6 and 8 St. Thomas Street and 100-110 Charles Street West; and Intention to Designate under Part IV of the Ontario Heritage Act - 6 and 8 St. Thomas Street (University Apartments) (Ward 27 - Toronto Centre-Rosedale)”.

Motion:

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

“That:

- (I) City Council authorize the City Solicitor, in the event that a settlement can be reached, to settle the appeal of the Official Plan and Zoning By-law Amendment application generally on the basis of the following Development Guidelines:

‘Development Guidelines:

- (1) to achieve a built form appropriate for the site and consistent with the built and approved urban structure, and to minimize shadow impacts:
 - (i) reduce the 37-metre (12-storey) building component to approximately 29 metres (nine storeys);
 - (ii) reduce the 74-metre (21-storey) building component to approximately 60 metres (18 storeys) and incorporate articulation of the tower floor plate, including pulling back the northeast and southeast corners on the St. Thomas Street frontage;
 - (iii) extend the podium along the Charles Street West frontage to the westerly edge of the development. Alternatively, set back the tower element at least two metres so that the McKinsey Building and the currently proposed podium read as a lower scale street wall on Charles Street West; and
 - (iv) in conjunction with the above, maintain the setbacks and upper levels step-backs on the St. Thomas Street frontage;
- (2) request the Ontario Municipal Board to withhold its Order giving final approval to the modified proposal as set out in (1) above, until the following conditions set out in (i), (ii), (iii), (iv) and (v) are satisfied:
 - (i) the Owner executes one or more heritage easement agreements pursuant to Section 37 of the *Ontario Heritage Act* satisfactory to the Chief Planner and Executive Director of City Planning and the City Solicitor, and such agreements are registered on title to the lands in a manner satisfactory to the City Solicitor, for the properties municipally known as 8 St. Thomas Street and 6 St. Thomas Street;

- (ii) the implementing by-laws include the provision and maintenance of the following facilities, services and matters by the Owner, at its expense, and in accordance with the agreement referred to below, as conditions to the increases in height and density to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning pursuant to Section 37 of the *Planning Act*:
 - (a) a public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
 - (b) exterior building materials on the elevations of the development and landscaping materials satisfactory to the Chief Planner and Executive Director of City Planning;
 - (c) tree protection securities for the four London Plane trees in the St. Thomas Street right-of-way abutting the site satisfactory to the General Manager of Parks, Forestry and Recreation;
 - (d) provisions requiring the Owner to replace and secure as rental housing for a period of not less than 20 years, not less than 29 affordable replacement rental units of a similar size and type subject to Victoria University providing the outstanding documentation verifying that 11 units were used as student housing by Victoria University. In the absence of submitting the appropriate documentation, the number of affordable replacement rental units shall be 40 units representing the number of existing units at 6 and 8 St. Thomas Street;
 - (e) provisions requiring the Owner to maintain the affordable replacement rental units at affordable rents for a period of not less than 10 years, with the rent increase protections continuing for tenants remaining at the end of the 10 year period for as long as they occupy their units;

- (f) a tenant relocation and assistance package including the right to return to a replacement unit, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- (g) other community benefits, including streetscape improvements, as appropriate;
- (h) payment to the City for any improvements/ upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements/upgrades are required to support the development, according to the reports identified in 2(iv)(b) and (iv)(c) below, as reviewed and accepted by the Executive Director of Technical Services;
- (i) payment to the City for the cost of removing the pay and display parking spaces on Charles Street West plus any additional costs to offset the lost revenue of these parking spaces satisfactory to the Toronto Parking Authority;
- (j) installation of an irrigation system with automatic timer when three or more trees are planted in a City right-of-way to the satisfaction of the Executive Director of Technical Services;
- (k) provisions securing the appropriate rights-of-way and easements over the existing ramp off Sultan Street for vehicular and pedestrian access to the underground parking garage servicing the development to the satisfaction of the General Manager of Transportation Services;
- (l) fully document the existing building at 4 St. Thomas Street and submit such documentation to the satisfaction of the Manager, Heritage Preservation Services, prior to any demolition activities on the site; and
- (m) such other conditions as may be appropriate to ensure the orderly development of the lands as required by the Chief Planner and Executive Director of City Planning;

- (iii) the Owner enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director of City Planning and the City Solicitor, to secure the facilities, services and matters set forth in 2(ii)(a) to (m) above, such agreement(s) be registered on title to the lands in a manner satisfactory to the City Solicitor;
 - (iv) the applicant submits at least six weeks prior to the City Solicitor forwarding the final Official Plan Amendment and Zoning By-law Amendment to the Ontario Municipal Board for its consideration, the following outstanding studies as set out in the Refusal and Directions Report and materials to the satisfaction of the appropriate City officials:
 - (a) a Pedestrian Level Wind Study;
 - (b) a Site Servicing Report;
 - (c) a Street Lighting Review;
 - (d) a Heritage Impact Statement;
 - (e) final drawings of the revised proposal as set out in (1) satisfactory to the Chief Planner and Executive Director of City Planning; and
 - (f) survey and reference plans to the Executive Director of Technical Services for review and approval; and
 - (v) an Official Plan Amendment, Zoning By-law Amendment are prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning.’;
- (II) the following staff recommendations contained in the Recommendations Section of the supplementary report (January 30, 2006) from the Chief Planner and Executive Director, City Planning, be adopted:

‘It is recommended that:

- (1) City Council include the property at 110 Charles Street West (McKinsey and Company Building) on the City of Toronto Inventory of Heritage Properties;

- (2) City Council state its intention to designate the property at 110 Charles Street West (McKinsey and Company Building) under Part IV of the *Ontario Heritage Act*;
 - (3) if there are no objections to the designation in accordance with Section 29(6) of the *Ontario Heritage Act*, the City Solicitor be authorized to introduce the Bills in Council designating the property under Part IV of the *Ontario Heritage Act*;
 - (4) if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, the City Clerk be directed to refer the proposed designation to the Conservation Review Board; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.'; and
- (III) **'WHEREAS** the Official Plan for the former City of Toronto provides for additional density for heritage buildings Designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS 110 Charles Street West was not designated under Part IV of the *Ontario Heritage Act* at the time the development application was considered by the Chief Planner and Executive Director, City Planning;

NOW THEREFORE BE IT RESOLVED THAT the Chief Planner and Executive Director, City Planning be requested to take into consideration the Designation of 110 Charles Street West (McKinsey and Company Limited) in any further negotiations relating to the settlement of this appeal.' "

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

1.28 **Policy and Finance Committee Report 1, Clause 1, headed "Bill 53 - Stronger City of Toronto for a Stronger Ontario Act, 2005".**

Motions:

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

“That the City of Toronto request that Bill 53 be amended to include an option to retain the status quo of the present government model and allow Council to amend its governance structure in an evolutionary consensus, taking into account the new powers being granted to the City.”

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

“That the City request the Province of Ontario to amend Section 5 of Bill 53 to provide that the City of Toronto is granted the opportunity to revisit Bill 53 to negotiate improvements to the Stronger City of Toronto for a Stronger Ontario Act.”

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

“That the City of Toronto request that Bill 53 be further amended to include powers that would allow the City to suspend a liquor licence without a Hearing, at the discretion of the Executive Director, Municipal Licensing and Standards, and where there is an immediate danger to health and safety.”

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

“That the City request that Bill 53 be amended to include powers that would allow the City of Toronto to:

- (1) tax absentee landlords of residential property at a higher property tax rate, similar to the business tax category;
- (2) implement a licensing system to track absentee landlords, which would include a requirement for these landlords to post a bond with the City, to be used to pay for property upkeep; and
- (3) provide for access to rental properties by staff from the City’s Municipal Licensing and Standards Division, for inspection purposes.”

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

“That the Premier of Ontario be advised that the City of Toronto must have a written commitment from the Province of Ontario, that the Province will either upload provincially mandated programs or provide the full provincial share of funding for provincially mandated programs, prior to receiving Toronto’s support of Bill 53.”

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

“That:

- (1) Bill 53 include the reduction of the number of Members of Toronto City Council from 44 to 22 members; and
- (2) the City Manager be requested to submit a report to the Policy and Finance Committee, as soon as possible, on the particulars with respect to actual revenues, the autonomy to collect monies as it relates to permits and casinos.”

Mayor Miller in the Chair.

Ruling by Mayor:

Mayor Miller ruled motion (a) by Councillor Del Grande and motion (b) by Councillor Cho redundant, as the amendments proposed are already contained in Bill 53.

Votes:

Adoption of motion (c) by Councillor Nunziata:

Yes - 14	
Councillors:	Cowbourne, De Baeremaeker, Fletcher, Hall, Jenkins, Li Preti, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Walker, Watson
No - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 14.

Adoption of Part (1) of motion (d) by Councillor Kelly:

Yes - 29	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 14	
Mayor:	Miller
Councillors:	Bussin, Di Giorgio, Filion, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Ootes, Palacio, Pantalone,

Pitfield, Rae, Walker

Carried by a majority of 15.

Adoption of Part (2) of motion (d) by Councillor Kelly:

Yes - 33	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 10	
Councillors:	Filion, Giambrone, Holyday, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Ootes, Palacio, Soknacki

Carried by a majority of 23.

Adoption of Part (3) of motion (d) by Councillor Kelly:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Holyday, Ootes

Carried by a majority of 39.

Adoption of motion (e) by Councillor Shiner:

Yes - 16	
Councillors:	Augimeri, Cho, Feldman, Holyday, Jenkins, Milczyn, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker
No - 27	
Mayor:	Miller

Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Saundercook, Silva, Thompson, Watson
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Lost by a majority of 11.

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

Yes - 8	
Councillors:	Augimeri, Del Grande, Holyday, Li Preti, Mammoliti, Milczyn, Nunziata, Palacio
No - 34	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson

Lost by a majority of 26.

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

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

Lost by a majority of 6.

Adoption of the Clause, as amended:

Yes - 36	
Mayor:	Miller

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

Carried by a majority of 29.

Summary:

Council amended this Clause by adding the following:

“That the City request that Bill 53 be amended to include powers that would allow the City of Toronto to:

- (1) tax absentee landlords of residential property at a higher property tax rate, similar to the business tax category;
- (2) implement a licensing system to track absentee landlords, which would include a requirement for these landlords to post a bond with the City, to be used to pay for property upkeep; and
- (3) provide for access to rental properties by staff from the City’s Municipal Licensing and Standards Division, for inspection purposes.”

1.29 Policy and Finance Committee Report 1, Clause 21, headed “Toronto Youth Strategy”.

Motion:

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

“That Council designate 2007 as the Year of Children and Youth.”

Disposition:

As Council had not concluded its debate on this Clause prior to the end of the meeting, consideration of this Clause was postponed to the special meeting of City Council on February 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Augimeri:

“That all motions moved on this Clause be forwarded to the special meeting of Council on February 14, 2006, and these motions be deemed to be moved.”

1.30 Policy and Finance Committee Report 1, Clause 28, headed “Declaration as Surplus of Various City-Owned Properties for Transfer 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)”.

Motions:

- (a) Deputy Mayor Pantalone moved that the Clause be amended by deleting from Recommendation (8) contained in the report (January 16, 2006) from the City Manager, as amended by the Policy and Finance Committee, the dates “April 11, 2006” and “March 6, 2006”, and inserting instead the dates “May 16, 2006” and “May 2, 2006” respectively, so that Recommendation (8), as further amended, now reads as follows:

“(8) the Chief Corporate Officer report back at the Policy and Finance Committee meeting of May 16, 2006 and the Administration Committee meeting of May 2, 2006, on the detailed proposed terms of the transfers between the City and TEDCO, including: applicability of Council policies (e.g., Housing First); responsibility for the costs (environmental, etc.) associated with remediation and redevelopment; what amount the City should receive from the eventual re-disposition of the lands by TEDCO; TEDCO’s process for disposition; as well as a protocol to identify further properties for potential transfer;”.

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

“That:

- (i) the City-owned lands designated as Parts 1, 2, 3, 4, 5, 7, 9, 10 and 11 on Sketch No. PS-2004-060d, located between Midland Avenue and Brimley Road, be developed in accordance with the land use plan for the Phase 3 Scarborough Transportation Corridor Land Use Study approved by City on September 28, 29 and 30 and October 1, 2004;
- (ii) TEDCO be requested to recognize that the development may require co-ordination and potential cost-sharing arrangements with adjoining owners for the construction of the shared roads, stormwater management, parks, etc., or other agreements necessary to complete a comprehensive development of the entire precinct; and

- (iii) as the transfer relates to 411 Victoria Park Avenue, TEDCO give due consideration and regard to the ongoing City-initiated planning review; and further, with respect to 411 Victoria Park Avenue, TEDCO review the existing lease and negotiate lease extensions that recognize the reasonable interest of the current lessee.”

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

“That the Chief Corporate Officer be requested to report to the Policy and Finance Committee, no later than September 2006, on the transfer of the Westwood Theatre site, including abutting lands, and the Bloor-Islington lands, to TEDCO by December 31, 2006.”

Votes:

The Clause, as amended by motion (a) by Deputy Mayor Pantalone, motion (b) by Councillor Ashton, and motion (c) by Councillor Milczyn, save and except as it relates to Ward 10, carried.

The balance of the Clause, as amended by motion (a) by Deputy Mayor Pantalone, motion (b) by Councillor Ashton, and motion (c) by Councillor Milczyn, carried.

Summary:

Council amended this Clause by:

- (1) deleting from Recommendation (8) contained in the report (January 16, 2006) from the City Manager, as amended by the Policy and Finance Committee, the dates “April 11, 2006” and “March 6, 2006”, and inserting instead the dates “May 16, 2006” and “May 2, 2006” respectively, so that Recommendation (8), as further amended, now reads as follows:

“(8) the Chief Corporate Officer report back at the Policy and Finance Committee meeting of May 16, 2006 and the Administration Committee meeting of May 2, 2006, on the detailed proposed terms of the transfers between the City and TEDCO, including: applicability of Council policies (e.g., Housing First); responsibility for the costs (environmental, etc.) associated with remediation and redevelopment; what amount the City should receive from the eventual re-disposition of the lands by TEDCO; TEDCO’s process for disposition; as well as a protocol to identify further properties for potential transfer;”; and

- (2) adding the following:

“That:

- (i) the City-owned lands designated as Parts 1, 2, 3, 4, 5, 7, 9, 10 and 11 on Sketch No. PS-2004-060d, located between Midland Avenue and Brimley Road, be developed in accordance with the land use plan for the Phase 3 Scarborough Transportation Corridor Land Use Study approved by City on September 28, 29 and 30 and October 1, 2004;
- (ii) TEDCO be requested to recognize that the development may require co-ordination and potential cost-sharing arrangements with adjoining owners for the construction of the shared roads, stormwater management, parks, etc., or other agreements necessary to complete a comprehensive development of the entire precinct;
- (iii) as the transfer relates to 411 Victoria Park Avenue, TEDCO give due consideration and regard to the ongoing City-initiated planning review; and further, with respect to 411 Victoria Park Avenue, TEDCO review the existing lease and negotiate lease extensions that recognize the reasonable interest of the current lessee; and
- (iv) the Chief Corporate Officer be requested to report to the Policy and Finance Committee, no later than September 2006, on the transfer of the Westwood Theatre site, including abutting lands, and the Bloor-Islington lands, to TEDCO by December 31, 2006.”

1.31 Etobicoke York Community Council Report 1, Clause 18, headed “Removal of One Privately Owned Tree - 31 Rosemount Avenue (Ward 17 - Davenport)”.

The Clause was submitted without recommendation.

Motion:

Councillor Palacio moved that Council adopt the following:

“That the application for a permit to remove the 81 centimetre diameter Norway Maple tree at 41 Rosemount Avenue, be approved, subject to the following conditions:

- (1) that the owner submit a written and signed undertaking to the satisfaction of the General Manager of Parks, Forestry and Recreation stating that:
 - (a) the owner agrees, prior to any construction activity commencing on the site, to install and maintain Tree Protection Zone hoarding for the 53 centimetre diameter Norway Maple tree to be retained and protected; and
 - (b) the owner agrees to undertake excavation and construction work in a

manner that minimizes disruption or damage to the roots of the Norway Maple tree to be retained; and

- (2) that in addition to the two trees proposed for planting on private property, the owner submit payment in the amount of \$588.00 to the Parks, Forestry and Recreation Division for a new tree to be planted on the adjacent street allowance or elsewhere in the community if a tree cannot be accommodated on the street allowance.”

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

1.32 Economic Development and Parks Committee Report 1, Clause 7, headed “International Alliance Program (IAP) - Summary Report for 2005 (All Wards)”.

Motion:

Councillor Del Grande moved that the Clause be referred back to the Economic Development and Parks Committee for further consideration, and Deputy City Manager Sue Corke be requested to report on the specific items outlined in the report.

Vote on Referral:

The motion by Councillor Del Grande carried.

1.33 Planning and Transportation Committee Report 1, Clause 8, headed “Licensing of Limousines in the City of Toronto”.

Motion:

Councillor Stintz moved that the Clause be amended by deleting Recommendation (1) contained in the report (December 8, 2005) from the Acting Executive Director, Municipal Licensing and Standards, and inserting instead the following:

- “(1) the Municipal Code be amended to exempt all owners of livery owner’s licences held prior to May 19, 2005, who wish to obtain a limousine service company licence, from the sedan vehicle/stretch vehicle ratio as it pertains to their fleet of vehicles that existed on May 19, 2005.”

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

1.34 Policy and Finance Committee Report 1, Clause 19, headed “Green Toronto Festival - A Community Environmental Fair”.

Motion:

Councillor Thompson moved that the Clause be amended by:

- (1) deleting Recommendation (1)(a) of the Roundtable on the Environment and inserting instead the following:

“(1)(a) net proceeds from the event, if any, be forwarded to the City of Toronto for distribution as environmental grants, such grants to be allocated on the recommendation of the Roundtable on the Environment;”; and

- (2) adding the following:

“That the organizers of the Green Toronto Festival be requested to:

- (1) investigate funding opportunities with senior levels of Government and Corporate Sponsors; and
- (2) charge a fee for booth space for the Festival.”

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

1.35 Policy and Finance Committee Report 1, Clause 2, headed “Remuneration for Citizen Appointees to Agencies, Boards, Commissions and Corporations”.

Motions:

- (a) Councillor Del Grande moved that the Clause be received.
- (b) Councillor Soknacki moved that the Clause be amended to provide that funding for the increased remunerations be provided from the existing budgets of the agencies, boards, commissions and corporations.

Votes:

Adoption of motion (a) by Councillor Del Grande:

Yes - 9	
Councillors:	Altobello, Augimeri, Del Grande, Holyday, Kelly, Li Preti, Nunziata, Palacio, Walker
No - 28	
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 19.

Adoption of motion (b) by Councillor Soknacki:

Yes - 32	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 6	
Councillors:	Augimeri, Davis, Feldman, Filion, Li Preti, Walker

Carried by a majority of 26.

The Clause, as amended, carried.

1.36 Toronto and East York Community Council Report 1, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Ward 19 - Trinity-Spadina; Ward 27 - Toronto Centre-Rosedale)”.

Motion:

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

“That City Council indicate, for liquor licence purposes, that it has no objection to the granting of an extension of the liquor licences of the following establishments to sell and serve alcohol until 4:00 a.m., for the duration of the Canadian Music Week, to be held on March 1 to 4, 2006, at the Fairmont Royal York Hotel and other various

downtown venues:

Bovine Sex Club, 542 Queen Street West,
Big Bop (Reverb), 651 Queen Street West,
Drake Hotel, 1150 Queen Street West,
Healey's, 178 Bathurst Street,
Horseshoe Tavern, 370 Queen Street West,
Imperial Room, Royal York Hotel, 1 Front Street West,
Lee's Palace, 529 Bloor Street West,
Rivival, 783 College Street, and
Rivoli, 332 Queen Street West."

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

1.37 Policy and Finance Committee Report 1, Clause 23, headed "Lease Renewal - 970 Lawrence Avenue West, 7th Floor, Toronto Police Services (Ward 15 - Eglinton Lawrence)".

Motion:

Councillor Li Preti moved that the Clause be amended:

- (1) in accordance with the following staff recommendations contained in the Recommendations Section of the report (January 30, 2006) from the Chief Corporate Officer:

"It is recommended that:

- (1) the Lease at 970 Lawrence Avenue West be renewed as outlined in the Administration Committee Report dated October 21, 2005 [report from the Chief Corporate Officer, as contained in the Clause]; 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 the Toronto Police Service be requested to look at options to reduce or eliminate its need to lease this office space, and explore relocating to a City-owned premises."

Votes:

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

1.38 Community Services Committee Report 1, Clause 7, headed “103-105 West Lodge Avenue - Request for Clarification on a Legal Opinion Provided in a Public Document”.

Motion:

Councillor Watson moved that the Clause be referred back to the Tenant Defence Sub-Committee for further consideration.

Vote on Referral:

The motion by Councillor Watson carried.

1.39 Works Committee Report 1, Clause 10, headed “Impacts of Further Urban Expansion in York Region on the City of Toronto in Terms of Stormwater Quality and Quantity, Traffic Congestion and Impacts on Toronto’s Infrastructure (City-wide)”.

Motion:

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

“That the General Manager, Toronto Water review the City of Toronto’s capacity to supply water to the 905 municipalities, particularly in light of urban expansion, and report to the Works Committee no later than its meeting on May 3, 2006.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 20	
Councillors:	Altobello, Ashton, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Fillion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Palacio, Pantalone, Pitfield, Soknacki
No - 8	
Councillors:	Feldman, Holyday, Milczyn, Minnan-Wong, Ootes, Saundercook, Stintz, Thompson

Carried by a majority of 12.

Motion to Re-Open:

Councillor Pitfield, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote taken on this Clause be re-opened and that she be permitted to change her vote to the negative, which carried, more than two-thirds of Members present having voted in the affirmative.

Revised Vote on Adoption of Clause, as amended:

Yes - 19	
Councillors:	Altobello, Ashton, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Palacio, Pantalone, Soknacki
No - 9	
Councillors:	Feldman, Holyday, Milczyn, Minnan-Wong, Ootes, Pitfield, Saundercook, Stintz, Thompson

Carried by a majority of 10.

1.40 Works Committee Report 1, Clause 8, headed “Amendment to Contract Nos. 47007807, 47007808, 47007809, and 47008019 - Utility Company Infrastructure Relocation During Capital Construction Projects (All Wards)”.

Motion:

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

“That the Executive Director, Technical Services be requested to report to Council, through the Works Committee, on a plan that would allow the City to charge the cost of re-locates to the utilities, in accordance with the Federation of Canadian Municipalities (FCM) policy.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

1.41 Economic Development and Parks Committee Report 1, Clause 14, headed “Extending the Hours of Seasonal Pools”.

The Clause was submitted without recommendation.

Motion:

Councillor Cowbourne moved that Council adopt the following:

“That Attachment 1 to the report (September 26, 2005) from the General Manager, Parks, Forestry and Recreation, be revised to continue to include Heron Park Pool as a Parks, Forestry and Recreation Heat Alert location in 2005.”

Votes:

The motion by Councillor Cowbourne carried.

The Clause, as amended, carried.

1.42 **Economic Development and Parks Committee Report 1, Clause 10, headed “Operation of Snack and Hot Drink Vending - Nut Products in Parks, Forestry and Recreation Facilities (All Wards)”.**

Motion:

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

“That:

- (1) the City Manager and the appropriate staff of the City’s divisions, agencies, boards and commissions be requested to advise the snack bar and vending machine operators that City Council is requesting that peanut and nut products not be sold in City facilities where children frequent;
- (2) the City Manager be requested to report to the March 9, 2006, meeting of the Economic Development and Parks Committee and the April 25, 2006, meeting of City Council on whether the snack bar and vending machine operators have removed peanut and nut products from City facilities; and
- (3) all future Requests for Proposals, Leases and Agreements, etc. contain clauses to restrict the sale of peanut and nut products in all City facilities that children frequent; and further that the City Manager, in consultation with the Acting Director, Purchasing and Materials Management report to the Administration Committee on the policies required to bring this Council decision into effect.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

1.43 Administration Committee Report 1, Clause 10, headed “Union Station - Station Lease to The Union Pearson Group Inc., 65 Front Street West (Ward 28 - Toronto Centre-Rosedale)”.

The Clause was submitted without recommendation.

Motions:

(a) Councillor Watson moved that Council adopt the following:

“That:

- (1) the City Solicitor be requested to obtain the following unqualified legal opinions from Robert Bauer:
 - (i) certifying that the lease conforms to the Master Agreement and does not extend the obligations of the City of Toronto or enhance the rights of UPG Inc.;
 - (ii) that the Due Diligence requirements under s.3.5 of the Master Agreement were fully complied with by the Due Diligence date of December 15, 2005, and that no items were waived as not being finalized; and
 - (iii) that all necessary approvals by the City of Toronto have been obtained with respect to any Change of Control or ownership of the entities which are UPG Inc. shareholders, including details of those approvals.”;
- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the next meeting of the Administration Committee providing the following information:
 - (a) who were the shareholders of UPG Inc., and in what proportion did each hold shares at the time the UPG Proposal was made;
 - (b) who were the shareholders of UPG Inc., and in what proportion did each hold shares at the time the Master Agreement was executed;
 - (c) who were the shareholders of UPG Inc., and in

what proportion did each hold shares at the Due Diligence date of December 15, 2005;

- (d) whether the ownership or control of any of the shareholder companies changed since the date of the UPG Inc. Proposal (for example, have the shares of Olympia and York been sold to another entity), and, if so, provide details concerning the change;
- (3) further discussions be held between City staff and the Union Pearson Group Inc. in order to:
- (a) obtain payment to the City for use of the name 'Union Station' in any context other than the naming of the existing station;
 - (b) address concerns about the potential cost to the City or transportation providers of future expansions of the transportation function at the station;
 - (c) ensure that public use of the facility, including use by charitable/not-for-profit/City use is protected and enhanced, and that provisions are made for requiring the lessee to promote and advertise City-authorized events or public uses to be undertaken at Union Station;
 - (d) ensure that any notice and response periods requiring a response from the City are of sufficient length to enable reports to be brought through the Council process for appropriate deliberation and consideration; and
 - (e) secure the provision and maintenance by UPG Inc. of a significant element in the Station recognizing Railway Heritage, such as a Railway Museum;

and request the Deputy City Manager and Chief Financial Officer and Treasurer to report to the March 6, 2006 meeting of the Administration Committee on these efforts;

- (4) the Deputy City Manager and Chief Financial Officer be requested to submit a report to the next Administration Committee meeting scheduled to be held on March 6, 2006, providing a detailed summary of the costs the City has incurred to date with respect to the Union Station RFP, Agreement negotiations, documentation, etc., such costs to include the cost of outside consultants such as planners, legal and other advisers and City staff;

- (5) the Deputy City Manager and Chief Financial Officer be requested to report to the next meeting of the Administration Committee providing a financial analysis of the proposed transaction showing the investments to be made by UPG Inc. and the City of Toronto, as well as the income expected to be received by each; and
 - (6) prior to City Council approving the Station Lease, the Deputy City Manager and Chief Financial Officer be requested to obtain from UPG Inc., up-to-date schedules to the Station Lease, having regard to the proposed closing date of May 31, 2006.”
- (b) Councillor Holyday moved that Council adopt the following staff recommendations contained in the Recommendations Section of the report (December 16, 2005) from the Deputy City Manager and Chief Financial Officer:

“It is recommended that:

 - (1) the Station Lease with The Union Pearson Group to restore, develop and operate Union Station be approved for a 35 year term with one automatic renewal period of 15 years and a further 50 year conditional renewal, at an annual basic rent of \$500,000.00 to be adjusted by CPI and at stabilization, plus participation rent, in accordance with the terms and conditions set out in Appendix 1 to this report and on such other terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer and in a form acceptable to the City Solicitor;
 - (2) the City Solicitor be authorized to complete the transaction on behalf of the City if all closing conditions are met by May 31, 2006;
 - (3) until a governance model is implemented for Union Station, the Chief Corporate Officer shall administer and manage the Station Lease including the provision of any consents, approvals, waivers notices and notices of termination provided that the Chief Corporate Officer may at any time, refer consideration of such matter (including their content) to City Council for its determination and direction; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”
- (c) Councillor Moscoe moved that motion (a) by Councillor Watson be referred to the City Solicitor for consideration.
- (d) Councillor Davis moved that:

- (1) motion (b) by Councillor Holyday be amended by deleting Recommendation (2) contained in the report (December 16, 2005) from the Deputy City Manager and Chief Financial Officer, and inserting instead the following:

“(2) the City Solicitor report to the May 23, 2006, Council meeting on whether or not the closing conditions have been met, such report to include recommendations related to the completion of the transaction with UPG Inc.”; and

- (2) Council adopt the following:

“That the City Solicitor be requested to negotiate further with Union Pearson Group Inc. to seek amendments to the Union Station lease that would ensure greater public and City access and use of Union Station, and an appeal process if requests for public use are denied.”

Vote:

Adoption of Part (1) of motion (d) by Councillor Davis:

Yes - 15	
Councillors:	Ainslie, Altobello, Bussin, Cowbourne, Davis, Del Grande, Filion, Fletcher, Jenkins, McConnell, Palacio, Pitfield, Thompson, Walker, Watson
No - 24	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Cho, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moscoe, Nunziata, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz

Lost by a majority of 9.

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled that the vote on motion (b) by Councillor Holyday would be taken next. Councillor Davis challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 22	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, De Baeremaeker, Di Giorgio, Feldman, Giambrone, Hall, Holyday, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz
No - 17	
Councillors:	Ainslie, Altobello, Carroll, Cho, Cowbourne, Davis, Del Grande, Filion, Fletcher, Jenkins, Kelly, McConnell, Moscoe, Palacio, Thompson, Walker, Watson

Carried by a majority of 5.

Votes:

Adoption of motion (b) by Councillor Holyday, without amendment:

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 8	
Councillors:	Augimeri, Davis, Del Grande, Fletcher, Jenkins, McConnell, Walker, Watson

Carried by a majority of 24.

Adoption of motion (c) by Councillor Moscoe:

Yes - 27	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Cowbourne, De Baeremaeker, Feldman, Filion, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz
No - 13	
Councillors:	Ainslie, Carroll, Davis, Del Grande, Di Giorgio, Fletcher, Jenkins, Kelly, McConnell, Milczyn, Thompson, Walker, Watson

Carried by a majority of 14.

Due to the above decisions of Council, Part (2) of motion (d) by Councillor Davis was not put to a vote.

Adoption of the Clause, as amended:

Yes - 33	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 7	
Councillors:	Davis, Del Grande, Fletcher, Jenkins, McConnell, Walker, Watson

Carried by a majority of 26.

Summary:

Council adopted the following:

“That:

- (1) Council adopt the following staff recommendations contained in the Recommendations Section of the report (December 16, 2005) from the Deputy City Manager and Chief Financial Officer:

‘It is recommended that:

- (1) the Station Lease with The Union Pearson Group to restore, develop and operate Union Station be approved for a 35 year term with one automatic renewal period of 15 years and a further 50 year conditional renewal, at an annual basic rent of \$500,000.00 to be adjusted by CPI and at stabilization, plus participation rent, in accordance with the terms and conditions set out in Appendix 1 to this report and on such other terms and conditions as may be satisfactory to the Deputy City Manager and Chief Financial Officer and in a form acceptable to the City Solicitor;
 - (2) the City Solicitor be authorized to complete the transaction on behalf of the City if all closing conditions are met by May 31, 2006;
 - (3) until a governance model is implemented for Union Station, the Chief Corporate Officer shall administer and manage the Station Lease including the provision of any consents, approvals, waivers notices and notices of termination provided that the Chief Corporate Officer may at any time, refer consideration of such matter (including their content) to City Council for its determination and direction; and
 - (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (2) the following motions be referred to the City Solicitor for consideration:

Moved by Councillor Watson:

‘That:

- (1) the City Solicitor be requested to obtain the following unqualified legal opinions from Robert Bauer:
 - (i) certifying that the lease conforms to the Master Agreement and does not extend the obligations of the City of Toronto or enhance the rights of UPG Inc.;
 - (ii) that the Due Diligence requirements under s.3.5 of the Master Agreement were fully complied with by the Due Diligence date of December 15, 2005, and that no items were waived as not being finalized; and

- (iii) that all necessary approvals by the City of Toronto have been obtained with respect to any Change of Control or ownership of the entities which are UPG Inc. shareholders, including details of those approvals.”;
- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the next meeting of the Administration Committee providing the following information:
 - (a) who were the shareholders of UPG Inc., and in what proportion did each hold shares at the time the UPG Proposal was made;
 - (b) who were the shareholders of UPG Inc., and in what proportion did each hold shares at the time the Master Agreement was executed;
 - (c) who were the shareholders of UPG Inc., and in what proportion did each hold shares at the Due Diligence date of December 15, 2005;
 - (d) whether the ownership or control of any of the shareholder companies changed since the date of the UPG Inc. Proposal (for example, have the shares of Olympia and York been sold to another entity), and, if so, provide details concerning the change;
- (3) further discussions be held between City staff and the Union Pearson Group Inc. in order to:
 - (a) obtain payment to the City for use of the name “Union Station” in any context other than the naming of the existing station;
 - (b) address concerns about the potential cost to the City or transportation providers of future expansions of the transportation function at the station;
 - (c) ensure that public use of the facility, including use by charitable/not-for-profit/City use is protected and enhanced, and that provisions are made for requiring the lessee to promote and advertise City-authorized events or public uses to be undertaken at Union Station;

- (d) ensure that any notice and response periods requiring a response from the City are of sufficient length to enable reports to be brought through the Council process for appropriate deliberation and consideration; and
- (e) secure the provision and maintenance by UPG Inc. of a significant element in the Station recognizing Railway Heritage, such as a Railway Museum;

and request the Deputy City Manager and Chief Financial Officer and Treasurer to report to the March 6, 2006 meeting of the Administration Committee on these efforts;

- (4) the Deputy City Manager and Chief Financial Officer be requested to submit a report to the next Administration Committee meeting scheduled to be held on March 6, 2006, providing a detailed summary of the costs the City has incurred to date with respect to the Union Station RFP, Agreement negotiations, documentation, etc., such costs to include the cost of outside consultants such as planners, legal and other advisers and City staff;
- (5) the Deputy City Manager and Chief Financial Officer be requested to report to the next meeting of the Administration Committee providing a financial analysis of the proposed transaction showing the investments to be made by UPG Inc. and the City of Toronto, as well as the income expected to be received by each; and
- (6) prior to City Council approving the Station Lease, the Deputy City Manager and Chief Financial Officer be requested to obtain from UPG Inc., up-to-date schedules to the Station Lease, having regard to the proposed closing date of May 31, 2006.’ ”

Mayor Miller in the Chair.

1.44 **Economic Development and Parks Committee Report 1, Clause 4, headed “2005 Culture Build Grants Recommendations (All Wards)”.**

Motion:

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

“That:

- (1) the Deputy City Manager be requested to report to the Economic Development and Parks Committee on how, as a condition of receiving future Cultural Build Grants, applicants be required to set aside blocks of time for community organizations to use their facilities free of charge; and
- (2) supplementary information be required for 2006 Culture Build Grants Program, similar to the information that is gathered for the operating grant for the Major Cultural Organizations which describes the Cultural Organizations' community outreach programs, and that this information be used as part of the evaluation criteria."

Votes:

The motion by Councillor Thompson carried.

The Clause, as amended, carried.

1.45 Policy and Finance Committee Report 1, Clause 5, headed "City Electricity Purchase".

Motion:

Councillor Shiner moved that the Clause be amended by adding the following Part (c) to Recommendation (1) contained in the report (January 3, 2006) from the Deputy City Manager and Chief Financial Officer:

- "(c) Toronto Hydro Energy Services Inc. being deemed to be an electricity supplier, either as a counter-party (directly), or as a broker (indirectly), with respect to the City's electricity supplier pool."

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

1.46 Planning and Transportation Committee Report 1, Clause 1, headed "Designation of Community Improvement Project Areas to Implement the BIA Commercial Facade Improvement Program".

Motions:

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

“That the Acting Executive Director, Economic Development, be requested to report to the September 12, 2006 meeting of the Economic Development and Parks Committee on:

- (a) the results of the Commercial Façade Improvement Program for BIAs; and
 - (b) whether a revision should be made, effective 2007, to the eligibility guidelines of qualifying BIAs to permit them to participate in the Commercial Façade Improvement Program after being in existence for three years, rather than five years.”
- (b) Councillor Nunziata moved that the Clause be amended by adding the following:

“That the Weston Business Improvement Area be added to the list for consideration.”

Votes:

Motion (a) by Councillor Thompson carried.

Motion (b) by Councillor Nunziata carried.

The Clause, as amended, carried.

Deputy Mayor Feldman in the Chair.

1.47 Policy and Finance Committee Report 8, Clause 12c, headed “Toronto District School Board Application Requesting Debentures”.

Motions:

- (a) Councillor Del Grande moved that:
 - (1) the Clause be received; and
 - (2) in the event that Part (1) does not carry, the Clause be amended to provide that, as a condition of Council issuing debentures on behalf of the Toronto District School Board, the TDSB be required to waive all fees for community meetings sponsored by a City Councillor and held in TDSB buildings.
- (b) Councillor Moscoe moved that the Clause be amended by adding the following:

“That:

- (1) in recognition of the fact that the School Board will be saving more than \$400,000.00 as a result of the City's assistance, the School Board be requested to permit Members of Council to use school space for community meetings on a pro bono basis; and
- (2) the Deputy City Manager and Chief Financial Officer be requested to report to the Policy and Finance Committee on the School Board's response prior to the next issuance of debentures."

Permission to Withdraw Motion:

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

Votes:

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

1.48 **Economic Development and Parks Committee Report 1, Clause 1, headed "ICT Toronto: An Information and Communication Technology Cluster Development Strategy (All Wards)".**

Motion:

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

"That the Budget Advisory Committee be requested to consider granting the Toronto Region Research Alliance a grant in the amount of \$100,000.00 through the 2006 budget process."

Vote:

Adoption of the Clause, as amended by the motion by Councillor Stintz:

Yes - 35	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Hall, Holyday, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 4	
Councillors:	Bussin, Jenkins, Rae, Silva

Carried by a majority of 31.

Deputy Mayor Bussin in the Chair.

1.49 Community Services Committee Report 1, Clause 6, headed “Councillor Michael Walker’s Proposal for Rent Control”.

Motion:

- (a) Councillor Holyday moved that the Clause be referred back to the Community Services Committee for further consideration and the hearing of public deputations.

Vote on Referral:

Yes - 7	
Councillors:	Hall, Holyday, Kelly, Minnan-Wong, Palacio, Silva, Soknacki
No - 22	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Jenkins, McConnell, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Walker, Watson

Lost by a majority of 15.

Deputy Mayor Pantalone in the Chair.

Motion:

- (b) Councillor Nunziata moved that the Clause be amended by deleting the following Recommendation (A)(1)(b) of the Community Services Committee:

“(b) all eviction applications to be heard in Ontario Civil Court;”.

Votes:

Adoption of motion (b) by Councillor Nunziata:

Yes - 6	
Councillors:	Del Grande, Hall, Holyday, Milczyn, Nunziata, Palacio
No - 25	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Di Giorgio, Giambrone, Jenkins, Kelly, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson

Lost by a majority of 19.

Adoption of the Clause, without amendment:

Yes - 30	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Hall, Jenkins, Kelly, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Holyday

Carried by a majority of 29.

Deputy Mayor Bussin in the Chair.

1.50 Policy and Finance Committee Report 1, Clause 7, headed “Authority to Issue Debentures During 2006”.

Motion:

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

“That the Deputy City Manager and Chief Financial Officer be requested to bring forward a plan to the Policy and Finance Committee that will add a small amount to the annual tax increase over a long period of time in order to retire the City’s debt.”

Votes:

Adoption of the motion by Councillor Moscoe:

Yes - 20	
Mayor:	Miller
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, Lindsay Luby, Minnan-Wong, Moscoe, Rae, Shiner, Silva, Soknacki, Stintz, Thompson
No - 10	
Councillors:	Altobello, Ashton, Del Grande, Feldman, Holyday, Milczyn, Nunziata, Palacio, Pitfield, Watson

Carried by a majority of 10.

The Clause, as amended, carried.

1.51 Economic Development and Parks Committee Report 1, Clause 16, headed “Reduction in Permit Fees Policy (All Wards)”.

Motion:

Councillor Kelly moved that consideration of the Clause be postponed to the special meeting of City Council on February 14, 2006.

Vote to Postpone:

The motion by Councillor Kelly carried.

1.52 Etobicoke York Community Council Report 1, Clause 21, headed “Removal of Pedestrian Crossover on Islington Avenue at Golfdown Drive; and Installation of Pedestrian Activated Traffic Lights (Ward 2 - Etobicoke North)”.

Motions:

(a) Councillor Nunziata, on behalf of Mayor Miller, moved that Council:

- (1) direct that a pedestrian activated traffic control signal be installed at the intersection of Islington Avenue and Golfdown Drive coincident with the removal of the existing split pedestrian crossover at the same location; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of the necessary bills in Council.

- (b) Councillor Holyday moved that the Clause be referred to the General Manager, Transportation Services, with a request that he submit a report to Council, through the Etobicoke York Community Council, on the warrants, and provide information on the Police report, outlining the circumstances of the accident that took place at this location.
- (c) Councillor Lindsay Luby moved that consideration of the Clause be postponed until the next regular meeting of City Council on April 25, 2006, and the General Manager, Transportation Services be requested to submit a report to that meeting on the warrants, and provide information on the Police report, outlining the circumstances of the accident that took place at this location.

Vote to Postpone:

Adoption of motion (c) by Councillor Lindsay Luby:

Yes - 19	
Councillors:	Augimeri, Bussin, Carroll, Cho, De Baeremaeker, Del Grande, Feldman, Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Minnan-Wong, Moscoe, Ootes, Pitfield, Rae, Silva, Stintz
No - 14	
Councillors:	Ainslie, Altobello, Cowbourne, Davis, Filion, Fletcher, Giambrone, Milczyn, Nunziata, Palacio, Saundercook, Shiner, Soknacki, Thompson

Carried by a majority of 5.

Due to the above-noted decision of Council, motions (a) and (b) by Councillors Nunziata and Holyday were not put to a vote.

1.53 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

February 1, 2006:

Deputy Mayor Feldman in the Chair.

Procedural Motion:

Councillor Holyday moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Motion F(4), moved by Councillor Watson, seconded by Mayor Miller, respecting TEDCO's Application for Judicial Review of IPC Order MO 1966, as it contains information pertaining to litigation or potential litigation; and
- (b) Works Committee Report 1, Clause 2, headed "Appointments to the Community Environmental Assessment Team", as it contains personal information about identifiable individuals.

Vote:

The motion by Councillor Holyday carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:30 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 6:55 p.m., and met in public session in the Council Chamber.

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

1.54 **Works Committee Report 1, Clause 2, headed "Appointments to the Community Environmental Assessment Team".**

Report of the Committee of the Whole:

Deputy Mayor Feldman, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Del Grande moved that the Clause be amended by deleting one name from the list of candidates recommended by the Community Environmental Assessment Team Nominating Panel, as the application was submitted unsigned, such name to remain confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it is personal information about an identifiable individual.

Votes:

Motion (a) by Councillor Del Grande carried.

The Clause, as amended, carried.

1.55 **F(4) TEDCO'S Application for Judicial Review of IPC Order MO 1966**

Deputy Mayor Feldman called on Motion F(4), as follows:

Moved by: Councillor Watson

Seconded by: Mayor Miller

“WHEREAS the City Clerk submitted a report to the Policy and Finance Committee advising on the status of proceedings related to the Information and Privacy Commissioner’s Order MO-1966 (Report 10, Clause 43(k), entitled ‘TEDCO Mega Film Studio Project: Freedom on Information Request’); and

WHEREAS the City Solicitor has prepared an in-camera report seeking clarification and instructions from Council on the City’s position in an Application for Judicial Review of the Information and Privacy Commissioner’s (‘IPC’) Order MO-1966 pertaining to the City of Toronto Economic Development Corporation; and

WHEREAS this matter must be considered at this meeting of Council, in order to submit a notice of appearance according to the rules of civil procedure if the City takes a position, or to advise the other parties immediately if the City takes no position on this issue;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the confidential report (December 1, 2005) from the City Solicitor and that Council adopt the staff recommendation contained in the Recommendation Section of the report.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(4), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion F(4), a confidential report (December 1, 2005) from the City Solicitor.

Report of the Committee of the Whole:

Deputy Mayor Feldman, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion F(4).

February 2, 2006:

Deputy Mayor Bussin in the Chair.

Motions Moved in Public:

- (a) Councillor Walker moved that Motion F(4) be amended by deleting the first Operative Paragraph and inserting the following instead:

“NOW THEREFORE BE IT RESOLVED THAT:

- (1) the City support the IPC’s decision and take an active role in the Judicial Review Application. If the court upholds the IPC’s decision, then the City Clerk will be responsible for administering the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) for TEDCO (and all bodies, not separately designated under MFIPPA, whose directors are all appointed by Council) as well as for the City as a whole; and
 - (2) the confidential report (December 1, 2005) from the City Solicitor be received.”
- (b) Councillor Del Grande moved that Motion F(4) be amended by adding the following Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT all of the City’s agencies, boards and commissions be directed to comply with the same *Municipal Freedom of Information and Protection of Privacy Act* provisions to which the City of Toronto is subject.”

Ruling by Deputy Mayor:

Deputy Mayor Bussin ruled motion (b) by Councillor Del Grande out of order as it is a policy matter and not related to this Motion.

Votes:

Adoption of motion (a) by Councillor Walker:

Yes - 8

Councillors:	Altobello, Davis, Del Grande, Jenkins, Li Preti, Moscoe, Palacio, Walker
No - 21	
Councillors:	Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Holyday, Lindsay Luby, Mihevc, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson

Lost by a majority of 13.

Adoption of Motion F(4), without amendment:

Yes - 24	
Councillors:	Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Fletcher, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mihevc, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 5	
Councillors:	Altobello, Davis, Del Grande, Moscoe, Walker

Carried by a majority of 19.

Summary:

In adopting Motion F(4), without amendment, Council adopted, without amendment, the confidential report (December 1, 2005) from the City Solicitor. 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 pertaining to litigation or potential litigation:

“It is recommended that the City not take a position in TEDCO’s Application for Judicial Review of IPC’s Order No. MO-1966 and that when a final court decision is rendered, that the City Clerk report back to Council through the Administration Committee.”

Procedural Motion:

Councillor Ashton moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matter on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Policy and Finance Committee Report 1, Clause 39, headed “Extension of Toronto Hydro Promissory Note”, as it contains information pertaining to the security of the property of the municipality or local board.

Vote:

The motion by Councillor Ashton carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:00 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 5:21 p.m., and met in public session in the Council Chamber.

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

1.56 Policy and Finance Committee Report 1, Clause 39, headed “Extension of Toronto Hydro Promissory Note”.

Report of the Committee of the Whole:

Deputy Mayor Bussin, in accordance with the provisions of the *Municipal Act, 2001*, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

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

“That it is the policy of this Council that it not monetize the Hydro Bond for operating purposes, and further, that any consideration for operating purposes be debated as the first item as part of the 2006 Operating Budget discussions at City Council on March 27, 2006.”
- (b) Mayor Miller moved that motion (a) by Councillor Soknacki be amended by deleting the words “and further, that any consideration for operating purposes be debated as the first item as part of the 2006 Operating Budget discussions at City Council on March 27, 2006”, and inserting instead the words “provided that if the Deputy City Manager and Chief Financial Officer believes it necessary to recommend the monetization of any portion of the Hydro Bond for operating purposes in 2006, he is directed to report directly to the City Council Budget meeting in March 2006 and it shall be the first item of business for consideration at that meeting.”

Votes:

Motion (b) by Mayor Miller carried.

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

The Clause, as amended, carried.

[In the event that the Deputy City Manager and Chief Financial Officer submits a report on this matter directly to the City Council Budget meeting in March 2006, a two-thirds vote to re-open this Clause will not be required in order for Council to consider and debate the report.]

1.57 **ADDITIONAL MATTER**

February 1, 2006:

Expression of Appreciation to Candidates for Appointment to Vacancies in Wards 20 and 41

Mayor Miller in the Chair.

Councillor Silva, seconded by Councillor Ainslie, with the permission of Council, moved that Council adopt the following:

“That:

- (1) letters be sent, under signature of the Mayor, to those citizens who submitted applications for the positions of Councillor in Wards 20 and 41, thanking them for their interest in serving the City of Toronto; and
- (2) the City Clerk be requested to notify these citizens of any upcoming appointment opportunities with City agencies, boards, commissions or special purpose bodies.”

Vote:

The motion carried unanimously.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Mayor Miller in the Chair.

1.58 **F(1) Cost of Living Adjustment for Elected Officials**

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

Moved by: Councillor Jenkins

Seconded by: Councillor Walker

“WHEREAS City Council at its meeting on September 28, 29 and 30, 2005, adopted, without amendment, Policy and Finance Committee Report 8, Clause 16, headed ‘Cost of Living Adjustment for Non Union Staff’, and, in so doing, effectively changed the rate of increase for the salaries of elected officials to correspond to increases received by union and non-union employees; and

WHEREAS it has been common practice for City Council not to vote on adjustments to their own salaries when adjustments take effect in the same term of Council; and

WHEREAS in 2000, City Council adopted a policy that annual salary increases for elected officials be based on cost of living increases;

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 8, Clause 16, headed ‘Cost of Living Adjustment for Non-Union Staff’, be re-opened for further consideration, only as it pertains to salary increases for elected officials;

AND BE IT FURTHER RESOLVED THAT the Clause be amended by deleting from Recommendation (1) contained in the Recommendations Section of the report (September 1, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer, as amended by the Policy and Finance Committee, the words ‘and elected officials’, after the words ‘group of employees’;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be directed to give effect to the foregoing.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 1, Page 282)

Council also had before it, during consideration of Motion F(1), a Toronto Star Article (December 16, 2005) entitled “Council’s pay hike must be rescinded”, submitted by Councillor Jane Pitfield, Ward 26, Don Valley West.

January 31, 2006:

[Note:

City Council on December 5-7, 2005, re-opened Policy and Finance Committee Report 8, Clause 16, headed “Cost of Living Adjustment for Non Union Staff”, for further consideration, only as it pertains to salary increases for elected officials.]

Mayor Miller advised the Council that, in accordance with the procedural motion adopted by Council on December 16, 2005, the following motions had been brought forward for consideration with this Motion:

Motions from special Council meeting of December 14 and 16, 2005:

(a) Councillor Moscoe moved that Motion J(1) [now F(1)] be amended by:

(1) deleting the second Operative Paragraph, and inserting instead the following:

“AND BE IT FURTHER RESOLVED THAT Council adopt the recommendation of the Policy and Finance Committee, as contained in the Clause.”; and

(2) adding the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT Members of Council be advised that if they do not wish to accept the proposed increase in Councillors’ salary, they be directed to advise the City Clerk by noon on Monday, December 19, 2005, of the amount they wish to donate back to the City, by way of a written memorandum (hard copy);

AND BE IT FURTHER RESOLVED THAT, in the event that Council establishes an external body to review Councillors’ remuneration:

- (i) Councillors be given the opportunity to make representation to the external body;
- (ii) the external body’s report be treated in the same manner as compulsory arbitration; and
- (iii) the external body report directly to Council, and Council be obliged to adopt its recommendations without debate or discussion.”

- (b) Councillor Walker moved that Part (2) of motion (a) by Councillor Moscoe be amended to provide that the external body be requested to bring forward its recommendations respecting salaries for Members of Council during this term of Council, with such recommendations to take effect for the start of the next term of Council (December 1, 2006).

January 31, 2006:

Permission to Withdraw Motion:

Councillor Moscoe requested the permission of Council to withdraw his motion (a), the vote upon which was taken as follows:

Yes - 37	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 3	
Councillors:	Ashton, Augimeri, Mammoliti

Carried by a majority of 34.

Mayor Miller, due to the above decision of Council, declared motion (b) by Councillor Walker, redundant.

Vote:

The balance of Motion F(1) carried, without amendment.

Summary:

In adopting the balance of Motion F(1), without amendment, Council decided that salaries for Members of Council will continue to be governed by Chapter 223-3 of the City of Toronto Municipal Code:

“§223-3 Annual Increase

In the years following 2003, the remuneration paid to the Mayor and the other Members of Council shall be increased annually on January 1 of the year by the increase in the Toronto Consumer Price Index, as determined by Statistics Canada.”

1.59 **F(2) Report of Integrity Commissioner on Complaint of Violation of Councillor’s Code of Conduct**

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

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 (November 28, 2005) 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 (November 28, 2005) from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion F(2), a report (November 28, 2005) from the Integrity Commissioner. (See Attachment 7, Page 212)

Disposition:

City Council received this Motion.

1.60 **F(3) Site Plan Approval and Rezoning Application - 110 Rexdale Boulevard**

Mayor Miller called on the following Motion appearing on the Order Paper, moved by Councillor Ford, seconded by Councillor Ootes, and in the absence of Councillor Ford, moved by Councillor Holyday:

Moved by: Councillor Holyday

Seconded by: Councillor Ootes

“WHEREAS the City Planning Division is in receipt of Site Plan Approval and Rezoning Application TA CMB 2002 0023, for the property municipally known as 110 Rexdale Boulevard, for the redevelopment of a Petro Canada gasoline service station, including car wash, car rental agency, convenience sales and take-out restaurant; and

WHEREAS on July 22, 23 and 24, 2003, City Council conditionally approved the zoning by-law amendment for an expansion to the existing car wash building for the proposed car rental agency, convenience sales and take-out restaurant uses; and

WHEREAS the applicant has requested amendments to the proposed zoning by-law following the statutory public meeting to now permit a stand-alone kiosk structure for the convenience sales and take out restaurant uses; and

WHEREAS the applicant wishes to proceed with the application and approval in a timely manner; and

WHEREAS by a supplementary report dated December 5, 2005, the Chief Planner and Executive Director, City Planning, has reviewed the requested revisions to the proposed zoning by-law and recommends that the revised, proposed by-law be enacted;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the supplementary report (December 5, 2005) from the Chief Planner and Executive Director, City Planning.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion F(3), a report (December 5, 2005) from the Chief Planner and Executive Director, City Planning. (See Attachment 8, Page 219)

Vote:

Motion F(3) was adopted, without amendment.

In adopting Motion F(3), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 5, 2005) from the Chief Planner and Executive Director, City Planning:

“It is recommended that City Council:

- (1) amend the Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 4;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) amend Recommendation (3) of the Final Report (Etobicoke Community Council Report 6, Clause 15, adopted by City Council on July 22, 23 and 24, 2003) to delete the requirement of the owner to submit a Record of Site Condition acknowledged by the Ministry of the Environment, and submit a letter from the Ministry of the Environment indicating the site is not subject to an audit or that the site has passed the environmental audit; and
- (4) determine pursuant to Section 34(17) of the *Planning Act* that no further public notice regarding the proposed amendments to the zoning by-law is necessary.”

1.61 **F(5) Western Hemisphere Travel Initiative - Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda**

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

Moved by: Councillor Moscoe

Seconded by: Councillor McConnell

“**WHEREAS** on September 2, 2005, the United States Department of Homeland Security published advance notice of new regulations that will require all citizens of the United States, Canada, Bermuda and Mexico to have passports to enter or re-enter the United States by January 1, 2008; and

WHEREAS these requirements will discourage cross border interaction and have devastating effects on the Canadian and American economies, particularly on border cities; and

WHEREAS the primary tourist market for Toronto is Ohio, Michigan and New York States; and

WHEREAS fewer than 23 percent of all Americans hold United States passports; and

WHEREAS a family of four will be required to spend almost \$400.00 to obtain passports to travel to Canada; and

WHEREAS the present easily accessible border facilitates 300,000 crossings a day and more than \$1.2 billion a day in trade; and

WHEREAS, for example:

- over 3,500 Canadian nurses staff Detroit hospitals;
- a truck crosses the US-Canada border every 25 seconds, 24 hours a day, and 7 days a week;
- more than 5.2 million US jobs rely on trade with Canada; and
- the regulations will result in a \$750 million decline in tourism receipts in US communities, from 2005 to 2008 alone; and

WHEREAS all Great Lakes cities are border cities; and

WHEREAS only US cities can effectively lobby the United States Congress to modify the regulations;

NOW THEREFORE BE IT RESOLVED THAT the Mayor be requested to place the Western Hemisphere Travel Initiative on the agenda of the Great Lakes and St. Lawrence Cities agenda;

AND BE IT FURTHER RESOLVED THAT City Council solicit support from all United States member municipalities to lobby Congress to modify homeland security regulations to mitigate the devastating effects of the Passport regulations on the Canadian and United States economies.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion F(5), a Memorandum to the Standing Committee on Municipal Infrastructure and Transportation Policy (October 31,

2005) entitled “Update on the Western Hemisphere Travel Initiative”, which is on file in the City Clerk’s Office.

Motion:

Councillor Moscoe moved that Motion F(5) be referred to the Mayor for consideration.

Vote on Referral:

The motion by Councillor Moscoe carried.

1.62 **F(6) Access to Information - Construction Plans for Neighbouring Properties**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Filion

“WHEREAS it is currently City practice for residents to have access to view plans of a neighbouring residential house property until the construction is completed; and

WHEREAS the Building Division has recently issued a directive that residents may not view the building plans for neighbouring properties without making a Freedom of Information request and receiving written permission from the property owner/agent; and

WHEREAS in many instances, the construction may be completed before a Freedom of Information request may be processed; and

WHEREAS Councillors have also been denied this information;

NOW THEREFORE BE IT RESOLVED THAT Council direct City staff to allow residents to view building plans for neighbouring residential house properties, until construction is completed and the file closed, unless the plans are restricted at the request of the property owner/agent, for security or safety reasons;

AND BE IT FURTHER RESOLVED THAT the Building Division initiate a process whereby applicants for building permits may request, and can demonstrate, that their plans should be restricted from public viewing due to security or safety reasons;

AND BE IT FURTHER RESOLVED THAT plans that have not been so restricted be available to elected officials, if required, at any time for reasons of fulfilling their municipal responsibilities.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion F(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion F(6), a Briefing Note (December 6, 2005) from the Director, Corporate Access and Privacy. (See Attachment 9, Page 230)

Deputy Mayor Feldman in the Chair.

Motion:

Councillor Moscoe moved that Motion F(6) be amended by deleting the first two Operative Paragraphs and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT City Council direct the Chief Building Official and Executive Director, Building Division, in consultation with the City Clerk’s Office, to consult with stakeholders and to pursue the development of a policy which will allow full disclosure of all building plans, except for plans which owners have successfully applied for inclusion on a restricted buildings list;

AND BE IT FURTHER RESOLVED THAT the Chief Building Official and Executive Director, Building Division, be requested to report to the Planning and Transportation Committee by July 2006, on amendments to policy which would include a restricted buildings list and that full disclosure of building plans for buildings, other than those on the restricted building list, be implemented by February 2007.”

Vote:

Adoption of Motion F(6), as amended by the motion by Councillor Moscoe:

Yes - 20	
Councillors:	Altobello, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Filion, Giambrone, Hall, Jenkins, Kelly, Lindsay Luby, Mihevc, Moscoe, Pantalone, Pitfield, Saundercook, Silva, Soknacki, Thompson
No - 9	
Councillors:	Ashton, Feldman, Fletcher, Holyday, Milczyn, Minnan-Wong, Ootes, Palacio, Stintz

Carried by a majority of 11.

Summary:

In summary, Council amended Motion F(6) by deleting the first two Operative Paragraphs and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT City Council direct the Chief Building Official and Executive Director, Building Division, in consultation with the City Clerk’s Office, to consult with stakeholders and to pursue the development of a policy which will allow full disclosure of all building plans, except for plans which owners have successfully applied for inclusion on a restricted buildings list;

AND BE IT FURTHER RESOLVED THAT the Chief Building Official and Executive Director, Building Division, be requested to report to the Planning and Transportation Committee by July 2006, on amendments to policy which would include a restricted buildings list and that full disclosure of building plans for buildings, other than those on the restricted building list, be implemented by February 2007.”

Mayor Miller in the Chair.

1.63 **I(1) Grant to Save Our St. Clair (SOS) Group**

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

Moved by: Councillor Walker

Seconded by: Councillor Palacio and Councillor Nunziata

“WHEREAS in September 2004, City Council approved the St. Clair Streetcar Designated Right-of-Way Project to build an exclusive streetcar lane down the middle of St. Clair Avenue West; and

WHEREAS Save Our St. Clair (SOS) is a grass roots group of local St. Clair Avenue West residents, businesses and organizations; and

WHEREAS in August 2005, Save Our St. Clair (SOS) took the City of Toronto to Divisional Court to stop the scheduled construction of City Council’s approved St. Clair Streetcar Designated Right-of-Way Project, arguing the City’s Environmental Assessment (EA) was done under the new Official Plan when it should have been done under the in force old Official Plan; and

WHEREAS on October 11, 2005, a three-judge panel ruled in favour of SOS, awarding legal costs to SOS; and

WHEREAS on November 3, 2005, after accusations of bias and a motion from the City for the judges to recuse (withdraw) themselves because one of the judges, Justice Ted Matlow, had been fighting the City about a parking garage in his Forest Hill neighbourhood and was therefore biased; and

WHEREAS the two of the three judges removed themselves from the case, triggering a new hearing process with a new three-judge panel; and

WHEREAS the original three judges gave their original October 11, 2005 rulings separately and sequentially according to seniority, placing Justice Matlow as the last to express his ruling, thereby making it impossible for his ruling to have influenced the other Justices' rulings; and

WHEREAS on November 18, 2005, SOS announced it is asking the Ontario Court of Appeals to uphold the October 11, 2005 ruling by the Divisional Court which found the City of Toronto had violated the *Planning Act* in the way it handled the approval of the St. Clair Streetcar Designated Right-of-Way Project; and

WHEREAS SOS lawyer, Eric Gillespie, states his client's case should stand and that, 'basically, the Supreme Court of Canada in a previous decision [has] already indicated that even if one judge was ultimately determined to have been biased or there was a reasonable apprehension of bias, that because of the way judicial decisions are made, the decisions of the other judges wouldn't be affected'; and

WHEREAS Save Our St. Clair (SOS) has already raised thousands of dollars towards these 'David and Goliath like' court proceedings and its ability to continue to raise money from volunteers will be limited; and

WHEREAS SOS has limited funds and the City has unlimited funds to pursue this matter further;

NOW THEREFORE BE IT RESOLVED THAT City Council hereby authorize a one-time grant of up to \$30,000.00 to the Save Our St. Clair (SOS) group to enable it to re-make their case at future hearings, challenging City Council's approval of the St. Clair Streetcar Designated Right-of-Way Project;

AND BE IT FURTHER RESOLVED THAT this contribution is deemed in the interest of natural justice – fairness and is in the interest of the Municipality;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be directed and given authority to give effect to the foregoing."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto

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

Fiscal Impact Statements:

City Council had before it, during consideration of Motion I(1), two Fiscal Impact Statements from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statements 2 and 3, Pages 283 and 284)

Procedural Vote:

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

Yes - 15 Councillors:	Ainslie, Cho, Del Grande, Di Giorgio, Feldman, Jenkins, Li Preti, Lindsay Luby, Minnan-Wong, Nunziata, Palacio, Shiner, Stintz, Walker, Watson
No - 22 Mayor: Councillors:	Miller Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Fillion, Giambrone, Hall, Holyday, Kelly, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson

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

Disposition:

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

1.64 I(2) Toronto Entertainment District Association Use of Metro Hall Parking

The following Motion was removed from the Order Paper:

Moved by: (Former) Councillor Chow

Seconded by: Councillor Mihevc

“WHEREAS restaurant business in the Toronto Entertainment District is severely suffering; both the Princess of Wales and the Royal Alexander Theatres are currently without performances; since May 2005 there have only been 8 weeks of shows combined at both theatres; and nothing will perform until a limited run (6 weeks) in one theatre starting in January 2006; and

WHEREAS there are considerable crowds and the neighbourhood is packed some evenings, nearly all are nightclub goers and few are restaurant patrons; and

WHEREAS the recent violence in and around area nightclubs has negatively affected restaurant business and every incident reported in the local media paints a dangerous picture; and

WHEREAS this economic suffering is very evident when consideration is given to the number of recent restaurant closings; more than 10 percent of Toronto Entertainment District Association’s (TEDA’s) members have perished and the survival of many others is in the balance; and

WHEREAS the main purpose of this proposal is to attract restaurant business to the Toronto Entertainment District; TEDA requests that the City allow ‘free parking’ in its Metro Hall parking facility for TEDA patrons and TEDA requests the use of the 279 parking spaces (lower level garage) from Tuesday through Saturday, from 5:00 p.m. to 11:30 p.m., with these spaces marketed as ‘free parking’ by TEDA for its patrons; and

WHEREAS patrons would enter the Metro Hall garage between 5:00 p.m. to 10:00 p.m., Tuesday through Saturday. Note that the entrance is only open until 10:00 p.m. because the purpose is to attract restaurant patrons only, and most kitchens in the area close by 11:00 p.m. Upon entering the garage the patron will leave a \$10.00 deposit with the parking attendant and receive a receipt. The patron dines at a participating TEDA restaurant, where they receive a \$6.00 (tax included) discount for their meal and a validation for parking. The patron returns to the garage and receives a \$4.00 refund with properly validated receipt if they exit by 11:30 p.m. The City will keep \$6.00 (tax included) per vehicle. If the patron exits after 11:30 p.m. the attendant will have already left, so they will forfeit the \$4.00 refund (the City keeps \$10.00); and

WHEREAS TEDA's estimate (based on the City's cost projections in a 2003 staff report) is break even at 68 vehicles per evening and, in order for this to happen, the City of Toronto needs to waive collection of property tax and the Province of Ontario needs to waive collection of education taxes; and

WHEREAS TEDA is requesting assistance from the City to use part of an underutilized garage in off business hours;

NOW THEREFORE BE IT RESOLVED THAT the Chief Corporate Officer be requested to report to the January 5, 2006 Administration Committee meeting, and also through the Toronto Parking Authority, on the merit of the TEDA proposal;

AND BE IT FURTHER RESOLVED THAT the City request the provincial government for an exemption of the education portion of the property tax for the purpose of non-profit use of the Metro Hall parking lot."

1.65 **J(1) Internet Broadcast of all Standing Committees, Community Councils and City Council Meetings for Viewers at Home**

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

Moved by: **Councillor Walker**

Seconded by: **Councillor Jenkins**

"WHEREAS Rogers Community Television selectively broadcasts portions of Toronto City Council for viewers at home, both through cable television and streaming video over the internet; and

WHEREAS Standing Committees, Community Councils and City Council meetings are video-taped and broadcast on a closed circuit system throughout City Hall and other select City buildings; and

WHEREAS the technology already exists to broadcast these meetings over the internet, as is the current practice with Rogers Community Television; and

WHEREAS the City of Toronto is committed to operating in an open and transparent fashion; and

WHEREAS the internet broadcast of these meetings will be a significant leap forward in transparency and will potentially set the standard for other municipalities throughout Canada and the rest of the world;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff report on the feasibility of broadcasting all Standing Committees, Community Councils and City Council meetings over the internet;

AND BE IT FURTHER RESOLVED THAT staff also comment on the ability to broadcast this information through the City of Toronto's main website or whether external sources will be needed."

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 4, Page 285)

Procedural Vote:

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

Yes - 23	
Councillors:	Ainslie, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Shiner, Silva, Soknacki, Stintz, Walker, Watson
No - 15	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Davis, Del Grande, Giambrone, Hall, Kelly, Li Preti, Milczyn, Moscoe, Rae, Saundercook, Thompson

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

Disposition:

Motion J(1) was referred to the Administration Committee.

1.66 **J(2) Improving Co-operation with Canadian National Railway (CN) and Canadian Pacific Railway (CPR)**

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

Moved by: Councillor Palacio

Seconded by: Councillor Nunziata

“WHEREAS the City of Toronto is home to many rail corridors owned and operated by the Canadian National Railway (CN) and Canadian Pacific Railway (CPR); and

WHEREAS rail corridors are an integral part of Toronto’s transportation infrastructure and present unique challenges relating to safety, cleanliness and overall City building; and

WHEREAS Councillors Nunziata and Palacio have taken the initiative to proactively meet with CN/CPR staff to discuss ways in which the City of Toronto can open lines of communication with CN/CPR and the communities rail corridors run through, and to develop the recommendations below; and

WHEREAS the City of Hamilton has worked in collaboration with CN and CPR to establish a joint City/Community Railways Liaison Committee to liaise with CN and CPR regarding issues of planning, cleanliness, safety and other important issues; and

WHEREAS Toronto is in desperate need of improved mechanisms to co-ordinate cleanliness, safety and planning issues with the railways in the City;

NOW THEREFORE BE IT RESOLVED THAT City Council endorse, in principle, the concept of a joint CN/CPR/City of Toronto/Community Liaison Committee, and that the City Manager work with CN and CPR and report to an upcoming meeting of the Policy and Finance Committee on the proposed terms of reference, composition and mandate of such a Liaison Committee, with a focus on the engagement of residents from across the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the Liaison Committee include in its terms of reference, identifying potential surplus CN/CPR properties for use as City parks or public spaces throughout the City, as a priority;

AND BE IT FURTHER RESOLVED THAT the City, as an immediate step toward addressing the accumulation of garbage and debris on CN/CPR and Hydro One properties, offer to collect, on an ongoing basis, from the nearest curbside or City property, any garbage or debris collected and removed by CN/CPR or Hydro One from their property.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 5, Page 286)

Procedural Vote:

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

Yes - 13	
Councillors:	Ainslie, Bussin, Cho, De Baeremaeker, Del Grande, Feldman, Lindsay Luby, Minnan-Wong, Saundercook, Shiner, Stintz, Walker, Watson
No - 25	
Mayor:	Miller
Councillors:	Ashton, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Soknacki, Thompson

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

Disposition:

Motion J(2) was referred to the Policy and Finance Committee.

1.67 **J(3) Restriction of Delivery Vehicles in Downtown Core**

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

Moved by: Councillor Walker

Seconded by: Councillor Jenkins

“WHEREAS for the purposes of this Motion, ‘Downtown Core’ will be defined as both sides of Jarvis Street, Bloor Street, Spadina Road and all areas that fall between these boundaries, south to Lake Ontario; and

WHEREAS local and commuter traffic in the downtown core, during normal rush hours, is severely crowded, creating grid-lock; and

WHEREAS all major delivery services have admittedly factored the price of parking/no-stopping tickets into the cost of doing business; and

WHEREAS the Toronto Police Service currently employs our Parking Enforcement personnel and affords them no power to restrict delivery vehicles from blocking public roadways, short of giving them a ticket; and

WHEREAS Toronto’s Downtown Core is the business district, with employees traveling in from areas such as Oakville, Brampton, Barrie, Peterborough, Pickering and beyond; and

WHEREAS these commuters, mixed with residents of the City of Toronto, are constantly stranded in heavy traffic, largely in part due to lane blockages and other controllable obstructions; and

WHEREAS the Cities of Manhattan, New York and London, UK, have already utilized restrictions on truck deliveries with great success throughout the day and night, respectively; and

WHEREAS traffic congestion is a known cause of smog and other toxic greenhouse emissions which our City can ill-afford to increase; and

WHEREAS the Kyoto Protocol is the only global mechanism with targets to reduce greenhouse gas (GHG) emissions; and

WHEREAS Canada is a strong supporter of the Kyoto Protocol and is currently far above the world average in emissions per person, as well as Kyoto’s target for total emissions (second worst above Katar); and

WHEREAS a reduction in traffic congestion will result in lowering Toronto's toxic greenhouse gas emissions;

NOW THEREFORE BE IT RESOLVED THAT delivery vehicles be restricted from entering the Downtown Core during the hours of 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday to Friday;

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

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(3), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 6, Page 287)

Procedural Vote:

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

Yes - 5	
Councillors:	Cho, De Baeremaeker, Feldman, Jenkins, Walker
No - 33	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Bussin, Carroll, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Giambrone, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson

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

Council had before it, for consideration with Motion J(3), a communication (February 1, 2006) from Anthony van Heyningen, Executive Director, Refreshments Canada, which is on file in the City Clerk's Office.

Disposition:

Motion J(3) was referred to the Works Committee.

1.68 **J(4) 5-Year Toronto Bike Plan**

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

Moved by: Councillor Giambrone

Seconded by: Councillor De Baeremaeker

“WHEREAS multi-use trails in parks constitute an important part of the Bikeway Network as envisioned in the Toronto Bike Plan; and

WHEREAS implementing the Bikeway Network Information System (BNIS), including bike route signs and kiosks, is an important element in the Bikeway Network; and

WHEREAS Transportation Services will commence its third phase of implementation of the BNIS route signs on streets; and

WHEREAS the Parks, Forestry and Recreation Division has not yet started its implementation of the BNIS in parks; and

WHEREAS there is funding in the 2006 Parks, Forestry and Recreation Budget for expansion of the Bikeway Network trails in parks and signage for park trails; and

WHEREAS the Parks, Forestry and Recreation Division is developing a 5-year Capital budget plan that will include funding to implement the parts of the Toronto Bike Plan that fall under the responsibility of the Parks, Forestry and Recreation Division;

NOW THEREFORE BE IT RESOLVED THAT Parks, Forestry and Recreation Division staff report to the Economic Development and Parks Committee and the Toronto Cycling Committee on the Toronto Bike Plan-related projects that they will undertake in 2006 – 2011, including:

- (1) the plans for implementing the Bikeway Network Information System in Parks, including the trails that are to be signed and the spending that will be allocated to that project from the ‘Bikeway Network Expansion’ budget items or any other line items;

- (2) their plans for new trails that will form part of the Bikeway Network with information on the trail projects planned and the funding that will be allocated to them, including:
 - (a) trail projects funded from of the 'Bikeway Network Expansion' budget item;
 - (b) trail projects that are stand-alone service improvements; and
 - (c) trail projects that are part of stand-alone Park improvements;
- (3) the plans for improvements, upgrades or repairs to existing Bikeway Network trails under the Capital Asset Management Program - State of Good Repair budget, including:
 - (a) compilation of the trail audit data for Bikeway Network related trails from the State of Good Repair Audits - Trails and Pathways for the East, West, North and South Districts; and
 - (b) the annual amount budgeted towards addressing State of Good Repair for the Bikeway Network related trails in the years 2006 to 2011;
- (4) the plan for repairs to trails and bridges that are part of the Bikeway Network that suffered storm damage in 2005, including the Wilket Creek Trail, the Highland Creek Trail, the Highland Creek Trail bridges, the Humber Trail and any other trails or bridges that were damaged; and
- (5) the status of the development of the Parks, Forestry and Recreation 5-year Capital plan, as it pertains to the Toronto Bike Plan, including plans for Bikeway Network Expansion, stand-alone service or park improvements, repairs and upgrades to trails that are part of the Bikeway Network as part of the CAMP-SGR program, and implementation of the Bikeway Network Information System."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(4), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Yes - 26	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Giambrone, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 11	
Councillors:	Cowbourne, Del Grande, Feldman, Hall, Holyday, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Shiner

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

Vote:

Motion J(4) was adopted, without amendment.

1.69 **J(5) Agreement for Use of City Property - San Lorenzo Latin American Community Centre**

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

Moved by: Councillor Fletcher

Seconded by: Councillor Moscoe and Councillor Mihevc

“WHEREAS the San Lorenzo Latin American Community Centre, a non-profit group, operates the first Latin American radio station in Canada and serves the fastest growing ethnic community in Toronto; and

WHEREAS the San Lorenzo Latin American Community Centre have been required by the CRTC to relocate its radio tower from its current location in the Dufferin/Lawrence Area, as it interferes with radio frequencies in the immediate residential community; and

WHEREAS the San Lorenzo Latin American Community Centre has been unable to find a suitable location; and

WHEREAS the San Lorenzo Latin American Community Centre has approached the City with a proposal for the installation of a radio tower on a City property; 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 San Lorenzo Latin American Community Centre 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 San Lorenzo Latin American Community Centre for the interim use of a suitable parcel of City-owned land, having a radius of about 30 metres, for the installation of a radio tower for the Latin American community, for a period up to 5 years, at a recreation rate of \$3,000.00 per acre for 2006 (being rent of \$933.00 for 2006) and thereafter to be increased annually by the rate of inflation as calculated by Statistics Canada, Consumer Price Index – all items annual average index for Toronto and in a form and content satisfactory 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.”,

the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson
No - 8	
Councillors:	Ainslie, Del Grande, Holyday, Milczyn, Nunziata, Ootes, Walker, Watson

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

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(5), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 7, Page 288)

Procedural Vote:

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

Yes - 31	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Hall, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Minnan-Wong, Moscoe, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 8	
Councillors:	Del Grande, Holyday, Lindsay Luby, Milczyn, Nunziata, Ootes, Walker, Watson

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

Council also had before it, during consideration of Motion J(5), a communication (November 24, 2005) from P. Vaccani, Director, Broadcast Applications Engineering, Industry Canada, submitted by Councillor Howard Moscoe, Ward 15, Eglinton-Lawrence, which is on file in the City Clerk's Office.

February 2, 2006:

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Watson moved that Motion J(5) be amended by deleting the first Operative Paragraph and inserting instead the following new Operative Paragraphs:

“NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the San Lorenzo Latin American Community Centre for the interim use of a suitable parcel of City-owned land at 275 Unwin Avenue, east of Regatta Road, as determined by the General Manager of Parks, Forestry and Recreation, having a radius of about 30 metres, for the installation of a radio tower having a height of no more than 80 feet for the Latin American community, for a period up to 5 years, at a recreation rate of \$3,000.00 per acre for 2006 (being rent of \$933.00 for 2006) and thereafter to be increased annually by the rate of inflation as

calculated by Statistics Canada, Consumer Price Index – all items annual average index for Toronto and in a form and content satisfactory City Solicitor;

AND BE IT FURTHER RESOLVED THAT the General Manager, Parks, Forestry and Recreation report to the Administration Committee on the agreement within six months;”.

Vote:

The motion by Councillor Watson carried.

Motion J(5), as amended, carried.

Mayor Miller in the Chair.

1.70 **J(6) Proposed Agreement Between Toronto Emergency Medical Services and Urgences-Sante, Quebec**

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

Moved by: Councillor Mihevc

Seconded by: Councillor Shiner

“WHEREAS the City of Montreal’s Emergency Medical Service provider, Urgences-sant , Qu bec, has requested emergency vehicle assistance from Toronto Emergency Services (EMS); and

WHEREAS Toronto EMS has a number of decommissioned ambulances which are now surplus to its needs, and which are waiting to be sent to the City of Toronto spring auction; and

WHEREAS Toronto EMS is in a position to rent and/or sell its decommissioned ambulances to Urgences-sant , Qu bec and apply the monies received to its Vehicle Reserve Fund; and

WHEREAS the request from the City of Montreal was of such short notice that Toronto EMS was unable to submit this request through the appropriate Standing Committee;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report (January 23, 2006) from the Chief and General Manager, Toronto Emergency

Medical Services and the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(6), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 8, Page 289)

Procedural Vote:

The vote to waive referral of Motion J(6) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(6), a report (January 23, 2006) from the Chief and General Manager, Toronto Emergency Medical Services. (See Attachment 10, Page 232)

Vote:

Motion J(6) was adopted, without amendment.

Summary:

In adopting Motion J(6), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (January 23, 2006) from the Chief and General Manager, Toronto Emergency Medical Services:

“It is recommended that:

- (1) the Chief/General Manager, Toronto Emergency Medical Services be authorized to execute, on behalf of the City, an agreement with Urgences-santé, Québec for the rental and possible sale of six decommissioned ambulances, or more if required and available, such agreement to contain the terms and conditions set out in the body of this report;

- (2) the net revenues received from the rental or sale of the vehicles to Urgences-santé, Québec be redirected to Toronto EMS' vehicle reserve fund to offset future vehicle purchases; and
- (3) the appropriate City officials be given the authority to give effect thereto."

1.71 **J(7) Integrity Commissioner Report on Complaint of Violation of Councillors' Code of Conduct – Complaint (1)**

Mayor Miller, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Mayor Miller

Seconded by: Deputy Mayor 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 (December 14, 2005) 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 (December 14, 2005) from the Integrity Commissioner, and that the report be received for information."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion J(7), the following:

- (i) report (December 14, 2005) from the Integrity Commissioner (See Attachment 11, Page 236); and
- (ii) confidential report (December 14, 2005) from the Integrity Commissioner. This report

remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.

Vote:

Motion J(7) was adopted, without amendment.

Summary:

In adopting Motion J(7), without amendment, Council received the report (December 14, 2005) from the Integrity Commissioner for information.

1.72 J(8) Integrity Commissioner Report on Complaint of Violation of Councillors' Code of Conduct – Complaint (2)

Mayor Miller, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: Mayor Miller

Seconded by: Deputy Mayor 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 (December 14, 2005) 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 (December 14, 2005) from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(8), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion J(8), the following:

- (i) report (December 14, 2005) from the Integrity Commissioner (See Attachment 12, Page 238); and
- (ii) confidential report (December 14, 2005) from the Integrity Commissioner. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.

Vote:

Motion J(8) was adopted, without amendment.

Summary:

In adopting Motion J(8), without amendment, Council received the report (December 14, 2005) from the Integrity Commissioner for information.

1.73 J(9) Ontario Municipal Board Hearing – 2415 Dundas Street West

January 31, 2006:

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

Moved by: Councillor Watson

Seconded by: Councillor Walker

“**WHEREAS** the Committee of Adjustment held a public meeting on September 21, 2005, to consider an application for the granting of minor variances at 2415 Dundas Street West; and

WHEREAS the Committee heard from a number of area residents who were opposed to the granting of this application and specifically expressed concerns about inadequate parking [none for six (6) residential units], garbage management/storage and snow clearing in the lane; and

WHEREAS the Committee of Adjustment approved the variance application, subject to the following three conditions; that the owner be required to make a cash payment-in-lieu of providing two parking spaces to the satisfaction of Transportation Services; that the owner be required to submit a Solid Waste Management Plan for approval to the General Manager of Solid Waste and the Ward Councillor; and that the owner be

required to sign an undertaking that snow in the lane adjacent to the property will be removed within 8 hours of a 3 centimetres or greater snowfall; and

WHEREAS the applicant has now appealed these conditions to the Ontario Municipal Board and a hearing has been scheduled for February 1, 2006;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the Ontario Municipal Board hearing in defence of the City's Committee of Adjustment decision."

Advice by Mayor:

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

Procedural Vote:

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

Council also had before it, during consideration of Motion J(9), a revised Notice of Decision (October 12, 2005) from the Acting Manager and Deputy Secretary Treasurer, Toronto and East York Panel, Committee of Adjustment, which is on file in the City Clerk's Office.

Vote:

Motion J(9) was adopted, without amendment.

1.74 J(10) Renewal of Argonaut Rowing Club Lease

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

Moved by: Councillor Watson

Seconded by: Councillor Walker

"WHEREAS City Council on September 22, 23, 24 and 25, 2003, by its adoption, without amendment, of Economic Development and Parks Committee Report 7, Clause 1, headed 'Renewal of Leases for the Boat Clubs Located on City of Toronto Property (Various Wards)', authorized the renewal of 25 boat club leases within the jurisdiction of Parks, Forestry and Recreation, for a term of 20 years; and

WHEREAS the Argonaut Rowing Club lease was not included in the list of boat club leases to be renewed, as the lease was then administered by Corporate Services; and

WHEREAS administration of the Argonaut Rowing Club lease has recently been transferred to Parks, Forestry and Recreation and it is desirable that all such leases have the same term and be subject to the same terms and conditions; and

WHEREAS the Argonaut Rowing Club has agreed to the proposed terms and conditions of the lease as outlined below;

NOW THEREFORE BE IT RESOLVED THAT the Argonaut Rowing Club's lease, consisting of approximately 0.44 acres of land and water located at 1225 Lake Shore Boulevard West, be renewed for a term of 20 years, commencing on August 1, 2005, and expiring on July 31, 2025, on the same terms and conditions as the other 25 boat clubs, and at the same recreation rate of \$3,000.00 per acre for August 1, 2005, to July 31, 2006, (being rent of \$1,320.00) and thereafter to be increased annually by the rate of inflation as calculated by Statistics Canada, Consumer Price Index – all items annual average index for Toronto;

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

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(10), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(10) to the Economic Development and Parks Committee was taken as follows:

Yes - 35	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong,

Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson	
No - 6	
Mayor:	Miller
Councillors:	Del Grande, Kelly, Milczyn, Moscoe, Pantalone

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

Deputy Mayor Feldman in the Chair.

Vote:

Motion J(10) was adopted, without amendment.

Mayor Miller in the Chair.

1.75 J(11) Renewal of Toronto Island Canoe Club Agreement

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

Moved by: Councillor McConnell

Seconded by: Councillor Rae

“WHEREAS City Council on September 22, 23, 24 and 25, 2003, by its adoption, without amendment, of Economic Development and Parks Committee Report 7, Clause 1, headed ‘Renewal of Leases for the Boat Clubs Located on City of Toronto Property (Various Wards)’, authorized the renewal of 25 boat club leases within the jurisdiction of Parks, Forestry and Recreation, for a term of 20 years; and

WHEREAS the Toronto Island Canoe Club agreement was not included in the list of boat club leases to be renewed, as the agreement was a pilot project; and

WHEREAS the Toronto Island Canoe Club wishes to renew the agreement and it is desirable for Parks, Forestry and Recreation that all such agreements have the same term and be subject to the same terms and conditions;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Island Canoe Club’s agreement, consisting of approximately 0.08 acres of land located on Wards Island, be renewed for a term of 20 years, commencing on August 1, 2005, and expiring on July 31, 2025, on the same terms and conditions as the other 25 boat clubs, and at the same recreation rate of \$3,000.00 per acre for August 1, 2005, to July 31, 2006, (being

rent of \$240.00) and thereafter to be increased annually by the rate of inflation as calculated by Statistics Canada, Consumer Price Index – all items annual average index for Toronto;

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

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(11) to the Economic Development and Parks Committee was taken as follows:

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

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

Deputy Mayor Feldman in the Chair.

Vote:

Motion J(11) was adopted, without amendment.

Mayor Miller in the Chair.

1.76 **J(12) Revisions to Draft Official Plan and Zoning Amendments - Morguard Investments**

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

Moved by: Councillor Hall

Seconded by: Councillor Lindsay Luby

“WHEREAS on April 12, 13 and 14, 2005, City Council approved an application for Official Plan and Zoning Amendments to permit a four building commercial development of the Morguard Investments site at Albion Road and Finch Avenue West; and

WHEREAS adoption of the by-laws was held until conditions to approval were satisfied; and

WHEREAS in satisfying conditions to approval and processing a site plan approval application, the applicant has revised the proposal to three buildings; and

WHEREAS the Chief Planner and Executive Director, City Planning, has prepared a supplementary report (January 26, 2006);

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 7, headed ‘Final Report - Official Plan Amendment and Rezoning Application; Applicant: Morguard Investments; Architect: Petroff Partnership; Finch Avenue West (Ward 1 - Etobicoke North)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council consider the report (January 26, 2006) from the Chief Planner and Executive Director, City Planning, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(12), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no

financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion J(12), a report (January 26, 2006) from the Chief Planner and Executive Director, City Planning. (See Attachment 13, Page 240)

Votes:

The first Operative Paragraph contained in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment.

Summary:

In summary, Council re-opened Etobicoke York Community Council Report 3, Clause 7, headed "Final Report - Official Plan Amendment and Rezoning Application; Applicant: Morguard Investments; Architect: Petroff Partnership; Finch Avenue West (Ward 1 - Etobicoke North)", for further consideration and adopted the balance of this Motion, without amendment.

In adopting the balance of Motion J(12), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (January 26, 2006) from the Chief Planner and Executive Director, City Planning:

"It is recommended that City Council:

- (1) amend the Official Plan and Zoning Code substantially in accordance with Attachment Nos. 1 and 2 of this report, replacing Attachment Nos. 5 and 6 to the report of the Acting Director, Community Planning, West District, dated March 4, 2005, as previously authorized by City Council at its meeting held on April 12, 13 and 14, 2005; and
- (2) determine that no further public notice be given in respect of the amendments to the Official Plan and the Zoning By-law."

1.77 J(13) Policy for Purchase of Software Containing only Canadian Spell-Check

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

Moved by: Councillor Moscoe

Seconded by: Councillor De Baeremaeker

“WHEREAS Canadians share a common language with Americans and are often mistaken for Americans; and

WHEREAS Canadians have a desire to remain independent and apart from their North American cousins; and

WHEREAS one important distinction between the United States and Canada is subtle differences in language; and

WHEREAS this is most apparent in written language, where many words in Canadian English are spelled differently from the same word in American English; and

WHEREAS in the face of the continuous communications interchange that occurs across borders, including television, radio and the Internet, it is difficult to maintain Canadian culture; and

WHEREAS it is incumbent upon governments at all levels to reinforce our Canadian identity;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto establish a policy that, for all future purchases, the City of Toronto will purchase only software that has built-in Canadian Spell check to the exclusion of all others;

AND BE IT FURTHER RESOLVED THAT staff begin the process of, over a period of time, phasing out all software that contains American spell-check;

AND BE IT FURTHER RESOLVED THAT all City of Toronto agencies, board and commissions be requested to establish a similar policy.”

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(13), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(13) to the Administration Committee was taken as follows:

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

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

Disposition:

Motion J(13) was referred to the Administration Committee.

1.78 J(14) Change in Membership - Mayor's Roundtable on Arts and Culture

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

Moved by: Councillor Rae

Seconded by: Mayor Miller

“WHEREAS Gordon Graham was originally appointed to the Mayor's Roundtable on Arts and Culture by City Council as the representative of the International Alliance of Theatrical Stage Employees (IATSE); and

WHEREAS Gordon Graham's tenure as the President of IATSE has now finished; and

WHEREAS Greg Connolly has succeeded Gordon Graham as the President of IATSE;

NOW THEREFORE BE IT RESOLVED THAT City Council amend the membership of the Mayor's Roundtable on Arts and Culture by deleting the name 'Gordon Graham', and inserting the name 'Greg Connolly' as the IATSE representative on the Roundtable."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(14), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Vote:

Motion J(14) was adopted, without amendment.

1.79 J(15) City-owned Space Provided at Below-Market Rent - 666 Eglinton Avenue West

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

Moved by: Councillor Mihevc

Seconded by: Councillor Walker

"WHEREAS City Council at its meeting on April 12, 13 and 14, 2005, adopted, without amendment, Policy and Finance Committee Report 4, Clause 23, headed 'Phase One Implementation of the Policy on City-Owned Space Provided at Below-Market Rent (All Wards)'; and

WHEREAS the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine occupy below market rent space at 666 Eglinton Avenue West in Ward 21, St. Paul's West; and

WHEREAS the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine did not meet the criteria of being an incorporated not-for-profit or having charitable status, but met the other three criteria for occupying space in a City-owned facility at below-market rent; and

WHEREAS the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine will be allowed to continue occupying their respective City-owned space at below-market rent, subject to incorporating as a not-for-profit organization within a year and also continuing to meet the other three criteria; and

WHEREAS the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine are not-for-profit community groups, but are not incorporated; and

WHEREAS the cost to incorporate as a not-for-profit is expensive and these three agencies have no means to pay, as they have very little revenues or none at all; and

WHEREAS the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine have been in existence for more than 30 years, providing arts services to the community for all ages and were instrumental in this building being built; and

WHEREAS the majority of their clients are seniors;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 4, Clause 23, headed 'Phase One Implementation of the Policy on City-Owned Space Provided at Below-Market Rent (All Wards)', be re-opened for further consideration, only as it relates to the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine being allowed to continue occupying their respective City owned space at below-market rent at 666 Eglinton Avenue West;

AND BE IT FURTHER RESOLVED THAT the Forest Hill Art Club, Centre Sculpture Group and Sculptors' Nine be allowed to continue occupying their respective City-owned space at below market rent at 666 Eglinton Avenue West without incorporating as a not-for-profit, provided that they remain a not-for-profit community group and provide, to the City of Toronto, annual financial statements and annual sworn written statements indicating that they are a not-for-profit community group."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(15), a Fiscal Impact Statement

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 9, Page 290)

Council also had before it, during consideration of Motion J(15), a Briefing Note (January 30, 2006) from the General Manager, Parks, Forestry and Recreation. (See Attachment 14, Page 249)

Votes:

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

Deputy Mayor Feldman in the Chair.

The balance of Motion J(15) was adopted, without amendment.

Summary:

In summary, Council re-opened Policy and Finance Committee Report 4, Clause 23, headed “Phase One Implementation of the Policy on City-Owned Space Provided at Below-Market Rent (All Wards)”, for further consideration, only as it relates to the Forest Hill Art Club, Centre Sculpture Group and Sculptors’ Nine being allowed to continue occupying their respective City owned space at below-market rent at 666 Eglinton Avenue West, and adopted the balance of this Motion, without amendment.

Mayor Miller in the Chair.

1.80 J(16) 151 Wimbledon Road – Ontario Municipal Board Hearing, February 13, 2006 – Ward 4 (Etobicoke Centre)

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

Moved by: Councillor Lindsay Luby

Seconded by: Councillor De Baeremaeker

“WHEREAS on Thursday, October 13, 2005, the Committee of Adjustment for the City of Toronto (Etobicoke York Panel) refused Minor Variance Application No. A300/05EYK related to 151 Wimbledon Road; and

WHEREAS the proposal is to construct a new two-storey dwelling with an integral two-car, below grade garage; and

WHEREAS the variances requested from the Zoning By-law include both an increase in dwelling height and gross floor area; and

WHEREAS the variances are not in keeping with the character of the surrounding neighbourhood and the tests under the *Planning Act* have not been satisfied; and

WHEREAS City Planning staff provided written comment stating that there would be no undue hardship on the applicant to construct the dwelling in full compliance with the by-law; and

WHEREAS the applicant appealed the Committee of Adjustment decision to the Ontario Municipal Board, and a hearing for February 13, 2006, has been scheduled;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board to oppose the appeal of Minor Variance Application A300/05EYK, related to 151 Wimbledon Road;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to retain appropriate consultants, if necessary, to support City Council's position."

Advice by Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(16), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(16) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(16), a Notice of Decision (October 19, 2005) from the Manager and deputy Secretary Treasurer, Etobicoke York District, Committee of Adjustment, which is on file in the City Clerk's Office.

Vote:

Motion J(16) was adopted, without amendment.

1.81 **J(17) Draft Postering By-law**

Mayor Miller, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce the following Notice of Motion, which carried:

Moved by: Mayor Miller

Seconded by: Councillor Filion

“WHEREAS City Council on May 17, 18 and 19, 2005, referred Planning and Transportation Committee Report 3, Clause 2a, headed ‘Harmonization of Sign By-law Concerning Posters on Utility Poles’, to the Mayor’s Office to propose a postering by-law that will place limits on postering consistent with the objectives of the ‘Clean and Beautiful City Initiative’ and the principle of ‘freedom of expression’, as outlined in the confidential report (April 4, 2005) from the City Solicitor, and requested the Mayor to report directly to Council; and

WHEREAS this is to report on the progress made in developing a postering by-law pursuant to the Council directive; and

WHEREAS the Mayor’s Office has met with some members of the Planning and Transportation Committee, as well as Municipal Licensing and Standards and legal staff, to create principles of a draft by-law;

NOW THEREFORE BE IT RESOLVED THAT the attached draft by-law be referred to the next meeting of Planning and Transportation Committee for deputations;

AND BE IT FURTHER RESOLVED THAT the Executive Director of Municipal Licensing and Standards, in consultation with the City Solicitor, report to the next meeting of the Planning and Transportation Committee on the proposed by-law.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion J(17), a Draft By-law (undated), entitled “To add Article IV, Posters on Public Property, to Municipal Code, Chapter 693, Signs”. (See Attachment 15, Page 251)

Vote:

Motion J(17) was adopted, without amendment.

1.82 J(18) Implications of Bill 206 for the City of Toronto - Reform to OMERS

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

Moved by: Councillor Ootes

Seconded by: Councillor Soknacki

“WHEREAS the Province of Ontario is considering Bill 206 - legislation that would reform the Ontario Municipal Employees Retirement System (OMERS); and

WHEREAS some of the controversy surrounding passage of Bill 206 relates to the establishment of ‘supplemental’ plans for public safety workers – firefighters, police officers and paramedics; and

WHEREAS it has been estimated that this change could cost municipalities an additional \$380 million in annual contributions to the pension plan, without any improvements in service; and

WHEREAS the City prepared a written submission and verbally presented Council’s positions on Bill 206 to the Standing Committee on General Government, in November 2005; and

WHEREAS the key message in the City’s submission was that, although the City supports greater autonomy for OMERS, the changes must ensure the following:

- (a) the financial stability of the plan;
- (b) the fair and equitable treatment of all members; and
- (c) the containment of costs for all stakeholders; and

WHEREAS, during Second Reading, further amendments were made regarding supplemental plans, where the Second Reading version is less permissive and potentially even more costly than at First Reading; and

WHEREAS the Mayor sent a letter to the Standing Committee on General Government on January 25, 2006, acknowledging the legislation's adoption at Second Reading regarding representation from Toronto on each of the governing bodies, and re stating the City's other concerns and positions;

NOW THEREFORE BE IT RESOLVED THAT the City reiterate its position and strongly recommend that Bill 206 treat all members and sectors equitably, promote true autonomy and contain costs by striking out prescribed supplemental plans from the legislation and by eliminating specific references to members employed in the police, fire and paramedic sectors;

AND BE IT FURTHER RESOLVED THAT staff prepare a report for Council's consideration, outlining all of the potential implications of Bill 206 to the City of Toronto;

AND BE IT FURTHER RESOLVED THAT because time is of the essence, and Bill 206 is expected to go to Third and Final Reading mid February, this report be considered by Council at its meeting on April 25, 2006."

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(18) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Vote:

Adoption of Motion J(18), without amendment:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried unanimously.

1.83 **J(19) Funding for the “Youth Action” Project**

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

Moved by: Mayor Miller

Seconded by: Councillor Soknacki

“WHEREAS the City of Toronto has negotiated a contract with the Department of Justice for \$124,402.00, to provide a new post-charge diversion program serving 45 at-risk youth in Kingston Galloway, with East Scarborough Boys and Girls Club and Native Child and Family Services as the community-based service delivery agents; and

WHEREAS Youth Action will provide valuable social opportunities for youth in conflict with the law, to reduce their risk of further criminal behaviour, and will also build local community capacity within the youth justice system; and

WHEREAS Community Services Committee and Budget Advisory Committee have recommended adoption of the staff recommendations contained in the Recommendations Section of the staff report, entitled ‘ “Youth Action” – Youth Safety Project’; and

WHEREAS these Federal monies became available as of December 1, 2005, and the City’s community-based agency partners are prepared to immediately deliver this critical youth intervention program upon receipt of these funds;

NOW THEREFORE BE IT RESOLVED THAT, due to the time sensitivity of this matter, Council deal with this issue directly at its January 31, 2006 meeting, in advance of its consideration of the 2006 Operating Budget;

AND BE IT FURTHER RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the report (December 20, 2005), entitled ‘ “Youth Action” - Youth Safety Project’, from the Executive Director, Social Development, Finance and Administration Division.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(19) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 10, Page 291)

Procedural Vote:

The vote to waive referral of Motion J(19) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(19), a report (December 20, 2005) from the Executive Director, Social Development, Finance and Administration Division. (See Attachment 16, Page 257)

Motion:

Councillor Ashton moved that Motion J(19) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be referred to East Metro Youth Services for information.”

Votes:

The motion by Councillor Ashton carried.

Motion J(19), as amended, carried.

Summary:

In adopting Motion J(19), as amended, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (December 20, 2005) from the Executive Director, Social Development, Finance and Administration:

“It is recommended that:

- (1) the Executive Director be authorized to enter into an agreement with the Department of Justice to receive one-time funds in an amount not to exceed \$124,402.00 as the project costs for the YouthAction Project;
- (2) the Social Development, Finance and Administration 2006 proposed Operating Budget be adjusted by an increase of \$124,402.00 gross, zero net;
- (3) the Executive Director be authorized to enter into agreements with East Scarborough Boys and Girls Club and Native Child and Family Services for the delivery of the ‘YouthAction’ – youth safety project; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

1.84 **J(20) 266 Airdrie Road - Committee of Adjustment File No.: A0795/05NY - Ontario Municipal Board Hearing - 2:00 p.m. February 6, 2006 - OMB File No. PL051115 - (Ward 26 - Don Valley West)**

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

Moved by: Councillor Pitfield

Seconded by: Councillor Jenkins

“**WHEREAS** by a Notice of Decision dated October 27, 2005, the Committee of Adjustment approved variances for work and a building constructed in or about 2001, without the required building permit at 266 Airdrie Road in Ward 26, to permit variances and construction which have the effect of denying the neighboring property 264 Airdrie Road access to their only legal on-site parking at the rear of their home; and

WHEREAS the Ward Councillor wrote to the Committee of Adjustment on October 19, 2005, requesting a deferral of its hearing of the variance application; and

WHEREAS the Committee of Adjustment denied the deferral request and denied receiving the deferral request; and

WHEREAS the City has imposed a moratorium with respect to front yard parking applications in Ward 26, and the owners of 264 Airdrie Road do not have front yard parking; and

WHEREAS the effect of the moratorium and the Committee of Adjustment's decision may deny the owners of 264 Airdrie Road the legal on-site parking, when they had such parking prior to the existing construction approved by the Committee of Adjustment decision; and

WHEREAS the variances approved by the Committee of Adjustment in decision A0795/05NY are not minor, are contrary to the intent of the Zoning By-law and are not desirable and appropriate for the development of the land; and

WHEREAS the owners of 264 Airdrie Road have appealed the aforesaid decision of the Committee of Adjustment to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board Hearing in connection with the variance appeal is scheduled to be heard before the Ontario Municipal Board on February 7, 2006, at 2:00 p.m., at the Hearing Room, Ontario Municipal Board, 655 Bay Street, 16th Floor, Toronto, Ontario, Ontario Municipal Board File No. PL051115;

NOW THEREFORE BE IT RESOLVED THAT Council direct City of Toronto Legal Services to appear and/or retain outside legal counsel to support the appeal opposing the decision of the Committee of Adjustment in Application Submission No. A0795/05NY (Ontario Municipal Board File No. PL051115);

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to retain the necessary experts to support the appeal and oppose the application;

AND BE IT FURTHER RESOLVED THAT Council advise the Ontario Municipal Board that it is of the view that the variances approved by the Committee of Adjustment in the aforementioned decision are not minor, are not within the general intent and purpose of the By-law and are not desirable for the appropriate development of the use of the land and building.”

Advice by Mayor:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(20), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(20), a Notice of Decision (October 27, 2005) from the Manager and Deputy Secretary Treasurer, North York Panel, Committee of Adjustment, which is on file in the City Clerk's Office.

Deputy Mayor Feldman in the Chair.

Vote:

Motion J(20) was adopted, without amendment.

1.85 J(21) Funding Support from Environment Canada's Great Lakes Sustainability Fund for the City of Toronto's Wet Weather Flow Master Plan (WWFMP) Projects

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

Moved by: Councillor Carroll

Seconded by: Deputy Mayor Bussin

"WHEREAS Toronto Water's application for funding submitted to Environment Canada's Great Lakes Sustainability Fund (GLSF) to support the City's Wet Weather Flow Master Plan (WWFMP) Projects (the 'Projects') has been approved for funding up to a total amount of \$175,000.00 for the fiscal year 2005/2006 (the 'Funds'); and

WHEREAS the Funds would help Toronto Water in implementing the WWFMP approved by Toronto City Council in September 2003; and

WHEREAS the Funds, in an amount up to \$100,000.00, from the GLSF would be used to support two projects including:

- (1) Class Environmental Assessment (EA) for Coatsworth Cut Stormwater and Combined Sewer Overflow Outfalls; and

- (2) Waterfront Modeling Study for Evaluation of WWF Master Plan Implementation; and

WHEREAS the Funds, in an amount up to \$75,000.00, from the GLSF would be used to subsidize the Earl Bales Environmental Management Project/Stormwater Treatment Study of the WWFMP; and

WHEREAS the Coatsworth Cut Stormwater and CSO Outfalls Control Project is one of the projects of the WWFMP undergoing a Class Environmental Assessment to address the impacts of combined sewer overflow and storm sewer discharges to Coatsworth Cut; and

WHEREAS the Waterfront Modeling Study for Evaluation of the WWFMP Implementation Project addresses the need to evaluate the effectiveness of various end-of-pipe (EOP) facilities, contained within the WWFMP, in achieving receiving water objectives; and to assess the impact of proposed new waterfront land-uses; and

WHEREAS the Earl Bales Park Environmental Management/Stormwater Treatment Project will provide preliminary designs for stormwater management measures contained within this project including stormwater reuse options; and

WHEREAS Her Majesty the Queen in Right of Canada, represented by the Minister of the Environment, who is responsible for Environment Canada and, specifically, the GLSF requires that the City enter into a Memorandum of Understanding for each of the Projects on certain express terms and conditions; and

WHEREAS there is urgent need to conclude arrangements with the GLSF, in order to ensure the receipt of the Funds by the City before Environment Canada's fiscal year end 2005/2006; and

WHEREAS staff are seeking Council approval to receive the Funds and authority for the General Manager Toronto Water to enter into and execute the Agreements on behalf of the City;

NOW THEREFORE BE IT RESOLVED THAT Council consider this matter and grant approval to receive the Funds from the GLSF for the Wet Weather Flow Master Plan Projects and that the General Manager, Toronto Water be authorized to enter into and execute the Agreements and that staff be authorized to take whatever action is necessary to give effect thereto."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Works Committee

would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 11, Page 292)

Procedural Vote:

The vote to waive referral of Motion J(21) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(21) was adopted, without amendment.

1.86 J(22) Kenaston Gardens Park - Request for Community Consultation Meeting

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

Moved by: Councillor Shiner

Seconded by: Councillor Stintz

“WHEREAS Kenaston Gardens Park, located on the west side of the newly reconstructed street Kenaston Gardens, adjacent to and south of the Bayview/Sheppard subway station, is currently under design and development; and

WHEREAS the developer is working in consultation with the City staff to create a park where art will be integrated with the landscape park design; and

WHEREAS it is important to obtain public input on this new park, prior to any contracts being awarded for the development of this new park;

NOW THEREFORE BE IT RESOLVED THAT City staff and the developer be requested to schedule a community consultation meeting; that this meeting be held prior to the award of any contract or City approval of the plans for this park; and that this meeting be organized in consultation with the local Councillor;

AND BE IT FURTHER RESOLVED THAT any approvals of the design shall be subject to the approval of the Director of the North District, Parks and Recreation and the local Councillor.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(22) to the North York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(22), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Vote:

Motion J(22) was adopted, without amendment.

1.87 J(23) Community Concerns Relating to the Keele Correctional Centre – 330 Keele Street

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

Moved by: Councillor Palacio, Councillor Watson, Councillor Nunziata and Councillor Saundercook

Seconded by: Councillor Mammoliti

“WHEREAS the Keele Correctional Centre, located at 330 Keele Street, has been in operation for over 25 years and has housed thousands of parolees in the midst of rehabilitation, including approximately 40 at the present time; and

WHEREAS these residents have often been convicted of the most serious crimes, and are often brought to the Centre from across Canada; and

WHEREAS there has been recent concern raised by residents and the media about security at the centre, and the local neighbourhood has begun to question the suitability of the Centre's location and operations; and

WHEREAS since the initial opening of the Centre, the demographics of the surrounding neighbourhood has changed dramatically and is now home to a large number of children, seniors and other vulnerable populations; and

WHEREAS on January 30, 2006, the four (4) local City Councillors hosted a public meeting, in conjunction with the Toronto Police Service and Corrections Canada, to listen to community concerns and many valuable opinions were heard;

NOW THEREFORE BE IT RESOLVED THAT City Council formally request the Minister of Correctional Services to consider moving the Centre to a different community outside of the City of Toronto, or to disband the facility in favour of smaller facilities, spread out across the Greater Toronto Area;

AND BE IT FURTHER RESOLVED THAT City Council request Corrections Canada to immediately provide additional security at the site, particularly on evening and weekends;

AND BE IT FURTHER RESOLVED THAT City Council request Corrections Canada to commit to work with local elected officials, including City Councillors and Federal Members of Parliament, and the Toronto Police Service, to identify ways that the community can become more involved in the rehabilitation of offenders housed at the Centre, and to enable local residents to access information about who is being housed at the Centre;

AND BE IT FURTHER RESOLVED THAT City Council request that any residents of the Centre found to have used alcohol or drugs be relocated from the Centre immediately;

AND BE IT FURTHER RESOLVED THAT City Council request that dangerous offenders from outside the Province of Ontario, or sex offenders of any kind, not be allowed in the facility, under any circumstances;

AND BE IT FURTHER RESOLVED THAT City Council request that Corrections Canada develop a mechanism to notify local residents and elected officials if dangerous offenders miss curfew at the Centre."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(23), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Policy and Finance Committee was taken as follows:

Yes - 26	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Cho, De Baeremaeker, Del Grande, Feldman, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Stintz, Walker, Watson
No - 14	
Councillors:	Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Giambrone, Mihevc, Milczyn, Moscoe, Pantalone, Silva, Soknacki, Thompson

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

Disposition:

Motion J(23) was referred to the Policy and Finance Committee.

1.88 J(24) Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners

Deputy Mayor Feldman, with the permission of Council, moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to introduce and debate the following Notice of Motion, which carried:

Moved by: 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.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(24), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Council also had before it, during consideration of Motion J(24), a report (January 31, 2006) from the Integrity Commissioner. (See Attachment 17, Page 260)

Deputy Mayor Bussin in the Chair.

Procedural Motions:

- (a) Councillor Augimeri moved that Council adopt the following procedural motion:

“That all unfinished business from the January 31, February 1 and 2, 2006 meeting of City Council be submitted to a special meeting of City Council on February 14, 2006.”

- (b) Councillor Minnan-Wong moved that motion (a) by Councillor Augimeri be amended to exclude Motion J(24), and that consideration of Motion J(24) be postponed to the next regular meeting of City Council on April 25, 2006.

Votes:

Adoption of motion (b) by Councillor Minnan-Wong:

Yes - 17	
Councillors:	Ainslie, Carroll, Cho, Davis, Del Grande, Feldman, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson
No - 15	

Councillors:	Altobello, Augimeri, Bussin, Cowbourne, De Baeremaeker, Filion, Fletcher, Giambrone, Jenkins, Lindsay Luby, Milczyn, Moscoe, Saundercook, Silva, Soknacki
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Carried by a majority of 2.

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

Disposition:

As Council did not conclude the debate on this Motion prior to the end of this meeting, consideration of this Motion was postponed to the next regular meeting of City Council on April 25, 2006.

Deputy Mayor Feldman in the Chair.

1.89 **J(25) 2 and 6 Royal York Road - Ontario Municipal Board Hearing - February 28, 2006 (Ward 6 - Etobicoke-Lakeshore)**

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

Moved by: Councillor Milczyn

Seconded by: Councillor De Baeremaeker

“WHEREAS City Council on July 19, 20 and 21, 2005, adopted, as amended, Etobicoke York Community Council Report 6, Clause 2, headed ‘Final Report - Official Plan Amendment and Rezoning Application - Applicant: Princeway Investments - 2 and 6 Royal York Road (Ward 6 - Etobicoke-Lakeshore)’, approving amendments to the Etobicoke Official Plan and Zoning Code to permit 44 condominium units in addition to the existing rental apartment buildings at 2 and 6 Royal York Road, subject to the owner making a Section 37 contribution in exchange for the increase in permitted density, such contribution to be in the amount of \$700,000.00 to be allocated among the Mimico Train Station relocation, public park improvements, community facilities and public art in the Mimico community, in consultation with the local Ward Councillor; and

WHEREAS the owner appealed the Official Plan and Zoning Code amendment applications to the Ontario Municipal Board, on the basis of the required Section 37 community benefits; and

WHEREAS the Ontario Municipal Board has scheduled a three-day hearing for this matter, such hearing to commence on February 28, 2006; and

WHEREAS the Ontario Municipal Board held a mediation session on January 25, 2006, for the purpose of trying to facilitate a settlement between the parties; and

WHEREAS the City Solicitor wishes to report to City Council on the outcome of the mediation session and obtain direction from City Council; and

WHEREAS it is appropriate to consider the report of the City Solicitor at this meeting, as it is a 'time sensitive' matter; and

WHEREAS it is appropriate to consider the report of the City Solicitor in-camera, as it relates to matters of solicitor-client privilege;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (January 30, 2006) from the City Solicitor."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(25) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(25), a confidential report (January 30, 2006) from the City Solicitor.

Vote:

Motion J(25) was adopted, without amendment.

Summary:

In adopting Motion J(25), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (January 30, 2006) from the City Solicitor. The following 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 pertaining to litigation or potential litigation:

“It is recommended that City Council:

- (1) authorize the City Solicitor to settle the appeals to the Ontario Municipal Board on the basis of the owner agreeing to provide to the City, pursuant to Section 37 of the *Planning Act*, the community benefits listed in Appendix ‘A’ to this report, such matters to be secured through a Section 37 Agreement and the implementing Official Plan and Zoning Code Amendments, and further, such settlement to be on a without cost basis between the parties; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.”

1.90 **J(26) Solid Waste Management Contractual Issues (All Wards)**

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

Moved by: Councillor Carroll

Seconded by: Councillor Palacio

“**WHEREAS** the City Council at its meeting of December 5, 6 and 7, 2005, in response to a staff report, introduced under Notice of Motion J(21), dated December 5, 2005, headed ‘Solid Waste Management Contractual Issues’, provided confidential instructions to staff at the in-camera portion of its meeting; and

WHEREAS there is a need to obtain further direction from Council with respect to the contractual issues that were subject to the instruction;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (January 31, 2006) from the General Manager Solid Waste Management Services and the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Feldman in the Chair advised the Council that the provisions of Chapter 27 of

the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Works Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(26), confidential report (January 31, 2006) from the General Manager, Solid Waste Management Services and the City Solicitor.

Vote:

Motion J(26) was adopted, without amendment.

Summary:

In adopting Motion J(26), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (January 31, 2006) from the General Manager Solid Waste Management Services and the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report are now public and the balance of the report and Attachments A, B, C and D to the report remain confidential, in accordance with the provisions of the *Municipal Act, 2001*, as they contain information related to the security of the property of the municipality or local board:

“It is recommended that:

- (1) City Council authorize the execution of an agreement with Wilson Logistics Inc. substantially on terms and conditions described in Attachment A, the Transition Term Sheet, such agreement to be otherwise on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, and in a form satisfactory to the City Solicitor, which will result in a transition out of the Republic-Wilson Contract by Wilson Logistics Inc., effective March 31, 2006, or on such dates as the General Manager requires for a smooth transition;
- (2) City Council authorize the execution of a new agreement with Republic Services Inc., Republic Services of Canada Inc. and Republic Services of

- Michigan I, LLC, doing business as Carleton Farms ('Republic'), dealing with both transportation and disposal of solid waste and incorporating amendments substantially as described in Attachment D, Republic Contract Term Sheet, such agreement to be otherwise on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, and in a form satisfactory to the City Solicitor;
- (3) the General Manager, Solid Waste Management Services, be authorized to negotiate with various transportation providers in such manner and on such terms as he considers appropriate in the circumstances, to assist in the transition of Wilson Logistics Inc. out of the Republic-Wilson Contract and be further authorized to execute one or more contracts and/or agreements on terms and conditions satisfactory to the General Manager and in a form satisfactory to the City Solicitor;
 - (4) the General Manager, Solid Waste Management 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 to imports of solid waste from Canada or the introduction of onerous taxes and fees;
 - (5) in order to initiate a transition out of Michigan, the General Manager, Solid Waste Management Services, be authorized to issue a procurement call in such manner and on such terms as he considers appropriate in the circumstances, for 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;
 - (6) City Council authorize the waiver of \$99,002.75 in penalties plus any penalties accrued since January 1, 2006, by Wilson Logistics Inc. for failure to meet load removal requirements;
 - (7) the General Manager, Solid Waste Management Services, be authorized to purchase a 'tipper' apparatus for the emptying of haulage trailers at a cost of approximately \$500,000.00, with funds to be drawn from CSW353;
 - (8) the General Manager, Solid Waste Management Services, be authorized to change the hours of service at the Dufferin and Victoria Park Transfer Stations from 24 hours per day five days a week, to approximately 15 hours per day, five days a week, effective on or about April 1, 2006;
 - (9) the General Manager, Solid Waste Management Services be authorized to retain on a sole source procurement basis, on terms and conditions acceptable to the City Solicitor, the legal firm of Fasken Martineau DuMoulin LLP at a

cost not to exceed \$50,000.00, inclusive of all taxes, fees and expenditures, to represent the City of Toronto with respect to the potential application of the Goods and Services Tax on the Republic Wilson Contract;

- (10) in the event that negotiation of a final contract between the City and Republic fails, City Council authorize the General Manager, Solid Waste Management Services, to negotiate with transportation providers for long-term haulage in such manner and on such terms as he considers appropriate in the circumstances, execute one or more contracts and/or agreements on terms and conditions satisfactory to the General Manager and in a form satisfactory to the City Solicitor, and commence arbitration and necessary court applications against Republic to enforce the City's rights under the Republic-Wilson Contract;
- (11) the funding for additional haulage costs in the amount of \$4.2 million be included in Solid Waste Management Services 2006 Operating Budget; and
- (12) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

1.91 **J(27) Toronto Waterfront Revitalization - West Don Lands Precinct - Surplus Land Declaration and Proposed Closing and Leasing of Three Public Highways and Portions of Four Public Highways; Leasing of Four Parcels of City-Owned Property Located within the Precinct and Leasing of 33 St. Lawrence Street (Ward 28 – Toronto Centre-Rosedale)**

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

Moved by: Councillor McConnell

Seconded by: Councillor Mihevc

"WHEREAS on May 30, 31 and June 1, 2001, City Council approved a governance structure for the Toronto Waterfront Revitalization Corporation ('TWRC') to undertake four priority projects and the project planning for a revitalization of the Toronto Waterfront; and

WHEREAS on July 20, 21 and 22, 2004, City Council adopted Policy and Finance Committee Report 6, Clause 14, thereby approving, among other matters, that the flood protection land form be a first priority in the redevelopment of the West Don Lands; and

WHEREAS on November 30, December 1 and 2, 2004, City Council adopted, as amended, Policy and Finance Committee Report 9, Clause 1, headed 'Governance

Structure for Toronto Waterfront Revitalization’, thereby, among other matters, approving the concept that control of public lands should be transferred to TWRC on a precinct by precinct basis, or for individual projects, on a parcel by parcel basis, following completion of a Business and Implementation Strategy for the precinct or project that is satisfactory to the three governments; and

WHEREAS on May 17, 18 and 19, 2005, City Council adopted, as amended, Policy and Finance Committee Report 5, Clause 1, thereby endorsing the April 2005 West Don Lands Precinct Plan and the March 2005 West Don Lands Class Environmental Assessment Master Plan; and

WHEREAS on September 28, 29 and 30, 2005, City Council adopted Policy and Finance Committee Report 8, Clause 2, headed ‘Implementation of a New Governance Structure for Toronto Waterfront Renewal’, thereby endorsing certain proposed amendments to the *Toronto Waterfront Revitalization Corporation Act, 2002* that would allow the TWRC to act as an agent for the City or the Province with responsibility for implementing the Toronto Waterfront renewal, including environmental remediation and management; and

WHEREAS applications for subdivision, zoning amendments and lifting the ‘H’ have been submitted and are being reviewed by the City; and

WHEREAS staff of TWRC and the Ontario Realty Corporation have advised that they are now in a position to commence the hoarding of the lands required for the flood protection land form; and

WHEREAS the General Manager, Transportation Services, and the Chief Corporate Officer have submitted a report (January 30, 2006) to Council recommending that three public highways and portions of four public highways be declared surplus and be closed and leased, and recommending that four parcels of City-owned property located within the Precinct and 33 St. Lawrence Street be leased, on the terms and conditions set out in such report; and

WHEREAS it is necessary that Council consider this matter immediately, to avoid delaying the project, as the hoarding of the public streets and City-owned properties is scheduled to begin on February 10, 2006;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the report (January 30, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer, entitled ‘Toronto Waterfront Revitalization - West Don Lands Precinct - Surplus Land Declaration and Proposed Closing and Leasing of Three Public Highways and Portions of Four Public Highways; Leasing of Four Parcels of City-Owned Property Located Within the Precinct and Leasing of 33 St. Lawrence Street’, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Advice by Deputy Mayor:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

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

Council also had before it, during consideration of Motion J(27), a report (January 30, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer. (See Attachment 18, Page 266)

Vote:

Motion J(27) was adopted, without amendment.

Summary:

In adopting Motion J(27), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (January 30, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer:

“It is recommended that:

- (1) subject to compliance with the requirements of the *Municipal Act, 2001*, Water Street, Overend Street and Cypress Street and portions of Bayview Avenue, Eastern Avenue, Front Street East and Mill Street, shown as Parts 1 to 9, inclusive, on Sketch No. PS-2006-002 (collectively the ‘Highways’) be permanently closed as public highways;
- (2) notice be given to the public of a proposed by-law to permanently close the Highways, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and, in addition, by publishing one notice of the

- proposed by-law in a local community newspaper, at the cost of the Tenant, and the Toronto and East York Community Council hear any member of the public who wishes to speak to the matter;
- (3) following the closure of the Highways, easements be granted as required to Bell Canada, Toronto Hydro, Enbridge Consumers Gas, Rogers Cable and any other utility companies as may be required, for access, operation, use, inspection, repair, maintenance, reconstruction or alteration of the existing services, and for the construction of additional or new services, or, with the consent of the affected utility companies, the services be removed from the Highways at the sole cost of the Tenant;
 - (4) the Highways be declared surplus to the City's requirements and all steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken;
 - (5) the Chief Corporate Officer be authorized:
 - (a) to negotiate with TWRC, ORC, the Province and/or TRCA for the possible disposal of parts of the Highways designated as Parts 1 to 5, inclusive and 7 to 9, inclusive, on Sketch No. PS-2006-002 (the 'Project Highways'), on the understanding that there is a possibility that title may be conveyed directly to one or more private developers, to be selected in the future; and
 - (b) to invite an offer to purchase the portion of the Highways designated as Part 6 on Sketch No. PS-2006-002 (the 'Remnant Highway') from Canadian National Railway Company ('CN');
 - (6) authority be granted for the City to lease the Project Highways, once closed, four parcels of City-owned property located west of Bayview Avenue between the Eastern Avenue Diversion and the CNR/GO railway track, shown as Parts 2 to 5, inclusive, on Sketch No. PS-2006-004 (the 'Bayview Properties') and the City owned property known municipally as 33 St. Lawrence Street, shown as Part 1 on Sketch No. PS-2006-004, to the Tenant, for nominal rent, on the terms and conditions set out in Appendix 'A' of this report, such lease agreement to be in a form satisfactory to the City Solicitor;
 - (7) the Chief Corporate Officer be authorized to administer and manage the lease agreement, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction; and

- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in City Council of any bills necessary to give effect thereto.”

1.92 **J(28) Request to Transport Canada to Require Side Guards on Large Vehicles to Protect Cyclists**

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

Moved by: Councillor Mihevc

Seconded by: Councillor De Baeremaeker

“**WHEREAS** the City of Toronto Official Plan (2002) promotes development that supports cycling in Toronto as an alternative to car-based transportation and as a key to environmental sustainability and an accessible and efficient transportation system; and

WHEREAS the Regional Coroner for Toronto’s report on Cycling Fatalities in Toronto (1998) found that the large vehicles (Classes A, B, C, D and M) were involved in 37 percent of the collisions resulting in cyclist fatalities; and

WHEREAS the same report found that a cyclist’s collision with a large vehicle is approximately four times more likely to result in cyclist fatality than a cyclist’s collision with a Class G vehicle; and

WHEREAS a key recommendation of the Regional Coroner for Toronto’s Report on Cycling Fatalities in Toronto (1998) was: ‘That Transport Canada investigates the feasibility of requiring “side guards” for large trucks, trailers and buses operated in urban areas to prevent pedestrians and cyclists being run over by the rear wheels in collisions with these large vehicles.’; and

WHEREAS in 2001, Transport Canada indicated that they were in the process of reviewing the possibility of requiring side guards for large trucks;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council make an official request to Transport Canada to expedite and complete the review of side guards;

AND BE IT FURTHER RESOLVED THAT the Mayor and Council support a regulation requiring the addition of side guards for large trucks operating within urban areas and request that Transport Canada produce and implement such a regulation as soon as possible.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(28), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Planning and Transportation Committee was taken as follows:

Yes - 20	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Cho, Cowbourne, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Jenkins, Lindsay Luby, McConnell, Minnan-Wong, Pantalone, Saundercook, Silva, Thompson
No - 21	
Councillors:	Ashton, Carroll, Davis, Del Grande, Hall, Holyday, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Soknacki, Stintz, Walker, Watson

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

Disposition:

Motion J(28) was referred to the Planning and Transportation Committee.

1.93 J(29) Security/Safety Protocols for City of Toronto Recreation Facilities

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

Moved by: Councillor Thompson

Seconded by: Councillor Carroll

“WHEREAS this past year was one of the most violent in the history of the City of Toronto; and

WHEREAS the attitude of resolving disputes through violence has spread to our schools and recreation facilities in some areas of the City; and

WHEREAS the Toronto District School Board has established safety and security protocols to deal with violent incidents, to ensure the safety of students and staff; and

WHEREAS the safety of our staff and community members using our recreation facilities must be a priority;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation report to the next meeting of Economic Development and Parks Committee on safety and security protocols currently in place and any opportunities for enhancement, ensuring that these protocols are communicated across the City of Toronto.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Economic Development and Parks Committee Council would have to be waived in order to now consider such Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(29), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 278)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(29) was adopted, without amendment.

- 1.94 **J(30) 799, 803, 803R, 807 and 809 Broadview Avenue and 21R Pretoria Avenue - Official Plan Amendment, Zoning By-law Amendment and Site Plan Appeals to the Ontario Municipal Board**

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

Moved by: **Councillor Ootes**

Seconded by: **Councillor Holyday**

“**WHEREAS** the owner of 799, 803, 803R, 807 and 809 Broadview Avenue and 21R Pretoria Avenue (the ‘Subject Lands’) submitted applications on September 14, 2004, and in January 2005, for an Official Plan Amendment, Zoning By-law Amendment and Site Plan approval (the ‘Applications’) for five mixed-use commercial/residential units fronting on Broadview Avenue and ten residential units to the rear, and three laneway houses on the east side of the public lane off Pretoria Avenue; and

WHEREAS before the City of Toronto (the ‘City’) could fully review the Applications, the owner appealed the City’s refusal to deal with the Applications to the Ontario Municipal Board (the ‘OMB’) on August 25, 2005; and

WHEREAS at its meeting of December 5, 6 and 7, 2005, City Council adopted the recommendations in the Recommendations Section of the Staff Directions Report (October 31, 2005), refused the Applications in their present form and authorized the City Solicitor and appropriate City staff to attend at the OMB hearing to oppose the Applications in their current form; and

WHEREAS the OMB has scheduled a hearing in this matter commencing February 7, 2006; and

WHEREAS the owner has amended its Applications, as well as supplied more information regarding the Applications, so that staff could better evaluate the Applications; and

WHEREAS it would be appropriate that City staff be authorized to attend at the OMB hearing in support of the Applications, provided that the servicing of the Subject Lands is acceptable to and is approved by City staff, but that the Applications be opposed with respect to the laneway houses on the east side of the public lane;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the staff recommendations contained in the Recommendations Section of the attached confidential report (January 26, 2006) from the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(30) to the Toronto and East York

Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(30) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(30):

- (i) a confidential report (January 26, 2006) from the City Solicitor; and
- (ii) Attachment 1 to the confidential report (January 26, 2006) from the City Solicitor, which is Toronto and East York Community Council Report 9, Clause 14, headed “Request for Direction Report - Official Plan Amendment and Rezoning Application – 799, 803, 803R, 807 and 809 Broadview Avenue and 21R Pretoria Avenue (Ward 29 - Toronto Danforth)”, adopted, without amendment, by City Council on December 5, 6 and 7, 2005, and is on file in the City Clerk’s Office.

Vote:

Motion J(30) was adopted, without amendment.

Summary:

In adopting Motion J(30), without amendment, Council adopted, without amendment, the staff recommendations contained in the Recommendations Section of the confidential report (January 26, 2006) from the City Solicitor. The following staff recommendations contained in the Recommendations Section of the report and Attachment 1 to 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 pertaining to litigation or potential litigation:

“It is recommended that:

- (1) the Zoning By-law Amendment Application, as amended, for five mixed-use units fronting on Broadview Avenue and ten residential units to the rear thereof at 799, 803, 803R, 807 and 809 Broadview Avenue with below grade parking, be approved in principle, but that the Application for the laneway houses on the east side of the laneway off Pretoria Avenue at 21R Pretoria Avenue, not be approved in principle;
- (2) the Site Plan Approval Application, as amended, for five mixed use units fronting on Broadview Avenue and ten residential units to the rear thereof at 799, 803, 803R, 807 and 809 Broadview Avenue with below grade parking, be approved in principle with the conditions of Site Plan Approval to be satisfactory to the Director of Community Planning, Toronto and East York

District but that the Application for the laneway houses on the east side of the laneway off Pretoria Avenue at 21R Pretoria Avenue, not be approved in principle;

- (3) approval for the Applications for Zoning By-law Amendment and Site Plan Approval be conditional on City Divisions accepting and approving the servicing proposal of the owner for the Subject Lands;
- (4) City Staff be authorized to appear at the Ontario Municipal Board hearing commencing February 7, 2006, in support of Recommendations (1), (2) and (3) above, and be directed to take the necessary action to give effect thereto.”

1.95 **J(31) Opposition to Application for Liquor Licence – Cassidy’s Bar – 2856 Danforth Avenue**

February 1, 2006:

Councillor Davis, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: **Councillor Davis**

Seconded by: **Councillor Rae**

“**WHEREAS** the operators of Cassidy’s Bar at 2856 Danforth Avenue have submitted an application to the Alcohol and Gaming Commission of Ontario to allow liquor to be served on a 72-seat backyard patio; and

WHEREAS local residents have expressed concerns that the establishment of a backyard patio at Cassidy’s Bar would result in excessive noise and disruption to the residents of neighbouring properties on Coleman Avenue; and

WHEREAS, based on proximity of the proposed backyard patio to existing residential properties on Coleman Avenue and the concerns raised by local residents, granting a liquor licence for this proposed backyard patio would not be in the public interest; and

WHEREAS local residents are not opposed to the granting of a liquor licence for the interior and front patio of Cassidy's Bar;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Solicitor and any appropriate City staff to attend any anticipated Alcohol and Gaming Commission Liquor Licence Application Hearing in opposition to the granting of a liquor licence for the proposed backyard patio."

Advice by Deputy Mayor:

Deputy Mayor Feldman advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(31) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(31) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

1.96 **J(32) Appointments to Vacancies on Various Committees and Special Purpose Bodies**

February 1, 2006:

Deputy Mayor Pantalone, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Soknacki

"WHEREAS Bas Balkissoon was elected to the Ontario Legislature effective December 3, 2005, and Council declared the Ward 41, Scarborough Rouge River, seat vacant on December 5, 6 and 7, 2005; and

WHEREAS Olivia Chow was elected to the House of Parliament on January 23, 2006, and Council declared the Ward 20, Trinity Spadina, seat vacant and Council declared the office vacant at its meeting on December 5, 6 and 7, 2005; and

WHEREAS Council must appoint Members to various boards and committees to replace the former Councillors; and

WHEREAS Council, at its Special Meeting held on January 31, 2006, appointed Martin Silva as Councillor, Ward 20, and Paul Ainslie as Councillor, Ward 41;

WHEREAS Councillor Davis has expressed an interest in being appointed to the Community Services Committee, given the current vacancy on that Committee from the resignation of Olivia Chow, in place of her current appointment to the Administration Committee, and Councillor Silva is agreeable to being appointed to the Administration Committee;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Striking Committee Report 2, Clause 1, headed 'Appointment of Members of Council as Deputy Mayor, to Standing and Other Committees of Council and to City and External Agencies, Boards, Commissions and Corporations for the Second Half of Council's Term', be re-opened for further consideration, only as it pertains to the membership of the Administration Committee;

AND BE IT FURTHER RESOLVED THAT the relevant portions of City of Toronto Municipal Code Chapter 27, Council Procedures, be waived to permit the appointment of Councillors Ainslie and Silva to various Standing and local committees and boards without advising all Members of the vacancy and permitting them to submit names for consideration, and without referral to the Striking Committee;

AND BE IT FURTHER RESOLVED THAT Councillor Ainslie, Ward 41, be appointed to the following Standing Committees and agency for a term of office ending November 30, 2006, and until a successor is appointed:

Audit Committee
Works Committee, and
Toronto and Region Conservation Authority;

AND BE IT FURTHER RESOLVED THAT Councillor Davis be appointed to the following Standing Committee for a term of office ending November 30, 2006, and until a successor is appointed:

Community Services Committee;

AND BE IT FURTHER RESOLVED THAT Councillor Silva, Ward 20, be appointed to the following Standing and local committees and boards for a term of office ending November 30, 2006, and until a successor is appointed:

Administration Committee
Board of Health
Art Gallery of Ontario Board of Trustees
Children, Education and Youth Roundtable
Bloor Annex Business Improvement Area Board of Management
Cecil Street Community Centre Board of Management
Food and Hunger Action Committee
Harbord Street Business Improvement Area Board of Management
Harbourfront Community Centre Board of Management
Harbourfront Centre Board of Directors
Homes First Society Board of Directors
Korea Town Business Improvement Area Board of Management
Mirvish Village Business Improvement Area Board of Management
Queens Quay Business Improvement Area Board of Management
Scadding Court Community Centre Committee of Management
Toronto City Centre Airport Community Advisory Committee
Toronto Community Housing Corporation and Toronto Housing Company Inc. (which exists for legal purposes with the same members as TCHC)
Toronto Foundation for Student Success;
University Settlement Community Centre Building Committee of Management
William H. Bolton Arena Committee of Management;

AND BE IT FURTHER RESOLVED THAT, under City of Toronto Municipal Code Chapter 27, Council Procedures, Bas Balkissoon's positions on the Deposit Return System Working Group and the Source Separated Organics Sub-Committee be referred to the Works Committee for appointment;

AND BE IT FURTHER RESOLVED THAT Council take no action to replace Bas Balkissoon's position on the 3-1-1 Council-Staff Working Group at this time, in light of the expanded composition recommendations from the Administration Committee which is before Council for consideration at this meeting."

Votes:

The first Operative Paragraph contained in Motion J(32) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(32) was adopted, without amendment.

Summary:

In summary, City Council re-opened Striking Committee Report 2, Clause 1, headed “Appointment of Members of Council as Deputy Mayor, to Standing and Other Committees of Council and to City and External Agencies, Boards, Commissions and Corporations for the Second Half of Council’s Term”, for further consideration, only as it pertains to the membership of the Administration Committee, and adopted the balance of this Motion, without amendment.

Deputy Mayor Bussin in the Chair.

1.97 **J(33) Official Plan Amendment and Zoning By-law Amendment - 2575 and 2625 Danforth Avenue - Section 37 Agreement (Ward 32 - Beaches-East York)**

February 2, 2006:

Deputy Mayor Bussin, with the permission of Council, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Rae

“WHEREAS at its meeting of November 30, December 1 and 2, 2004, City Council adopted the recommendations set out in the reports (November 1, 2004, and November 15, 2004) from the Director, Community Planning, South District (Toronto and East York), respecting an application to amend the Official Plan and Zoning By-law for the properties known municipally as 2575 and 2625 Danforth Avenue, to permit the construction of two additional mixed use buildings; and

WHEREAS there have been some proposed revisions and modifications to the approvals granted by City Council since its meeting of November 30, December 1 and 2, 2004; and

WHEREAS it would be appropriate for City Council to make the necessary revisions and modifications to the approvals at this time;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and adopt the staff recommendations contained in the Recommendations Section of the attached report (January 30, 2006) from the City Solicitor.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Toronto and East York Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(33) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(33), a report (January 30, 2006) from the City Solicitor. (See Attachment 19, Page 273)

Vote:

Motion J(33) was adopted, without amendment.

Summary:

In adopting Motion J(33), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (January 30, 2006) from the City Solicitor:

“It is recommended that:

- (1) Recommendation (1)(a) of Clause 6 of Toronto and East York Community Council Report 9, which was considered and amended by City Council on November 30, December 1 and 2, 2004, be further amended by adding subclause (1)(a)(ii) to read as follows:

‘(1)(a)(ii) delete Recommendations (2)(b)(ii) and (3)(ii)(j)(ii) and replace them with the following:

maintain the 1,123 existing rental units for a minimum period of 20 years commencing from the date of Final Approval of the Amending By-laws, making no application for condominium registration or for demolition to construct anything other than rental units;’;

- (2) Recommendation (1) of Clause 6 of Toronto and East York Community

Council Report 9, which was considered and amended by City Council on November 30, December 1 and 2, 2004, be further amended by adding clause (c) to read as follows:

‘(1)(c) delete Recommendation (4) and replace it with the following:

before introducing the necessary Bills to Council for enactment, require the owner to execute a Section 37 Agreement;’; and

- (3) Recommendation (3)(c), of Clause 6 of Toronto and East York Community Council Report 9, which was considered by City Council on November 30, December 1 and 2, 2004, be deleted.”

1.98 J(34) Personnel Matter Respecting the City Solicitor

February 2, 2006:

Mayor Miller, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Mayor Miller

Seconded by: Deputy Mayor Pantalone

“WHEREAS the current fixed term employment contract for the City Solicitor ends on March 17, 2007; and

WHEREAS the Employer is required to notify the Employee at least 12 months prior to the end of the Term (i.e., March 17, 2006) concerning continuation of the employment relationship; and

WHEREAS the incumbent has indicated an interest in ongoing employment with the City;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the attached confidential report (February 2, 2006) from Mayor Miller with respect to a personnel matter pertaining to the City Solicitor, and that Council adopt the recommendation contained in the Recommendation Section of the confidential report.”

Council had before it, during consideration of J(34), a confidential report (February 2, 2006) from Mayor Miller.

Vote:

Motion J(34) was adopted, without amendment.

Summary:

In adopting Motion J(34), without amendment, Council adopted, without amendment, the recommendation contained in the Recommendation Section of the confidential report (February 2, 2006) from Mayor Miller. The following 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 personal information about an identifiable individual:

“It is recommended that the employment of Anna Kinastowski in the position of City Solicitor be continued beyond the end of the current employment contract, with compensation to continue in the current range, subject to terms and conditions to be negotiated consistent with the new form of employment agreement.”

1.99 **J(35) 21 Cameron Avenue – Designation of a Property under Part IV of the *Ontario Heritage Act* – Ward 23 (Willowdale)**

February 2, 2006:

Councillor Filion, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: **Councillor Fillion [now Moscoe (see Note on Page 157)]**

Seconded by: **Councillor Moscoe**

“**WHEREAS** the City of North York Council added the property located at 21 Cameron Avenue to the Inventory of Heritage Properties, in 1988; and

WHEREAS the house on this property was purchased in the 1920’s by prominent Group of Seven founder and artist Franklin Carmichael and was his home and studio until 1945; and

WHEREAS this property is a good example of the bungalow style popular during the time of the conversion of the hamlet of Lansing from a rural community to a suburb; and

WHEREAS the Toronto Official Plan states that heritage resources or properties listed on the City’s Inventory of Heritage Properties will be conserved; and

WHEREAS City staff has received enquiries about redevelopment of this property; and

WHEREAS designation of the property would allow Council to control alterations to and/or the demolition of this property; and

WHEREAS the property meets the criteria recently issued by the Province of Ontario under the *Ontario Heritage Act* for designation, on the basis of its historical and design value;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto state its intention to designate the property at 21 Cameron Avenue under Part IV of the *Ontario Heritage Act* for architectural and historical reasons, and that notice be provided to the owner after consultation with the Toronto Preservation Board, as provided for in the *Ontario Heritage Act*;

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

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(35) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(35) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(35) was adopted, without amendment.

[Note:

Councillor Filion at the meeting of Council on February 14, 2006, declared his interest in Motion J(35), moved by himself, seconded by Councillor Moscoe, respecting 21 Cameron Avenue – Designation of a Property under Part IV of the *Ontario Heritage Act* – Ward 23 (Willowdale), which was adopted, without amendment, by City Council on January 31, February 1 and 2, 2006, in that, subsequent to that Council meeting, he was advised that one of the owners of the property was the general contractor for a house Councillor Filion was building. Councillor Filion requested that the minutes of the January 31, February 1 and 2, 2006 meeting of City Council be amended to delete him as the mover of Motion J(35) and substitute Councillor Moscoe, the seconder of the Motion, as the mover.]

1.100 J(36) Realignment of the Pape Avenue/Riverdale Avenue Intersection to Facilitate Pedestrian Movements

February 2, 2006:

Councillor Fletcher, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Fletcher

Seconded by: Councillor Carroll

“WHEREAS at its meeting of September 14, 2005, the Works Committee, in considering the feasibility of reconnecting Pape Avenue across the CN Rail corridor north of Gerrard Street East, requested the General Manager, Transportation Services, to provide detailed options for pedestrian safety at Pape Avenue and Riverdale Avenue and Riverdale Avenue and Carlaw Avenue (Works Committee Report 8, Clause 14(g), considered by City Council September 28, 29 and 30, 2005); and

WHEREAS the discontinuity in Pape Avenue results in a jog configuration requiring a considerable volume of motor vehicles to divert from Pape Avenue to Carlaw Avenue via Riverdale Avenue and vice versa; and

WHEREAS the resulting configuration of the Pape Avenue/Riverdale Avenue intersection is characterized by off-set and variable width approaches, as well as wider pedestrian crossings; and

WHEREAS residents have expressed concern with the safety of pedestrians, especially school-aged children, at the intersection of Pape Avenue and Riverdale Avenue; and

WHEREAS my office, Transportation Services staff and community representatives have met to develop a plan that would address the safety concerns of residents and further, Transportation Services has prepared a functional plan of the proposal; and

WHEREAS staff have advised that the estimated cost for this project would be \$100,000.00 and would be included in the Safety and Operational Improvement Program, subject to competing priorities and funding in the approved Transportation Services Division 2006 Capital Budget;

NOW THEREFORE BE IT RESOLVED THAT a by-law be enacted for the alteration of Pape Avenue and Riverdale Avenue, generally as shown in the attached Drawing No. 421F-8188, dated January 2006, subject to further refinements as may be necessary as the design process proceeds, and as described below:

‘narrowing the travelled portion of Riverdale Avenue and Pape Avenue by extending the curb on the northeast, northwest and southwest corners of the intersection’,

and the appropriate City officials be requested to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(36) to the Toronto and East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(36), Drawing No. 421F-8188 (January 2006), entitled “Intersection of Pape Avenue and Riverdale Avenue, Proposed Roadway Narrowing”, which is on file in the City Clerk’s Office.

Vote:

Motion J(36) was adopted, without amendment.

1.101 J(37) Re-opening of Effective Date for Harmonized Permit Rates

February 2, 2006:

Councillor Kelly, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Kelly

Seconded by: Councillor Cho

“WHEREAS City Council on December 14 and 16, 2005, adopted, as amended, Motion F(1), and in so doing, delayed the implementation of the harmonized permit rates for six months so that the new rates would take effect on May 1, 2006, instead of January 1, 2006; and

WHEREAS community groups from the former municipalities of Scarborough, Etobicoke and East York are negatively affected by the changes in the implementation date from January 1, 2006, to May 1, 2006; and

WHEREAS they were only given approximately five days notice; and

WHEREAS these community groups did not incorporate the continued permit fees into their budgets and they have been negatively impacted by the unanticipated cost for use of space in City facilities;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion F(1), headed ‘Harmonized Permit Rates (All Wards)’, be re-opened for further consideration, as it pertains to the implementation date for the harmonized permit rates;

AND BE IT FURTHER RESOLVED THAT the harmonized permit rates take effect on March 1, 2006, instead of May 1, 2006.”,

the vote upon which was taken as follows:

Yes - 20	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Cho, Cowbourne, De Baeremaeker, Del Grande, Fillion, Fletcher, Holyday, Kelly, Lindsay Luby, Mihevc, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz, Thompson
No - 14	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Davis, Feldman, Jenkins, Milczyn, Minnan-Wong, Moscoe, Pitfield, Rae, Shiner, Silva

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

Disposition:

As the motion to waive Notice did not carry, Notice of this Motion was given to permit consideration at the special meeting of City Council on February 14, 2006.

1.102 J(38) Development of an Energy Plan

February 2, 2006:

Councillor Fletcher, having regard that the deadline for submission of Notices of Motions had passed, moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit circulation of a Notice of Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

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

Moved by: Councillor Fletcher

Seconded by: Councillor Shiner

“WHEREAS the City of Toronto’s leadership position respecting energy efficiency and conservation is well known locally, nationally and internationally, as recognized by Business Week when the City received the Low Carbon Leader 2005 award from the Climate Group; and

WHEREAS since amalgamation, the City of Toronto has not updated its energy sustainability plan that identifies Toronto's future energy needs, for the short-, medium- and long-term, in a comprehensive fashion;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Deputy City Manager and Chief Financial Officer to report to the February 20, 2006 meeting of the Roundtable on the Environment on a draft terms of reference for a comprehensive Energy Plan for Toronto;

AND BE IT FURTHER RESOLVED THAT the draft terms of reference be developed in consultation with Toronto Hydro Corporation, Enwave Energy Corporation, the Toronto Atmospheric Fund and the Energy Efficiency Office.”

Advice by Deputy Mayor:

Deputy Mayor Bussin advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(38) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(38) was adopted, without amendment.

- 1.103 Consideration of the following matters was postponed to the special meeting of City Council on February 14, 2006, as they remained on the Order Paper at the conclusion of this meeting of Council:

Policy and Finance Committee Report 1

- | | | |
|-----------|---|--|
| Clause 10 | - | “Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry Final Status Report”. |
| Clause 12 | - | “Cost Implications of the Etobicoke York Community Council Holding Public Hearings under the Planning Act at the York Civic Centre”. |
| Clause 14 | - | “Pandemic Influenza Plan for the City of Toronto”. |
| Clause 21 | - | “Toronto Youth Strategy”. |

Community Services Committee Report 1

- Clause 3 - “Proposals for Implementing Toronto Social Services’ Response to the Auditor General's Report on Recovery of Social Assistance Overpayments (June 2005)”.

Economic Development and Parks Committee 1

- Clause 5 - “Tourism Action Plan: Report on 2005 Tourism Program Visitor Information Services Projects (All Wards)”.

Planning and Transportation Committee Report 1

- Clause 13 - “Other Items Considered by the Committee”.
Item (b), entitled “Mandatory Certification of Food Handlers”

Works Committee Report 1

- Clause 11 - “Distribution of City of Toronto Tap Water – Toronto Pure”.

Etobicoke York Community Council Report 1

- Clause 3 - “Removal of One Privately Owned Tree - 65 Avonhurst Road (Ward 5 - Etobicoke-Lakeshore)”.
- Clause 4 - “Removal of One Privately Owned Tree - 24 Neilor Crescent (Ward 3 - Etobicoke Centre)”.

North York Community Council Report 1

- Clause 40 - “Other Items Considered by the Community Council”.
Item (k), entitled “Ontario Municipal Board Hearing - Committee of Adjustment Application A0693/05NY - Verdiroc Holdings Ltd. - 0 Bayview Avenue E/S - North-east Corner of Bayview Avenue and Sheppard Avenue East (Ward 24 - Willowdale)”

Toronto and East York Community Council Report 1

- Clause 9 - “Variances from Chapter 297, Signs, of the former City of Toronto Municipal Code - 1 Jefferson Avenue and 1A Atlantic Avenue (Ward 14 - Parkdale-High Park and Ward 19 - Trinity-Spadina)”.
- Clause 39 - “Installation of a Sidewalk - Crescent Town Road, between Dawes Road and Massey Square (Ward 31 - Beaches-East York)”.

BILLS AND BY-LAWS

Mayor Miller in the Chair.

- 1.104 On February 1, 2006, at 9:40 a.m., Councillor Watson, seconded by Councillor Ainslie, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 159	By-law No. 11-2006	To confirm the proceedings of the Council at its regular meeting held on the 31st day of January, 2006,
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the vote upon which was taken as follows:

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 1	
Councillor:	Minnan-Wong

Carried by a majority of 31.

- 1.105 On February 1, 2006, at 7:26 p.m., Councillor Hall, seconded by Councillor Fletcher, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 160	By-law No. 12-2006	To confirm the proceedings of the Council at its regular meeting held on the 31st day of January, and the 1st day of February, 2006,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Hall,

Holyday, Jenkins, Kelly, Lindsay Luby, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Silva, Soknacki, Thompson	
No - 2	
Councillors:	Minnan-Wong, Stintz

Carried by a majority of 24.

Deputy Mayor Bussin in the Chair.

- 1.106 On February 2, 2006, at 7:05 p.m., Councillor Altobello, seconded by Councillor Ainslie, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws:

Bill No. 1	By-law No. 13-2006	To permanently close a portion of the unnamed public highway abutting the west limit of 78 Manor Road East.
Bill No. 2	By-law No. 14-2006	To designate the property at 200 Russell Hill Road (Frederick Capon House) as being of cultural heritage value or interest.
Bill No. 3	By-law No. 15-2006	To designate the property at 82 Daniels Street (Francis Daniels House) as being of cultural heritage value or interest.
Bill No. 4	By-law No. 16-2006	To amend former City of Toronto By-law No. 380-77, being a by-law to designate 103 Bellevue Avenue under Part IV of the <i>Ontario Heritage Act</i> , by amending the reasons for designation.
Bill No. 5	By-law No. 17-2006	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Avenue Road and Oxtown Avenue.
Bill No. 6	By-law No. 18-2006	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

Bill No. 7	By-law No. 19-2006	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 8	By-law No. 20-2006	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the regulation of entertainment establishments/nightclubs in the City of Toronto.
Bill No. 9	By-law No. 21-2006	To make a technical amendment to By-law No. 1016-2005, a by-law "To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the hours of operation of holistic centres and traditional medicine establishments."
Bill No. 10	By-law No. 22-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Racine Road.
Bill No. 11	By-law No. 23-2006	To designate a Site Plan Control Area (Rouge Community).
Bill No. 12	By-law No. 24-2006	To amend By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York, regarding Canvarco Road.
Bill No. 13	By-law No. 25-2006	To amend the former City of Scarborough Centennial Community Zoning By-law No. 12077, as amended, with respect to lands municipally known as 20 Rozell Road.
Bill No. 14	By-law No. 26-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding Torresdale Avenue.
Bill No. 15	By-law No. 27-2006	To amend By-law No. 31001 of the

		former City of North York, as amended, regarding Magnetic Drive.
Bill No. 16	By-law No. 28-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ellerslie Avenue.
Bill No. 17	By-law No. 29-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding Tobermory Drive.
Bill No. 18	By-law No. 30-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ambrose Road.
Bill No. 19	By-law No. 31-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Ambrose Road.
Bill No. 20	By-law No. 32-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Cheltenham Avenue.
Bill No. 21	By-law No. 33-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Radine Road.
Bill No. 22	By-law No. 34-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Sunnydene Crescent.
Bill No. 23	By-law No. 35-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Sunnydene Crescent.
Bill No. 24	By-law No. 36-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding James Gray Drive.

Bill No. 25	By-law No. 37-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Danby Avenue.
Bill No. 26	By-law No. 38-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Elkhorn Drive.
Bill No. 27	By-law No. 39-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Elkhorn Drive.
Bill No. 28	By-law No. 40-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Elkhorn Drive.
Bill No. 29	By-law No. 41-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Dornfell Street.
Bill No. 30	By-law No. 42-2006	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 31	By-law No. 43-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road.
Bill No. 32	By-law No. 44-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Bathurst Street, North York Boulevard, Steeles Avenue West and Yonge Street.
Bill No. 33	By-law No. 45-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Islington Avenue.
Bill No. 34	By-law No. 46-2006	To amend further By-law No. 196, entitled "To restrict the speed of motor

		vehicles”, being a By-law of the former Borough of East York, regarding Norlong Boulevard.
Bill No. 35	By-law No. 47-2006	To amend By-law No. 92-93, a by-law “To regulate traffic on roads in the Borough of East York”, being a by-law of the former Borough of East York, regarding Cedarvale Avenue.
Bill No. 36	By-law No. 48-2006	To amend further Metropolitan By-law No. 107-86, respecting parking meters on former Metropolitan Roads, regarding O’Connor Drive.
Bill No. 37	By-law No. 49-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Leslie Street, O’Connor Drive and Pape Avenue.
Bill No. 38	By-law No. 50-2006	To amend By-law No. 62-91 respecting reserved lanes for bicycles on certain Metropolitan Roads, regarding Dundas Street East.
Bill No. 39	By-law No. 51-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Dundas Street East.
Bill No. 40	By-law No. 52-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Pullan Place and Simcoe Street.
Bill No. 41	By-law No. 53-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Oriole Parkway.
Bill No. 42	By-law No. 54-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Duplex Avenue and St. Clements Avenue.

Bill No. 43	By-law No. 55-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cheritan Avenue.
Bill No. 44	By-law No. 56-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Kipping Avenue, Mavety Street, McRoberts Avenue and Townsley Street.
Bill No. 45	By-law No. 57-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Gore Vale Avenue, Havelock Street, Lambertlodge Avenue, Lappin Avenue, Lippincott Street, Macdonell Avenue, Maughan Crescent, Paton Road, Sarnia Avenue and Waverley Road.
Bill No. 46	By-law No. 58-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Niagara Street and Simcoe Street.
Bill No. 47	By-law No. 59-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 48	By-law No. 60-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 49	By-law No. 61-2006	To authorize the exemption from taxation for municipal and school purposes for the municipal capital facility for affordable housing located on land municipally known as 131 Coxwell Avenue.
Bill No. 50	By-law No. 62-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by 873715 Ontario Ltd.

Bill No. 51	By-law No. 63-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the existing front yard fence on the property municipally known as 391 Lawrence Avenue West from the maximum height requirements.
Bill No. 52	By-law No. 64-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to permit the retention of a portion of a wooden pool fence on the property municipally known as 29 Bessborough Drive.
Bill No. 53	By-law No. 65-2006	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of various Business Improvement Area Boards of Management.
Bill No. 54	By-law No. 66-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Strachan Avenue.
Bill No. 55	By-law No. 67-2006	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, respecting bicycle lanes on Strachan Avenue.
Bill No. 56	By-law No. 68-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Lombard Street.
Bill No. 57	By-law No. 69-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Lombard Street.

Bill No. 58	By-law No. 70-2006	To amend Chapter 324 of the Etobicoke Zoning Code and to lift the Holding 'H' provisions on lands located within the Humber Bay Shore Development Area (formerly the Motel Strip), municipally known as 58 Marine Parade (formerly known as 2115 Lake Shore Boulevard West).
Bill No. 59	By-law No. 71-2006	To adopt Amendment No. 1148 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 952-976 Brimorton Drive.
Bill No. 60	By-law No. 72-2006	To amend the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended, with respect to lands municipally known as 952 - 976 Brimorton Drive.
Bill No. 61	By-law No. 73-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Leslie Street and Sheppard Avenue East.
Bill No. 62	By-law No. 74-2006	To adopt Amendment No. 140-2005 to the Official Plan for the former City of Etobicoke with respect to lands municipally known as 15 Primrose Avenue.
Bill No. 63	By-law No. 75-2006	To amend Chapters 340 and 342 of the Etobicoke Zoning Code with respect to lands municipally known as 15 Primrose Avenue.
Bill No. 64	By-law No. 76-2006	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads, regarding Leslie Street and Sheppard Avenue East and West.

Bill No. 65	By-law No. 77-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Dornfell Street.
Bill No. 66	By-law No. 78-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Scott Street.
Bill No. 68	By-law No. 79-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Scollard Street.
Bill No. 69	By-law No. 80-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Scollard Street.
Bill No. 70	By-law No. 81-2006	To amend former City of Toronto Municipal Code Ch. 165, Article I, Conveyance of Land for Park Purposes, to provide for an exemption in respect of Nos. 146 and 160 Wellesley Street East.
Bill No. 72	By-law No. 82-2006	To authorize the alteration of Strachan Avenue, from Lake Shore Boulevard West to Fleet Street, by narrowing the roadway.
Bill No. 73	By-law No. 83-2006	To authorize agreements respecting the issue and sale of debentures for the year 2006.
Bill No. 74	By-law No. 84-2006	To authorize the temporary borrowing of moneys to meet the current expenditures of the City of Toronto for the year 2006.
Bill No. 75	By-law No. 85-2006	To authorize temporary borrowing to meet expenditures made in connection with work to be financed by the issue of debentures or bank loan agreements for the year 2006.
Bill No. 76	By-law No. 86-2006	To establish an obligatory reserve

		fund named the Allan Gardens Revitalization Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 77	By-law No. 87-2006	To amend Municipal Code Chapter 441, Fees, to delete a dishonoured cheque fee for the Municipal Licensing and Standards Division which conflicts with the dishonoured cheque fee for all fees imposed under Chapter 441.
Bill No. 78	By-law No. 88-2006	To establish an obligatory reserve fund named the Withrow Park Improvements Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 79	By-law No. 89-2006	To authorize the alteration of Brookbanks Drive between Truxford Road and Overbank Crescent by the construction of driveable medians.
Bill No. 80	By-law No. 90-2006	To amend City of Toronto Municipal Code Chapter 227, Reserves and Reserve Funds.
Bill No. 81	By-law No. 91-2006	To layout and dedicate certain land for public highway purposes to form part of the public highway Montezuma Trail.
Bill No. 82	By-law No. 92-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Stewart Street.
Bill No. 83	By-law No. 93-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Stewart Street.
Bill No. 84	By-law No. 94-2006	To exempt certain lands municipally

		known as 1 Treewood Street from Part Lot Control.
Bill No. 85	By-law No. 95-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known 21 Widmer Street.
Bill No. 86	By-law No. 96-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Queen Street West, Richmond Street West and York Street.
Bill No. 87	By-law No. 97-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting York Street.
Bill No. 88	By-law No. 98-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Richmond Street West.
Bill No. 89	By-law No. 99-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting York Street.
Bill No. 90	By-law No. 100-2006	To designate certain lands in the Beaches area as a community improvement project area and to adopt a community improvement plan for the Beaches Community Improvement Project Area.
Bill No. 91	By-law No. 101-2006	To designate certain lands in the Bloor Annex area as a community improvement project area and to adopt a community improvement plan for the Bloor Annex Community Improvement Project Area.
Bill No. 92	By-law No. 102-2006	To designate certain lands in the Bloor by the Park area as a community improvement project area and to adopt a community improvement plan for the

		Bloor by the Park Community Improvement Project Area.
Bill No. 93	By-law No. 103-2006	To designate certain lands in the Bloordale Village area as a community improvement project area and to adopt a community improvement plan for the Bloordale Village Community Improvement Project Area.
Bill No. 94	By-law No. 104-2006	To designate certain lands in the Bloor West Village area as a community improvement project area and to adopt a community improvement plan for the Bloor West Village Community Improvement Project Area.
Bill No. 95	By-law No. 105-2006	To designate certain lands in the Bloor-Yorkville area as a community improvement project area and to adopt a community improvement plan for the Bloor-Yorkville Community Improvement Project Area.
Bill No. 96	By-law No. 106-2006	To designate certain lands in the Church-Wellesley area as a community improvement project area and to adopt a community improvement plan for the Church-Wellesley Community Improvement Project Area.
Bill No. 97	By-law No. 107-2006	To designate certain lands in the College Promenade area as a community improvement project area and to adopt a community improvement plan for the College Promenade Community Improvement Project Area.
Bill No. 98	By-law No. 108-2006	To designate certain lands in the Danforth area as a community improvement project area and to adopt a community improvement plan for the Danforth Community Improvement

		Project Area.
Bill No. 99	By-law No. 109-2006	To designate certain lands in the Dovercourt Village area as a community improvement project area and to adopt a community improvement plan for the Dovercourt Village Community Improvement Project Area.
Bill No. 100	By-law No. 110-2006	To designate certain lands in the Eglinton Way area as a community improvement project area and to adopt a community improvement plan for the Eglinton Way Community Improvement Project Area.
Bill No. 101	By-law No. 111-2006	To designate certain lands in the Forest Hill Village area as a community improvement project area and to adopt a community improvement plan for the Forest Hill Village Community Improvement Project Area.
Bill No. 102	By-law No. 112-2006	To designate certain lands in the Gerrard India Bazaar area as a community improvement project area and to adopt a community improvement plan for the Gerrard India Bazaar Community Improvement Project Area.
Bill No. 103	By-law No. 113-2006	To designate certain lands in the Greektown on the Danforth area as a community improvement project area and to adopt a community improvement plan for the Greektown on the Danforth Community Improvement Project Area.
Bill No. 104	By-law No. 114-2006	To designate certain lands in the Harbord Street area as a community improvement project area and to adopt a community improvement plan for the Harbord Street Community

		Improvement Project Area.
Bill No. 105	By-law No. 115-2006	To designate certain lands in the Knob Hill Plaza area as a community improvement project area and to adopt a community improvement plan for the Knob Hill Plaza Community Improvement Project Area.
Bill No. 106	By-law No. 116-2006	To designate certain lands in the Kennedy Road area as a community improvement project area and to adopt a community improvement plan for the Kennedy Road Community Improvement Project Area.
Bill No. 107	By-law No. 117-2006	To designate certain lands in the Korea Town area as a community improvement project area and to adopt a community improvement plan for the Korea Town Community Improvement Project Area.
Bill No. 108	By-law No. 118-2006	To designate certain lands in the Liberty Village area as a community improvement project area and to adopt a community improvement plan for the Liberty Village Community Improvement Project Area.
Bill No. 109	By-law No. 119-2006	To designate certain lands in the Little Italy area as a community improvement project area and to adopt a community improvement plan for the Little Italy Community Improvement Project Area.
Bill No. 110	By-law No. 120-2006	To designate certain lands in the Mirvish Village area as a community improvement project area and to adopt a community improvement plan for the Mirvish Village Community Improvement Project Area.
Bill No. 111	By-law No. 121-2006	To designate certain lands in the Parkdale West area as a community

		improvement project area and to adopt a community improvement plan for the Parkdale West Community Improvement Project Area.
Bill No. 112	By-law No. 122-2006	To designate certain lands in the Queens Quay Harbourfront area as a community improvement project area and to adopt a community improvement plan for the Queens Quay Harbourfront Community Improvement Project Area.
Bill No. 113	By-law No. 123-2006	To designate certain lands in the Rosedale-Summerhill area as a community improvement project area and to adopt a community improvement plan for the Rosedale-Summerhill Community Improvement Project Area.
Bill No. 114	By-law No. 124-2006	To designate certain lands in the Roncesvalles Village area as a community improvement project area and to adopt a community improvement plan for the Roncesvalles Village Community Improvement Project Area.
Bill No. 115	By-law No. 125-2006	To designate certain lands in the St. Lawrence Neighbourhood area as a community improvement project area and to adopt a community improvement plan for the St. Lawrence Neighbourhood Community Improvement Project Area.
Bill No. 116	By-law No. 126-2006	To designate certain lands in the Uptown Yonge area as a community improvement project area and to adopt a community improvement plan for the Uptown Yonge Community Improvement Project Area.
Bill No. 117	By-law No. 127-2006	To designate certain lands in the West Queen West area as a community

		improvement project area and to adopt a community improvement plan for the West Queen West Community Improvement Project Area.
Bill No. 118	By-law No. 128-2006	To designate certain lands in the Wexford Heights area as a community improvement project area and to adopt a community improvement plan for the Wexford Heights Community Improvement Project Area.
Bill No. 119	By-law No. 129-2006	To designate certain lands in the Yonge-Lawrence Village area as a community improvement project area and to adopt a community improvement plan for the Yonge-Lawrence Village Community Improvement Project Area.
Bill No. 120	By-law No. 130-2006	To repeal former City of Toronto By-law No. 577-89 and adopt a new Community Improvement Plan for the Bloorcourt Village Community Improvement Project Area.
Bill No. 121	By-law No. 131-2006	To designate certain lands in the Village of Islington area as a community improvement project area and to adopt a community improvement plan for the Village of Islington Community Improvement Project Area.
Bill No. 122	By-law No. 132-2006	To repeal former City of Toronto By-law No. 70-93, as amended, and to adopt a new community improvement plan for the Old Cabbagetown Community Improvement Project Area.
Bill No. 123	By-law No. 133-2006	To repeal City of Toronto By-law No. 825-2000 and adopt a new Community Improvement Plan for the Pape Avenue Community Improvement Project Area (coinciding with the

		Pape Village Business Improvement Area).
Bill No. 124	By-law No. 134-2006	To designate the Emery Village Community Improvement Project Area and to adopt a Community Improvement Plan for the Emery Village Community Improvement Project Area.
Bill No. 125	By-law No. 135-2006	To expand the designation for the Community Improvement Project Area currently situated along Bloor Street West between Montgomery Road and Prince Edward Drive to be identified as the Kingsway Community Improvement Project Area and to adopt a Community Improvement Plan for the Kingsway Community Improvement Project Area.
Bill No. 126	By-law No. 136-2006	To amend the Downtown Yonge Street Community Improvement Plan respecting certain lands identified as the Downtown Yonge Street Façade Improvement Focus Area (coinciding with the Downtown Yonge Street Business Improvement Area).
Bill No. 127	By-law No. 137-2006	To amend the York Community Improvement Plan respecting certain lands coinciding with the Eglinton Hill Business Improvement Area, identified as the Eglinton Hill Façade Improvement Focus Area.
Bill No. 128	By-law No. 138-2006	To amend the Dundas Street West Junction/Malta Village Community Improvement Plan respecting certain lands identified as the Dundas Street Junction/Malta Village Façade Improvement Focus Area (coinciding with the Junction Gardens Business Improvement Area).

Bill No. 129	By-law No. 139-2006	To amend the York Community Improvement Plan respecting certain lands identified as the Mount Dennis Façade Improvement Focus Area (coinciding with the Mount Dennis Business Improvement Area).
Bill No. 130	By-law No. 140-2006	To amend the York Community Improvement Plan respecting certain lands identified as the Upper Village (Toronto) Façade Improvement Focus Area (coinciding with the Upper Village (Toronto) Business Improvement Area).
Bill No. 131	By-law No. 141-2006	To amend the York Community Improvement Plan respecting certain lands coinciding with the Upper Village (York) Business Improvement Area, identified as the Upper Village (York) Façade Improvement Focus Area.
Bill No. 132	By-law No. 142-2006	To amend the York Community Improvement Plan respecting certain lands identified as the Weston Façade Improvement Focus Area (coinciding with the Weston Business Improvement Area).
Bill No. 133	By-law No. 143-2006	To amend the York Community Improvement Plan respecting certain lands identified as the York Eglinton Façade Improvement Focus Area (coinciding with the York Eglinton Business Improvement Area).
Bill No. 134	By-law No. 144-2006	To amend the Parkdale Village Community Improvement Plan.
Bill No. 135	By-law No. 145-2006	To amend the Garrison Common North Community Improvement Plan.
Bill No. 136	By-law No. 146-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of

		traffic on former Metropolitan Roads, regarding Dundas Street East.
Bill No. 137	By-law No. 147-2006	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Beograd Gardens and Tommy Douglas Gardens.
Bill No. 138	By-law No. 148-2006	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads", regarding Beograd Gardens and Tommy Douglas Gardens.
Bill No. 139	By-law No. 149-2006	To amend Municipal Code Chapter 162, Notice, Public, to provide for a fixed minimum notice period.
Bill No. 140	By-law No. 150-2006	To amend further Metropolitan By-law No. 107-86, respecting parking meters on former Metropolitan Roads, regarding Richmond Street West.
Bill No. 141	By-law No. 151-2006	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Richmond Street.
Bill No. 142	By-law No. 152-2006	To amend former City of Scarborough Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended and the Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District), as amended, with respect to lands municipally known as 725 Warden Avenue.
Bill No. 143	By-law No. 153-2006	To amend former City of Scarborough Zoning By-law No. 950-2005, the Warden Woods Community Zoning By-law, as amended and the Scarborough Employment Districts Zoning By-law No. 24982 (Oakridge

		Employment District), as amended, with respect to lands municipally known as 671 Warden Avenue.
Bill No. 144	By-law No. 154-2006	To authorize the alteration of Lavender Road, from Keele Street to Old Weston Road, by the installation of speed humps.
Bill No. 145	By-law No. 155-2006	To layout and dedicate certain land at the rear of premises 35 Scarboro Avenue for public highway purposes to form part of the public highway Devonridge Crescent.
Bill No. 146	By-law No. 156-2006	To adopt Amendment No. 358 to the Official Plan of the former City of Toronto with respect to lands municipally known as 430 Broadview Avenue, 14 St. Matthews Road, and 548, 550-558 Gerrard Street East.
Bill No. 147	By-law No. 157-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 430 Broadview Avenue, 14 St. Mathews Road, and 548, 550-558 Gerrard Street East.
Bill No. 148	By-law No. 158-2006	To amend the City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to include the new Uptown Yonge Business Improvement Area and to establish a Board of Management for the Uptown Yonge Business Improvement Area.
Bill No. 149	By-law No. 159-2006	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to change the size of the Liberty Village Business Improvement Area Board of Management.

Bill No. 150	By-law No. 160-2006	To adopt Amendment No. 319 to the Official Plan for the former City of Toronto with respect to lands municipally known as 2575 and 2625 Danforth Avenue.
Bill No. 151	By-law No. 161-2006	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 2575 and 2625 Danforth Avenue.
Bill No. 152	By-law No. 162-2006	To adopt Amendment No. 131-2005 to the Official Plan for the former City of Etobicoke respecting the lands at the north-east corner of Finch Avenue West and Albion Road.
Bill No. 153	By-law No. 163-2006	To amend Chapters 320 and 324 of the Etobicoke Zoning Code, with respect to certain lands located at the north-east corner of Finch Avenue West and Albion Road.
Bill No. 154	By-law No. 164-2006	To amend City of Toronto Municipal Code Chapter 257, Signing Authority, to include Division Heads and the City Manager as authorized signing officers for agreements for the purchase of goods and services.
Bill No. 155	By-law No. 165-2006	To authorize the alteration of Humbercrest Boulevard between Baby Point Road and Humberview Road by the installation of an additional two speed humps.
Bill No. 156	By-law No. 166-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, to designate fire routes,

the vote upon which was taken as follows:

Yes - 31	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 1	
Councillor:	Minnan-Wong

Carried by a majority of 30.

- 1.107 On February 2, 2006, at 7:07 p.m., Councillor Rae, seconded by Councillor Pitfield, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 161	By-law No. 167-2006	To confirm the proceedings of the Council at its regular meeting held on the 31st day of January, and the 1st and 2nd days of February, 2006,
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the vote upon which was taken as follows:

Yes - 29	
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Giambrone, Holyday, Jenkins, Kelly, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson
No - 2	
Councillors:	Minnan-Wong, Stintz

Carried by a majority of 27.

The following Bills were withdrawn:

- | | |
|-------------|---|
| Bill No. 67 | To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to the lands municipally known as 16 and 18 Kimberley Avenue. |
| Bill No. 71 | To authorize the alteration of Waverley Road, between Kingston Road and Norway Avenue, by the installation of speed humps. |

OFFICIAL RECOGNITIONS:

1.108 Condolence Motions

January 31, 2006:

Mayor Miller in the Chair.

Mayor Miller, seconded by Councillor Hall, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the tragic death of 11 year old Holli-Lyne Toulouse; and

WHEREAS Holli-Lyne was a member of the Elms Junior Middle School Love Committee; and

WHEREAS Holli-Lyne will be missed by her friends and teachers at the Elms Junior Middle School;

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 entire Toulouse family, especially parents Debra and Allan and brother Zach, on their heartbreaking loss.”

Councillor Shiner, seconded by Deputy Mayor Feldman, moved that:

“WHEREAS the Members of Toronto City Council are deeply saddened to learn of the passing of George E. Penfold, former Alderman, Ward 10 Don Mills, for the former City of North York, who served for two terms from the years 1973 to 1976; and

WHEREAS George E. Penfold was the beloved husband of the late Jane Elizabeth Goerner, the caring, loving father of Heather, Mary Jane, Michael and Judy, and the proud grandfather of eight grandchildren; and

WHEREAS George E. Penfold, served his country well. In World War Two, he was a Flight Lieutenant Navigator for the R.C.A.F. 435 Transport Squadron and he continued to play an active role in the R.C.A.F. for many years as President of the 408-437 Toronto York, Wing and National President of the R.C.A.F. Association. Mr. Penfold was a life member of the R.C.A.F., the Burma Star Association and the Royal Canadian Legion; and

WHEREAS Alderman George E. Penfold was a trusted friend and colleague of Members of Council and was someone whom you could always depend upon for an honest answer; and

WHEREAS George E. Penfold will be remembered by all for his wonderful sense of humor, his compassionate and friendly manner and for his dedication to the people that he served;

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 children Heather, Mary Jane, Michael and Judy and their families.”

Councillor Moscoe, seconded by Councillor Filion, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mae Waese on January 4, 2006; and

WHEREAS Mae Waese served the residents of North York as Trustee for Ward 7, from 1978 to 1986, and Chair of the Board, from 1983 to 1986; and

WHEREAS Mae Waese served the residents of Toronto as Chair of the Metropolitan Toronto School Board from 1988 to 1992; and

WHEREAS during her long career as a Trustee, and in her life long association and commitment to education, she spearheaded the introduction of French into the public school system and introduced alternative education to public schools; and

WHEREAS Mae Waese was doggedly determined to ensure that the public school system included opportunities for all children to learn; and

WHEREAS Mae Waese served actively within the Jewish community and was active on the National Council of Jewish Women, both as the Chair of the Suburban Study Branch and as a member of the Executive, both locally and nationally; and

WHEREAS Mae Waese’s passion for natural justice and community service led her to active membership on the Urban Alliance on Race Relations, The Canadian Jewish Congress and the North York Library Board, Board of Governors of the Ontario Institute for Studies in Education, and the Ontario Medical Association; and

WHEREAS among the many awards she was given, in 1999 she received the Dr. Harry Paikin Memorial Award from the Ontario Public School Trustees’ Association recognizing her outstanding contribution to education in Ontario;

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 her husband Lou, her children and grandchildren and extended family, and express our gratitude for the contribution she made to the Toronto Community.”

Councillor Li Preti, seconded by Councillor Palacio, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Remberto Navia on January 22, 2006; and

WHEREAS Remberto Navia was born in Ecuador in 1942 and immigrated to Canada in 1973, to make a better life for his loving family; and

WHEREAS Remberto Navia was the founder and director of the Driftwood Community Soccer League for 26 years where he worked with hundreds of children to teach them sports, and more importantly, how to better themselves in life; and

WHEREAS Remberto Navia was the founder of and mentor to the Canadian Hispanic Day Parade, which has attracted thousands of Toronto residents to celebrate the best in Hispanic culture since 1986; and

WHEREAS Remberto Navia was a positive force in the Jane and Finch community and encouraged the best in our City’s youth through his wisdom, generous spirit, and great love of life;

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 Mr. Remberto Navia, his wife Gelma Lopez and his children Ivan, Mary, Carlos, Patricia, David and Liliana.”

Mayor Miller, seconded by Councillor Thompson, moved that:

“**WHEREAS** Toronto City Council is deeply saddened to learn of the passing of Mrs. Coretta Scott King; and

WHEREAS Coretta Scott King came to the world’s attention as the wife of Dr. Martin Luther King, whose cause of civil rights and non-violence she passionately supported. She marched beside him on many occasions and remained a beacon for equity after his death in 1968; and

WHEREAS Mrs. King gave more than 30 ‘Freedom Concerts’, where she lectured, read poetry and sang to raise awareness of and money for the civil rights movement; and

WHEREAS following the assassination of her husband, Mrs. King channelled her energies into raising her family and continuing her husband’s work; and

WHEREAS in 1974, she formed the Full Employment Action Council, a broad coalition of over 100 religious, labour, business, civil and women's rights organizations dedicated to a national policy of full employment and equal economic opportunity and served as its Co-Chair; and

WHEREAS in 1981, Coretta Scott King founded the Martin Luther King Jr. Center for Non-Violent Social Change in Atlanta, as a living memorial to her husband's life and dream; and

WHEREAS the King Center Library and Archives houses the largest collection of documents from the Civil Rights era, receives over one million visitors a years, and has trained tens of thousands of students, teachers, community leaders and administrators in Dr. King's philosophy and strategy of non-violence; and

WHEREAS Coretta Scott King led a successful campaign to establish Dr. King's birthday, January 15, as a national holiday in the United States and by Act of Congress, the first national observance of the holiday took place in 1986; and

WHEREAS Coretta Scott King championed a list of social and political issues ranging from women's rights, to the struggle against South African apartheid, to AIDS awareness to curbing gun violence;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to the King family and to the Martin Luther King Jr. Center for Non-Violent Social Change."

Leave to introduce the Motions was granted and the Motions carried unanimously.

Council rose and observed a moment of silence in memory of the late Holli-Lyne Toulouse, George E. Penfold, Mae Waese, Remberto Navia and Coretta Scott King.

February 1, 2006:

Mayor Miller in the Chair.

Councillor McConnell, seconded by Councillor Moscoe, moved that:

"WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the sudden passing of Regina City Councillor Mike Badham in his 64th year on January 23, 2006; and

WHEREAS Councillor Badham served the residents of Regina as a teacher and principal before serving at Council for 15 years; and

WHEREAS Councillor Badham also served as the President of the Saskatchewan Urban Municipal Association (SUMA) for six years beginning in 1997, and the Board of Directors and Executive Committee of the Federation of Canadian Municipalities (FCM) since 1997; and

WHEREAS Councillor Badham was a key founder of the FCM's National InfraGuide Network and worked internationally to promote strong local governments in Africa and Asia; and

WHEREAS Councillor Badham was the 2005 recipient of FCM's Outstanding International Volunteer Contribution Award for his on-going work on municipal-international co-operation initiatives; and

WHEREAS Members of Toronto City Council were honoured to work with Councillor Badham on the national scene to promote the national municipal agenda;

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 family and to Regina City Council and express our gratitude for the contribution that he provided to residents in Regina and also, nationally and internationally, through his commitment to democracy in local government."

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Councillor Mike Badham.

February 2, 2006:

Deputy Mayor Bussin in the Chair.

Deputy Mayor Feldman, seconded by Councillor Moscoe, moved that:

"WHEREAS the Members of Toronto City Council is deeply saddened to learn of the passing of Mr. Sam Ruth on January 27, 2006; and

WHEREAS Sam Ruth dedicated his life to enriching the lives of our elderly; and

WHEREAS Sam Ruth was Chair of Homes for the Aged for Metropolitan Toronto, Vice-Chair of the Metropolitan Toronto Housing Company Limited, and was a member of many task forces for Housing for those in need; and

WHEREAS Mr. Ruth was the Chief Executive Officer for Baycrest and founding president of the Baycrest Foundation, and was deeply proud of his role in developing

a continuum of care for the elderly that has become a model for long-term care centres around the world; and

WHEREAS when a delegation from Toronto went to Philadelphia to visit a seniors care facility, caregivers there were surprised because it was ‘they’ who always came to Baycrest in Toronto to see how things should be done, because of Sam Ruth; and

WHEREAS Sam worked tirelessly to educate others on geriatric care;

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 Nancy and all surviving members of the Ruth family.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of the late Sam Ruth.

1.109 **Presentations/Introductions/Announcements:**

January 31, 2006:

Mayor Miller, during the morning session of the meeting, addressed Council and made the following remarks:

“Before we start our meeting this morning I would ask all Members of City Council to join together to reflect upon lives so tragically lost in our city during recent months.

Our hearts go out to the family and friends of Tahir Khan -- the 46-year-old taxi driver whose dream of becoming a Canadian citizen ended so needlessly just days before it was to come true last week. Mr. Khan was a kind and gentle man who worked hard, long hours to fulfill that dream so he could bring his wife from Pakistan to live here in Toronto. We mourn the death of a new Canadian who had so much to offer our City.

We extend our heartfelt condolences to all of those who knew and loved Jane Creba, the 15-year-old high school student whose future was filled with so much promise and opportunity. Her tragic death on Boxing Day in the very heart of our downtown brought Torontonians together to speak out against the gun violence that plagued our City in 2005. We each pray in our own way that Toronto will find the means to end the cycle of violence that claimed Jane’s life and to bring renewed hope, in her memory, to all of our young people.

Young people like Amon Beckles who was just 18 years-of-age when his life ended on the steps of a church where he’d gone to mourn the shooting death of his friend,

17-year-old Jamal Hemmings.

Young people liked Loyan Mohammed Gilao -- the 23-year old son of Somali immigrants who have devoted their lives here to helping other newcomers make their homes amidst the diversity of our City. His life and that of his 19-year-old friend, Ali Mohamud, were snuffed out near a downtown nightclub where they'd gone to innocently enjoy an evening of music.

Young people like Dillan Anderson, who I had met just two weeks before he was murdered on New Year's Day. Dillan had just graduated from the pre-apprenticeship program offered by the Carpenters' Union in support of the City's Community Safety plan. He was taking meaningful steps to improve himself when his life was cut short.

I think, also, of young people like Holli-Lyne Toulouse -- a lovely 11-year-old girl who dreamed of becoming an artist and was an active member of an anti-violence school group called the 'Love Committee'. Holli was struck down and killed by a speeding car while crossing the street near her home. What a terrible, terrible waste.

Far too many lives have been claimed by these senseless acts. Families have been robbed of sons and daughters, brothers and sisters, mothers and fathers. Our thoughts are with those who knew and loved each and every one of them and with all Torontonians left to collectively grieve such a heart-breaking loss."

Councillor Fletcher, with the permission of Council, during the morning session of the meeting, introduced the students from St. Joseph Catholic School, present at the meeting.

Deputy Mayor Pantalone, during the morning session of the meeting, introduced a delegation from Lourinha, Portugal, present at the meeting.

Councillor Fletcher, with the permission of Council, during the morning session of the meeting, introduced the students from Jones Avenue Adult Learning Centre, present at the meeting.

Councillor Moscoe, with the permission of Council, during the morning session of the meeting, introduced Councillor Keith Cunliffe from Wigan Council, England, present at the meeting.

Mayor Miller, during the morning session of the meeting, recognized Mr. Theo Parusis and Mr. Alvaro Mejia, recent recipients of the Toronto Transit Commission's Award of Merit. The Mayor presented a plaque to Mr. Mejia, who was present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the students from Riverdale Collegiate Institute, present at the meeting.

February 1, 2006:

Deputy Mayor Feldman, during the morning session of the meeting, introduced Councillor Krista Snow, from the Halifax Regional Municipality, Nova Scotia, present at the meeting.

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students from The York School, present at the meeting.

Mayor Miller, during the afternoon session of the meeting, introduced the students from St. Josaphat Catholic School, present at the meeting.

February 2, 2006:

Deputy Mayor Bussin, during the morning session of the meeting, introduced journalism students from Ryerson University, present at the meeting.

Councillor De Baeremaeker, with the permission of Council, during the morning session of the meeting, announced that the Bob Marley Day Committee had named Councillor Michael Thompson as one of the 2006 recipients of the Bob Marley Award. The award celebrates and recognizes individuals from business, politics, academics, sports and entertainment for their commitment and on-going role in community development. Council extended its congratulations to Councillor Thompson.

Mayor Miller, during the afternoon session of the meeting, introduced the students from Riverdale Collegiate Institute, present at the meeting.

1.110 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

January 31, 2006:

Councillor McConnell, at 10:41 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 1, Clause 27, headed "Toronto Waterfront Revitalization: Memorandum of Understanding between the City of Toronto, City of Toronto Economic Development Corporation and Toronto Waterfront Revitalization Corporation", on January 31, 2006, at 12:00 noon, which carried.

Councillor Holyday, at 10:43 a.m., moved that Council vary the order of its proceedings to consider Administration Committee Report 1, Clause 10, headed "Union Station - Station Lease to The Union Pearson Group Inc., 65 Front Street West (Ward 28 - Toronto Centre-Rosedale)", on February 1, 2006, at 9:30 a.m., which carried.

Deputy Mayor Pantalone, at 10:44 a.m., moved that Council vary the order of its proceedings to consider Policy and Finance Committee Report 1, Clause 20, headed "Making Green Roofs

Happen”, on February 1, 2006, after Council concludes its consideration of the Notices of Motions, which carried.

Councillor Walker, at 10:46 a.m., moved that Community Services Committee Report 1, Clause 6, headed “Councillor Michael Walker’s Proposal for Rent Control”, be considered as ‘time sensitive’, which carried.

Councillor Palacio, at 10:49 a.m., moved that Etobicoke York Community Council Report 1, Clause 18, headed “Removal of One Privately Owned Tree - 41 Rosemount Avenue (Ward 17 - Davenport)”, be considered as ‘time sensitive’, which carried.

February 1, 2006:

Councillor Watson, at 11:24 a.m., moved that Policy and Finance Committee Report 1, Clause 5, headed “City Electricity Purchase”, be considered as ‘time sensitive’, which carried.

Councillor Holyday, at 11:25 a.m., moved that Council vary the order of its proceedings to consider Administration Committee Report 1, Clause 10, headed “Union Station - Station Lease to The Union Pearson Group Inc., 65 Front Street West (Ward 28 - Toronto Centre-Rosedale)”, on February 2, 2006, at 9:30 a.m., which carried.

Deputy Mayor Pantalone, at 11:27 a.m., moved that Policy and Finance Committee Report 1, Clause 28, headed “Declaration as Surplus of Various City-Owned Properties for Transfer 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)”, be considered as ‘time sensitive’, which carried.

February 2, 2006:

Councillor Walker, at 2:13 p.m., moved that Council vary the order of its proceedings to consider Community Services Committee Report 1, Clause 6, headed “Councillor Michael Walker’s Proposal for Rent Control”, followed by Policy and Finance Committee Report 1, Clause 39, headed “Extension of Toronto Hydro Promissory Note”, immediately after Council concludes its consideration of Administration Committee Report 1, Clause 10, headed “Union Station - Station Lease to The Union Pearson Group Inc., 65 Front Street West (Ward 28 - Toronto Centre-Rosedale)”, which carried.

Councillor Hall, at 2:20 p.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(37), respecting the Re-opening of Effective Date for Harmonized Permit Rates, and Economic Development and Parks Committee Report 1, Clause 16, headed “Reduction in Permit Fees Policy (All Wards)”, immediately after Council concludes its consideration of the following timed Clauses:

- Administration Committee Report 1, Clause 10, headed “Union Station - Station Lease to The Union Pearson Group Inc., 65 Front Street West (Ward 28 - Toronto Centre-Rosedale)”;
- Community Services Committee Report 1, Clause 6, headed “Councillor Michael Walker’s Proposal for Rent Control”; and
- Policy and Finance Committee Report 1, Clause 39, headed “Extension of Toronto Hydro Promissory Note”,

the vote upon which was taken as follows:

Yes - 16	
Mayor:	Miller
Councillors:	Altobello, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Hall, Holyday, Kelly, Lindsay Luby, Moscoe, Nunziata, Palacio, Thompson
No - 21	
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Di Giorgio, Feldman, Giambrone, Jenkins, McConnell, Milczyn, Minnan-Wong, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Walker, Watson

Lost by a majority of 5.

Procedural Motions:

- (a) Councillor Augimeri moved the following procedural motion:

“That:

- (1) all unfinished business from the January 31, February 1 and 2, 2006 meeting of City Council be submitted to a special meeting of City Council on February 14, 2006;
- (2) all motions moved and all speakers lists from the January 31, February 1 and 2, 2006 meeting of City Council on any items remaining on the agenda be forwarded to that special meeting, these motions be deemed to be moved, and any speakers lists brought forward be used to continue debate with a provision that any Members who were not on a speakers list can add their names; and
- (3) a new special meeting of City Council be called for February 14, 2006, and notice be provided, such meeting to be called for the following purposes:
 - (a) to complete consideration of unfinished business from the January 31, February 1 and 2, 2006, regular meeting of City Council;

- (b) to consider the Reports of the Community Councils from their meetings on February 7, 2006;
 - (c) to introduce and enact General Bills; and
 - (d) to introduce and enact a Confirming By-law for this special meeting.”
- (b) Councillor Minnan-Wong moved that motion (a) by Councillor Augimeri be amended to provide that Motion J(24) not be considered by Council at its special meeting on February 14, 2006, but instead be considered by Council at its next regular meeting on April 25, 2006.

Votes on Procedural Motions:

Adoption of motion (b) by Councillor Minnan-Wong:

Yes - 17	
Councillors:	Ainslie, Carroll, Cho, Davis, Del Grande, Feldman, Holyday, Kelly, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Rae, Shiner, Stintz, Thompson
No - 15	
Councillors:	Altobello, Augimeri, Bussin, Cowbourne, De Baeremaeker, Fillion, Fletcher, Giambrone, Jenkins, Lindsay Luby, Milczyn, Moscoe, Saundercook, Silva, Soknacki

Carried by a majority of 2.

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

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

January 31, 2006:

Mayor Miller, at 12:30 p.m., with the permission of Council, moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude consideration of Administration Committee Report 9, Clause 13a, headed “Lease of a Portion of the City-owned Property Located at 76 Wychwood Avenue: Non-Residential Component of Wychwood Green/Arts Barn Project (Ward 21 - St. Paul’s West)”, and to allow him to present the Toronto Transit Commission Merit Awards, which carried, more than two-thirds of Members present having voted in the affirmative.

Council recessed its regular meeting at 5:10 p.m., in order to convene its special meeting, which was called in order to hear from those persons who had indicated their interest in being appointed to the office of Councillor –Ward 41 - Scarborough-Rouge River and the office of Councillor - Ward 20 - Trinity-Spadina, and to appoint persons to fill the vacancies.

February 2, 2006:

Councillor Moscoe, at 2:11 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council remain in session until 7:00 p.m., which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin, at 6:55 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive its previous decision to adjourn at 7:00 p.m., and that Council complete its consideration of any Quick Items and Bills, the vote upon which was taken as follows:

Yes - 22	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Filion, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Palacio, Pitfield, Rae, Silva, Soknacki
No - 9	
Councillors:	Altobello, Cho, Feldman, Milczyn, Ootes, Saundercook, Shiner, Stintz, Thompson

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

1.111 ATTENDANCE

Councillor Nunziata, seconded by Councillor Palacio, moved that the absence of Councillor Ford from the regular meeting of Council on January 31, February 1 and 2, 2006, be excused, which carried.

January 31, 2006	9:40 a.m. to 12:42 p.m.*	Roll Call 11:21 a.m.	2:15 p.m. to 5:10 p.m.*
Miller	x	-	x
Altobello	x	x	x
Ashton	x	-	x
Augimeri	x	x	x
Bussin	x	x	x
Carroll	x	x	x
Cho	x	-	x
Cowbourne	x	x	x
Davis	x	x	x

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January 31, 2006	9:40 a.m. to 12:42 p.m.*	Roll Call 11:21 a.m.	2:15 p.m. to 5:10 p.m.*
De Baeremaeker	x	x	x
Del Grande	x	x	x
Di Giorgio	x	x	x
Feldman	x	x	x
Filion	x	-	x
Fletcher	x	x	x
Ford	-	-	-
Giambrone	-	-	-
Grimes	x	-	-
Hall	x	x	x
Holyday	x	x	x
Jenkins	x	x	x
Kelly	x	x	x
Li Preti	x	x	x
Lindsay Luby	x	x	x
Mammoliti	x	x	x
McConnell	x	x	x
Mihevc	x	-	x
Milczyn	x	-	x
Minnan-Wong	x	x	x
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	-	x
Saundercook	x	x	x
Shiner	x	x	x
Soknacki	x	-	x
Stintz	x	x	x

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January 31, 2006	9:40 a.m. to 12:42 p.m.*	Roll Call 11:21 a.m.	2:15 p.m. to 5:10 p.m.*
Thompson	x	x	x
Walker	x	x	x
Watson	x	x	x
Total	41	32	40

* Members were present for some or all of the time period indicated.

February 1, 2006	9:39 a.m. to 12:30 p.m.*	Roll Call 11:35 a.m.	2:10 p.m. to 5:30 p.m.*	Roll Call 3:48 p.m.	Ctte. of the Whole In-Camera 5:35 p.m.	6:55 p.m. to 7:27 p.m.*
Miller	x	-	x	x	x	x
Ainslie	x	x	x	-	-	-
Altobello	x	x	x	x	x	x
Ashton	x	x	x	-	x	x
Augimeri	x	x	x	-	x	-
Bussin	x	x	x	-	x	-
Carroll	x	x	x	x	x	x
Cho	x	x	x	x	x	x
Cowbourne	x	x	x	x	x	-
Davis	x	x	x	-	x	x
De Baeremaeker	x	x	x	x	x	x
Del Grande	x	x	x	x	x	x
Di Giorgio	x	x	x	x	-	-
Feldman	x	x	x	x	x	x
Filion	-	-	x	-	x	x
Fletcher	x	x	-	-	x	x
Ford	-	-	-	-	-	-
Giambrone	x	-	x	-	x	x
Grimes	x	-	-	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	x	x	x	x	x	x

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February 1, 2006	9:39 a.m. to 12:30 p.m.*	Roll Call 11:35 a.m.	2:10 p.m. to 5:30 p.m.*	Roll Call 3:48 p.m.	Ctte. of the Whole In-Camera 5:35 p.m.	6:55 p.m. to 7:27 p.m.*
Li Preti	x	x	x	x	-	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	-	x	-	-	-
McConnell	x	x	x	-	-	-
Mihevc	x	x	x	-	x	x
Milczyn	x	x	x	-	x	x
Minnan-Wong	x	-	x	-	x	x
Moscoe	x	x	x	x	x	x
Nunziata	x	x	x	x	x	-
Ootes	x	x	x	x	x	x
Palacio	x	x	x	x	x	x
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	-	x	x
Rae	x	-	x	-	x	x
Saundercook	x	-	x	x	x	x
Shiner	x	-	x	x	x	-
Silva	x	x	x	-	x	x
Soknacki	x	-	x	x	x	x
Stintz	x	x	x	x	x	x
Thompson	x	x	x	x	x	x
Walker	x	-	x	-	x	-
Watson	x	-	x	x	x	-
Total	43	32	42	26	38	31

* Members were present for some or all of the time period indicated.

February 2, 2006	9:40 a.m. to 12:28 p.m.*	2:10 p.m. to 4:00 p.m.*	Roll Call 3:50 p.m.	Ctte. of the Whole In-Camera 4:05 p.m..	5:21 p.m. to 7:09 p.m.*
Miller	x	x	x	x	x
Ainslie	x	x	x	x	x
Altobello	x	x	x	x	x

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February 2, 2006	9:40 a.m. to 12:28 p.m.*	2:10 p.m. to 4:00 p.m.*	Roll Call 3:50 p.m.	Ctte. of the Whole In-Camera 4:05 p.m..	5:21 p.m. to 7:09 p.m.*
Ashton	x	x	-	x	x
Augimeri	-	x	x	x	x
Bussin	x	x	x	x	x
Carroll	x	x	x	x	x
Cho	x	x	x	x	x
Cowbourne	x	x	-	-	x
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	x	x	x
Di Giorgio	x	x	x	x	-
Feldman	x	x	x	x	x
Filion	x	x	x	x	x
Fletcher	x	x	-	x	x
Ford	-	-	-	-	-
Giambrone	x	x	x	x	x
Grimes	-	-	-	-	-
Hall	x	x	x	x	-
Holyday	x	x	x	x	x
Jenkins	x	x	x	x	x
Kelly	x	x	x	x	x
Li Preti	x	-	-	-	-
Lindsay Luby	x	x	x	x	x
Mammoliti	-	-	-	-	-
McConnell	x	x	x	x	x
Mihevc	x	x	-	x	x
Milczyn	-	x	x	x	x
Minnan-Wong	-	x	-	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	-	-	-	x	x

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February 2, 2006	9:40 a.m. to 12:28 p.m.*	2:10 p.m. to 4:00 p.m.*	Roll Call 3:50 p.m.	Ctte. of the Whole In-Camera 4:05 p.m..	5:21 p.m. to 7:09 p.m.*
Palacio	x	x	x	-	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Rae	x	x	x	x	x
Saundercook	x	x	x	x	x
Shiner	x	x	x	x	x
Silva	x	x	x	x	x
Soknacki	x	x	-	x	x
Stintz	x	x	x	x	x
Thompson	x	x	x	-	x
Walker	x	x	x	x	-
Watson	x	x	x	x	x
Total	38	40	34	38	38

* Members were present for some or all of the time period indicated.

Council adjourned on February 2, 2006, at 7:09 p.m.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT 1 [Enquiry (a)(1)]

Enquiry (November 21, 2005) from Councillor Michael Walker, regarding the St. Clair Avenue West Right of Way Streetcar Project. (See Minute 1.3, Page 1):

You decided that the City should challenge a decision of the Divisional Court against the City's and the TTC's position supporting the St. Clair Right of Way because you believed one of the three judges, Justice Ted Matlow, because his actions on another City project near his home created "a reasonable apprehension of bias".

However, I understand you did not come to this conclusion until after the Divisional Court panel, which included Judge Ted Matlow, gave its decision on October 11, 2005.

I place the following questions to you:

- (1) If there was "a reasonable apprehension of bias" on the part of Judge Ted Matlow, why did you not make this argument before the hearing commenced, not after the hearing ended and a decision was given?
- (2) Has Judge Ted Matlow heard any other cases in his court involving the City over the last two years? If so, how many? Did you challenge Judge Matlow's neutrality or that he was biased because of his actions on another City project near his home in any of these cases? If you didn't challenge Judge Matlow's ability to give the City a fair hearing on these cases, why not?

ATTACHMENT 2 [Answer (a)(2)]

Answer (January 16, 2006) from the City Solicitor to Enquiry. (See Minute 1.3, Page 1):

The following responds to Councillor Walker's Enquiry of the City Solicitor dated November 21, 2005.

Question No. 1

If there was "a reasonable apprehension of bias" on the part of Judge Ted Matlow, why did you not make this argument before the hearing commenced, not after the hearing ended and a decision was given?

I was not personally aware that Justice Matlow was on the panel hearing this matter until the second day of the hearing shortly before it ended on October 7, 2005. Immediate action was taken to retrieve files from archives and obtain advice from outside counsel. The Motion was brought as quickly as possible.

Question No. 2

Has Judge Ted Matlow heard any other cases in his court involving the City over the last two years? If so, how many? Did you challenge Judge Matlow's neutrality or that he was biased because of his actions on another City project near his home in any of these cases? If you didn't challenge Judge Matlow's ability to give the City a fair hearing on these cases, why not?

Justice Matlow has heard 4 cases involving the City of Toronto. None of the cases dealt with issues or matters near to Justice Matlow's home. Justice Matlow was not challenged with respect to a reasonable apprehension of bias for the following reasons:

- (1) Smith v. Toronto – this was an insured claim for a fall on the sidewalk handled by outside counsel and I was not aware that Justice Matlow sat on the panel.
- (2) Williams v. DiCarlo – this was an insured claim handled by the insurance adjustor and I was not aware that Justice Matlow sat on the panel.
- (3) Vincent v. DeGasperis – this was an appeal of an OMB decision on a minor variance. The City was an intervenor in the matter and I was not aware that Justice Matlow sat on the panel.
- (4) Toronto v. Alcohol and Gaming Commission of Ontario – this was a Judicial Review Application of a decision of the ACGO denying the City party status. I was not aware that Justice Matlow sat on the panel.

ATTACHMENT 3 [Enquiry (b)(1)]

Enquiry (November 22, 2005) from Councillor Michael Walker, regarding the St. Clair Avenue West Right-of-Way Streetcar Project. (See Minute 1.3, Page 1):

With this TTC Streetcar project on St. Clair tied up in the courts and possibly at the Ontario Municipal Board putting this project behind schedule at least another six months to a year, I request answers to the following questions:

- (1) Why did your City planning staff not come to the conclusion early on in this new transit project on St. Clair Avenue West that an Official Plan Amendment was needed?
- (2) What has been the cost on the part of the City to date (legal, planning, transportation etc.) associated with the St. Clair Right-of-Way Project?
- (3) What has been the cost to the TTC to date (planning, consultants etc.) associated with the St. Clair Right-of-Way Project?
- (4) What are the costs for the TTC to cancel or delay the contract let by the TTC for the first phase of St. Clair Right of Way Project from St. Clair Avenue East at Ferndale Avenue to Yonge Street and St. Clair Avenue West between Yonge Street and Avenue Road? I understand this contract for the first phase was valued at between 6 and 7 million dollars. Cancellation of a contract through no fault of the contractor, would likely cost the TTC 25+ percent of the value of the contract. What are the provisions in the TTC contract?

ATTACHMENT 4 [Answer (b)(2)]

Answer (January 20, 2006) from the City Manager to Enquiry. (See Minute 1.3, Page 1):

The following responds to Councillor Walker's Enquiry of the City Manager dated November 22, 2005.

Question No. 1

Why did your City planning staff not come to the conclusion early on in this new project on St. Clair Avenue West that an Official Plan Amendment was needed?

City Planning staff remain of the opinion that the St. Clair Streetcar project is in conformity with the policies of the Official Plans of the former City of Toronto, the former Metropolitan Toronto and the new Council adopted Official Plan for the amalgamated City of Toronto.

Question No. 2

What has been the cost on the part of the City to date (legal, planning, transportation, etc.) associated with the St. Clair Right-of-Way Project?

All work which has been undertaken on this project by City staff (Legal, Planning, Transportation, etc.) has been undertaken by full-time salaried employees as part of their normal work responsibilities. Staff generally do not charge out their time on a project-specific basis, so it is not possible to isolate the staff costs.

The following costs have been paid by the City of Toronto and represents the full commitment as of this date:

Item	Cost
Reconstruction of TTC Track Allowance, Pavement, Sidewalk and Curb on St. Clair Avenue East and West from Ferndale Avenue to Avenue Road	\$831,000
Legal Costs – Recusal matter	See confidential attachment from the City Solicitor - January 16, 2006 [as attached to Answer (c)(2)]

Question No. 3

What has been the cost to the TTC to date (planning, consultants etc.) associated with the St. Clair Right-of-Way Project?

Work performed on this project by TTC has been done by full-time salaried staff who do not charge out their time on a project-specific basis. I have been advised by the TTC that the staff who worked on this project did not claim any overtime or lieu time and therefore, the TTC did not incur any costs outside of its normal operating budget.

The TTC paid for the consultant who assisted in the undertaking of the environmental assessment study for this project. At its meeting of November 28, 2005, the Toronto Transit Commission approved the payment of the final invoices from the consultant, bringing the final cost of the environmental assessment to \$774,745.23.

The TTC has retained outside counsel for the judicial review application. The details of this retainer, including all of the legal fees and expert fees incurred to date and to be incurred, are protected by solicitor and client privilege. The TTC would be prepared to consider providing this information in an in-camera report to an in-camera meeting of the City or a City Committee, in response to a request from City Council or an appropriate City Committee, or as part of the TTC's normal reporting process.

Question No. 4

What were the costs for the TTC to cancel or delay the contract held by the TTC for the first phase of St. Clair Right of Way Project from St. Clair Avenue East at Ferndale Avenue to Yonge Street and St. Clair Avenue West between Yonge Street and Avenue Road. I understand this contract for the first phase was valued at between six (6) and seven (7) million dollars. Cancellation of a contract through no fault of the contractor, would likely cost the TTC 25+ percent of the value of the contract. What are the provisions in the TTC contract?

Item	Cost
Notice of intent to claim received from the contractor for work stoppage on the Reconstruction of TTC Track Allowance, Pavement, Sidewalk and Curb on St. Clair Avenue East and West from Ferndale Avenue to Avenue Road.	See confidential attachment from the City Solicitor - January 16, 2006 [as attached to Answer (c)(2)]

Technical Services has clarified that the construction contract awarded as part of the first phase of the project was not cancelled but rather, suspended on the premise that the contract

will be re-activated in the Spring/Summer upon successful conclusion of the current judicial review. The damages associated with suspending the contract are expected to be considerably less than those for canceling a contract.

At the time of writing this response the contractor has yet to submit a quantified claim to the City.

ATTACHMENT 5 [Enquiry (c)(1)]

Enquiry (November 30, 2005) from Councillor Cesar Palacio, regarding the St. Clair Avenue West Right of Way Streetcar Project. (See Minute 1.3, Page 1):

Pursuant to Article X of the Council Procedural By-law (Enquiries, Petitions and Communications) I am requesting information regarding the total costs of the ongoing court action relating to the 24/7 St. Clair Avenue West exclusive right-of-way project.

- (1) What is the total cost, including outside Counsel and City Solicitor staff, and other City staff time, to the City so far in relation to this court action?
- (2) What is the total cost, including outside Counsel and TTC Solicitor staff, and other TTC staff time, to the TTC so far in relation to this court action?

Thank you for your assistance in obtaining this information.

ATTACHMENT 6 [Answer (c)(2)]

Answer (January 16, 2006) from the City Solicitor to Enquiry. (See Minute 1.3, Page 1):

The following responds to Councillor Palacio's Enquiry of the City Solicitor dated November 30, 2005.

Question No. 1

What is the total cost, including outside Counsel and City Solicitor staff, and other City staff time, to the City so far in relation to this court action?

The cost for legal services is subject to solicitor/client privilege which the court matter is ongoing and is provided in the confidential attachment.

Question No. 2

What is the total cost, including outside Counsel and TTC Solicitor staff, and other TTC staff time, to the TTC so far in relation to this court action?

I have no information with respect to the cost to the TTC relating to the court action.

(The Confidential attachment to the Answer (January 16, 2006) from the City Solicitor 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.)

ATTACHMENT 7 [Notice of Motion F(2)]

Report (November 28, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct”. (See Minute 1.59, Page 80):

Purpose:

To report on the upholding of a complaint that a Councillor violated Section IV (“Use of City Property, Services and Other Resources”) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report.

Background:

A member of the public complained that a Councillor had violated Section IV of the Code of Conduct by including in promotional material for her/his family company his City business card bearing the corporate logo for the City of Toronto. It was alleged that this was an improper use of the intellectual property of the City and one that would give rise to an appearance of conflict of interest in that the Councillor was not maintaining a clear demarcation line between her/his private affairs and her/his responsibility to the City.

I investigated the complaint under Part B (“Formal Complaint Protocol”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that there had been a violation of Section IV of the Code of Conduct. The City of Toronto corporate logo is clearly part of the intellectual property of the City and, as such, owned by the City. It is the subject of a patent, a registered trade mark, and an assertion of copyright. As well, the Corporate Identity Program Principles for the Use of City of Toronto Corporate Logo, Coat of Arms and Official Flag, adopted by City Council at its meeting of July 4, 5 and 6, 2000, provides that the City corporate logo may “only be used to specifically identify officially endorsed City business”.

Including a City Business card as part of promotional material for a Councillor's private business constitutes improper use of City property. It also can give rise to a reasonable perception that the Councillor is using her/his elected office to influence potential customers. This brings the conduct within the prohibitions contained in Section IV, particularly when that Section is interpreted in the light of two of the key statements of principle in the Preamble to the Code of Conduct: those pertaining to the improper use of influence and arranging one's private affairs in such a way as to promote public confidence and to bear close public scrutiny.

In so concluding, I rejected the Councillor's contention that I should not pursue this investigation because, in terms of Section 4 of the Complaint Protocol, it was "frivolous, vexatious and not made in good faith". The issue was far from trivial. My investigation revealed that at least one other person had expressed concerns about it to another Councillor. The complaint was fully and articulately developed. Given all that and the absence of other evidence of vexatiousness or bad faith, I determined that I should not decline jurisdiction solely on the basis that the complainant was identified with a political party different than the one to which the Councillor belonged.

I also determined that it was no defence to the allegations that the Councillor had not charged her/his office account for the printing of the card and not used City Hall facilities in producing it. Similarly, I rejected the contention that there was no breach because the Councillor's purpose in including the card in the promotional material was to demonstrate the high quality of business cards produced by a particular printing process used by her/his family company.

I did, however, accept that the distribution of the cards in this manner was "an error of judgment made in good faith" in terms of Section 5 of the Complaint Protocol. As a consequence, I am precluded from recommending any penalty in my report to Council.

All of these matters are more fully developed in my decision which I distributed to the parties and which constitutes Appendix A to this report.

Conclusions:

In distributing her/his City Council business card with samples of her/his family company's printing work, the Councillor violated Section IV of the Code of Conduct by using the intellectual property of the City of Toronto without permission and in a manner that reasonably created the impression that he/she might be using that property of the City to further her/his business interests. However, I have also concluded that the Councillor's conduct amounted to an error of judgment made in good faith. I therefore am simply moving that Council receive this report and not recommending that it impose any penalty.

(Report dated November 28, 2005, from
the Integrity Commissioner, entitled “Report on Complaint”)

Nature of Complaint:

The Executive Assistant to an MPP, acting in her/his personal capacity, brought a complaint against a City Councillor alleging a violation of Section IV of the Code of Conduct for Members of Council (“Code of Conduct”). More particularly, he/she alleged that the Councillor had improperly used City property by distributing her/his City business card (bearing the City of Toronto corporate logo) as part of a mail distribution promoting her/his outside business interests. In support of these allegations, the complainant also relied on two of the key statements of principle in the Preamble to the Code of Conduct: those pertaining to the improper use of influence and arranging one’s private affairs in such a way as to promote public confidence and to bear close public scrutiny.

Summary of Findings:

I have concluded that the Councillor did violate the Code of Conduct by using his City business card as part of the distribution of promotional material for her/his family business. The corporate logo is the property of the City and should be used for City Council purposes only. Section IV of the Code of Conduct makes this clear. That conclusion is also reinforced by the purposes on which the Code of Conduct is based: that Councillors should not use the influence of their office to achieve personal gain and that, on assuming office, they should ensure that there is a separation of business and personal interests from their City responsibilities in such a way as to promote public confidence.

I have also concluded, however, that the Councillor’s actions constituted an error of judgment made in good faith in terms of Section 5 of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”). I will therefore be recommending in my report to Council that it impose no penalty.

Facts:

In February 2005, MPPs and others received a package of promotional material in the mail from a printing company. That promotional material consisted of samples of labels, stickers, decals, seals and tags produced by the company. That company is the family business of a City Councillor. Included in the material was that Councillor’s City business card bearing the City of Toronto corporate logo.

Shortly thereafter, the Executive Assistant of one of the MPPs to whom this package had been sent, made a formal complaint under the Complaint Protocol asserting that the inclusion of the City business card in the package of material constituted a violation of Section 4 of the Code of Conduct.

As this was a matter clearly within my jurisdiction and as it raised a potentially significant issue concerning the use of City resources, I forwarded the complaint to the Councillor. Thereafter, I met with her/him to discuss the nature of the allegations and eventually received a formal response to the complaint which I then shared (as required) with the complainant. This then led the complainant to provide further elaborations of her/his concerns. As part of my investigation, I also met with another Councillor who had received a communication from a member of the public complaining about receipt of the same package of promotional materials.

In my initial interview with the Councillor, he/she urged me not to proceed any further with the complaint on the basis that it was politically motivated. He/she pointed to the fact that the complainant was the Executive Assistant to an MPP representing a political party other than the one to which the Councillor professed allegiance. Under Section 4 of the Complaint Protocol, I am instructed not to conduct an investigation where a complaint is “frivolous, vexatious and not made in good faith”.

The Councillor did not, however, contest responsibility for the distribution of the promotional material. Rather, he/she provided the following justifications:

- (1) The inclusion of her/his City business card in the package of promotional materials was for the purpose of providing a sample of the effectiveness of a particular printing process.
- (2) He/she had arranged for her/his business cards printed at her/his own expense and not through the printing services offered to Councillors at City Hall.

In her/his response, the complainant asserted that all of this was beside the point. There were clear rules establishing the uses to which City Hall business cards and the City’s corporate logo could be put and they did not include anything to do with a Councillor’s private or business interests.

Relevant Provisions:

Section IV of the Code of Conduct provides as follows:

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council delivery services and Council global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative drawings, and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains that of the City.

The key statements of principle in the Preamble to the Code of Conduct include the

following:

[N]o member of Council shall use the influence of their office for any purpose other than for the exercise of his or her official duties;

Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close personal scrutiny.

The City of Toronto has registered the City Hall logo under the *Patent Act*, R.S.C. 1985, c.T-10. Subsections 9(d) and (m) of that Act prohibit its adoption “in connection with a business”. It has also been trademarked (Application Number 1009551, filed March 24, 1999).

The City further asserts copyright over the logo. Section 3 of the *Copyright Act*, R.S.C. 1985, c. C-42, requires the permission of the City to produce or reproduce the logo.

The Corporate Identity Program Principles for the Use of City of Toronto Corporate Logo, Coat of Arms and Official Flag, adopted by City Council at its meeting of July 4, 5 and 6, 2000, provides:

The City of Toronto logo represents the corporation of the City of Toronto, its departments and associated bodies across all facets of municipal business. The logo, as an Official Mark, may only be used to specifically identify officially endorsed City business.

Section 4 of the Complaint Protocol provides:

If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Integrity Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.

Section 5 of the Complaint Protocol provides:

If the Integrity Commissioner determines...that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and recommend that no penalty be imposed.

Analysis:

Was the Complaint Frivolous, Vexatious or Not Made in Good Faith?

This is not a frivolous matter. It raises an important issue as to the uses that Councillors may legitimately make of their City business cards and, in particular, whether those cards may be linked in any way to furtherance of private or business interests.

Was the complaint vexatious or not made in good faith? Merely because a complainant is of a political persuasion other than that of the Councillor who is the subject of the complaint is not in itself sufficient to establish vexatiousness or a lack of good faith. In this instance, I have no other evidence that this was indeed the case. The complainant's documentation was well-presented. As already noted, it raised a significant issue of principle. Also, my investigations made it clear that the complainant was not alone in having concerns about the legitimacy of this use of the Councillor's City business card and the City's Corporate logo.

Merits

In terms of Section 4 of the Code of Conduct, there is no doubt that the corporate logo is part of the "resources" and "intellectual property" of the City of Toronto. As such, Councillors should not use that logo, even on their City business cards, "for activities other than the business of the Corporation".

That prohibition clearly covers the use of a City business card in conjunction with the promotion of a Councillor's external business activities. This interpretation of the scope of Section 4 of the Code of Conduct is underscored by the terms of the key statements of principle in the Code's preamble relating to the improper use of influence and arranging one's private affairs in such a way as to promote public confidence and to bear close public scrutiny. While these are not independent or free-standing bases for complaint, they are relevant in determining the scope of the substantive prohibitions in the Code of Conduct. In this respect, the complainant captures the problem neatly in her/his letter of complaint when he/she states:

The very presence of [her/his] business card in the package gives the appearance of the councillor using [her/his] elected office to influence potential customers.

In addition, it also could create the impression that the Councillor is available to conduct the business of her/his firm on City Council property or through the use of City Hall facilities such as telephone, fax, and e-mail.

I accept that the Councillor, having produced her/his own City business cards at her/his own expense, may have been of the view that there was nothing improper with sending that card out to potential customers as an example of the excellent work that her or his family company could execute, and for no other purpose. However, as the Bellamy Report makes clear in Recommendations 20-24, it is of vital importance that Councillors make sure that they do not create even an apparent conflict of interest such as "us[ing] their positions to further their private interests". Whatever the Councillor's intentions, it is not unreasonable for members of the public to draw the conclusion that this use of the City business card was calculated to enhance the prosperity of the family company by inviting them to draw a link between the fact that one of the owners is a Councillor and the business probity of the firm.

In any event and irrespective of intention or motives, this form of distribution of a Councillor's business card amounts to a use of City property (its corporate logo) without permission. The City has the right to control the extent to which materials produced incorporating the City logo can be used for promotional purposes.

The Issue of Penalty

This is a novel issue. I also accept that the Councillor believed that her/his actions were justified on the grounds that he/she asserted both at the interview and in her/his formal response. In short, I have no basis for any finding that he/she was aware that her/his actions constituted a violation of Section 4 of the Code of Conduct.

In light of all these circumstances, I have determined that, in terms of Section 5 of the Complaint Protocol, the breach was the result of an error of judgment made in good faith. That requires me to recommend that no penalty be imposed and that will be my recommendation in my report to Council.

More importantly, however, this establishes a precedent to guide the future conduct of Councillors in relation to the use of their City business cards.

Conclusions:

I have concluded that it is an improper use of City property for a Councillor to include her or his City business card in promotional material relating to her or his outside business interests. This constitutes a violation of Section 4 of the Code of Conduct. However, I accept that, in this instance, the Councillor made an error of judgment in good faith and am not recommending any sanction. My report to Council will therefore be primarily for the information of Council and to provide guidance for the future uses of City business cards by not only this Councillor but all others.

ATTACHMENT 8 [Notice of Motion F(3)]

Report (December 5, 2005) from the Chief Planner and Executive Director, City Planning, entitled “Supplementary Report, Application to Amend Etobicoke Zoning Code, Application No. TA CMB 2002 0023, K & K Car Wash, Michael Faric, Architect, 110 Rexdale Boulevard, Ward 2 - Etobicoke North”. (See Minute 1.60, Page 81):

Purpose:

This report outlines the key changes to the proposed by-law after the holding of the statutory public meeting on an application to amend the Etobicoke Zoning Code to permit a convenience restaurant, car rental establishment and expanded convenience kiosk on the lands currently occupied by a service station and a car wash.

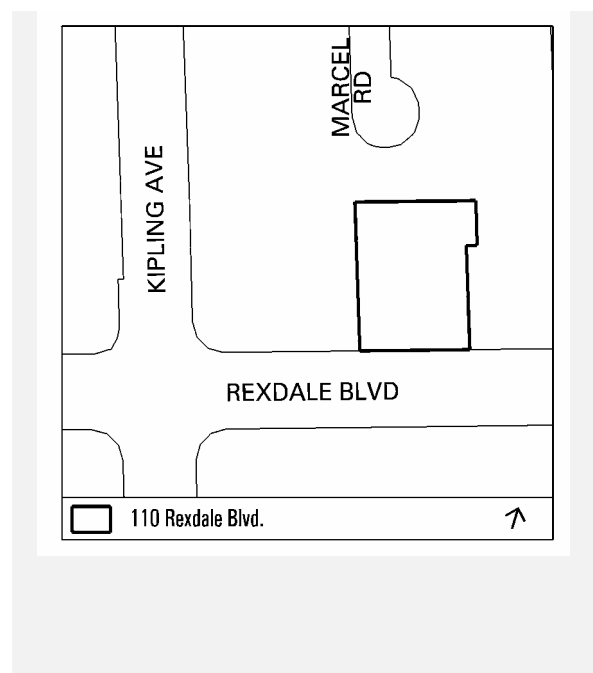
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Etobicoke Zoning Code, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 4;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) amend Recommendation (3) of the Final Report (Etobicoke Community Council Report 6, Clause 15, adopted by City Council on July 22, 23 and 24, 2003) to delete the requirement of the owner to submit a Record of Site Condition acknowledged by the Ministry of the Environment, and submit a letter from the Ministry of the Environment indicating the site is not subject to an audit or that the site has passed the environmental audit; and
- (4) determine pursuant to Section 34(17) of the *Planning Act* that no further public notice regarding the proposed amendments to the zoning by-law is necessary.



Background:

On July 22, 23, and 24, 2003, Toronto City Council adopted Planning staff's Supplementary Report dated July 21, 2003 and Final Report dated June 16, 2003 recommending conditional approval of the zoning by-law amendment. Recommendation (3) of the Final Report required the owner to submit an environmental report addressing the suitability of soil and groundwater conditions for the proposed use for peer review; submit a Record of Site Condition acknowledged by the Ministry of the Environment and submit a letter from the Ministry of the Environment indicating the site is not subject to an audit or that the site has passed the environmental audit, all prior to the bills being adopted by Council.

On February 1, 2 and 3, 2005, City Council approved the site plan control application for this property. Under this approval, the applicant intended to expand the main car wash building to accommodate an expanded convenience sales area and take-out restaurant. However, on July 13, 2005, the applicant submitted a revised site plan application showing a separate kiosk building to accommodate the proposed convenience sales area and take-out restaurant. Planning staff issued "Notice of Approval Conditions" for this proposal on October 5, 2005, subject to the draft zoning by-law being adjusted and adopted by Council.

Zoning

In order to permit the development of the revised site plan, the following amendments to the original draft zoning by-law presented to City Council on July 22, 23 and 24, 2003 are required:

- Section 1.(b) The maximum gross floor area of all buildings shall be limited to 450 square metres, whereas the original draft zoning by-law intended to permit a maximum gross floor area of 446 square metres;
- Section 1.(c) The maximum floor area dedicated for convenience store and take-out restaurant uses shall be limited to a combined total of 125 square metres, however, the maximum floor area dedicated for the take-out restaurant shall be limited to 65 square metres, whereas the original draft zoning by-law intended to limit the convenience store to a maximum floor area of 60 square metres, and the take-out restaurant to a maximum of 65 square metres;
- Section 1.(d)i) Minimum east side yard building setback of 12.5 metres, whereas the original draft zoning by-law intended a minimum side yard building setback of 36 metres;
- Section 1.(d)ii) Minimum rear yard canopy setback of 30 metres and minimum east side yard canopy setback of 11 metres, whereas the original draft zoning by-law intended a minimum rear yard canopy setback of 40 metres and a minimum east side yard canopy setback of 12 metres;

- Section 1.(g) Minimum size of the vehicle waiting line spaces for the mechanical car wash shall be set at 6 metres in length and 3 metres in width, whereas the original draft zoning by-law intended minimum vehicle waiting line space sizes of 5 metres in length and 3.6 metres in width; and
- Section 3. The total number of parking spaces to be provided on-site shall be 13, of which a maximum of 4 may be used for the display of rental vehicles, whereas the original draft zoning by-law permitted a maximum of 5 parking spaces to be used for the display of rental vehicles.

Community Consultation

A Community Consultation meeting was held on March 27, 2003 and a further on-site meeting was held on July 17, 2003 to provide area property/business owners and residents with an opportunity to review and comment on the application.

In consultation with the local Councillor, staff recommended that further public notice regarding the proposed amendments to the zoning by-law following the July 9, 2003 statutory public meeting is not necessary in this instance, as the proposed changes are minor and no further significant public interest issues are anticipated.

Comments:

Technical Services staff confirmed that the requirement for a peer review of the environmental report addressing the suitability of soil and groundwater conditions has been satisfactorily completed. However, Technical Services advise that the applicant is not legally required to provide any further environmental documentation, including a Record of Site Condition (RSC) acknowledged by the Ministry of the Environment and a letter from the Ministry of the Environment regarding environmental audit requirements, as per the remainder of Recommendation (3) of the Planning staff's Final Report. Requirements of the Building Division with respect to applicable law and the RSC will be determined at the Building Permit stage.

Planning staff are satisfied that the concerns raised through community consultation and agency circulation have been adequately addressed through the site plan approval process, and that the environmental/contamination issue has been satisfactorily met as a condition of zoning approval.

Conclusions:

Planning staff is satisfied that all matters relating to site plan approval and previous rezoning conditions have been met, and therefore recommend that the application be approved.

Contact:

Matthew Premru, Planner

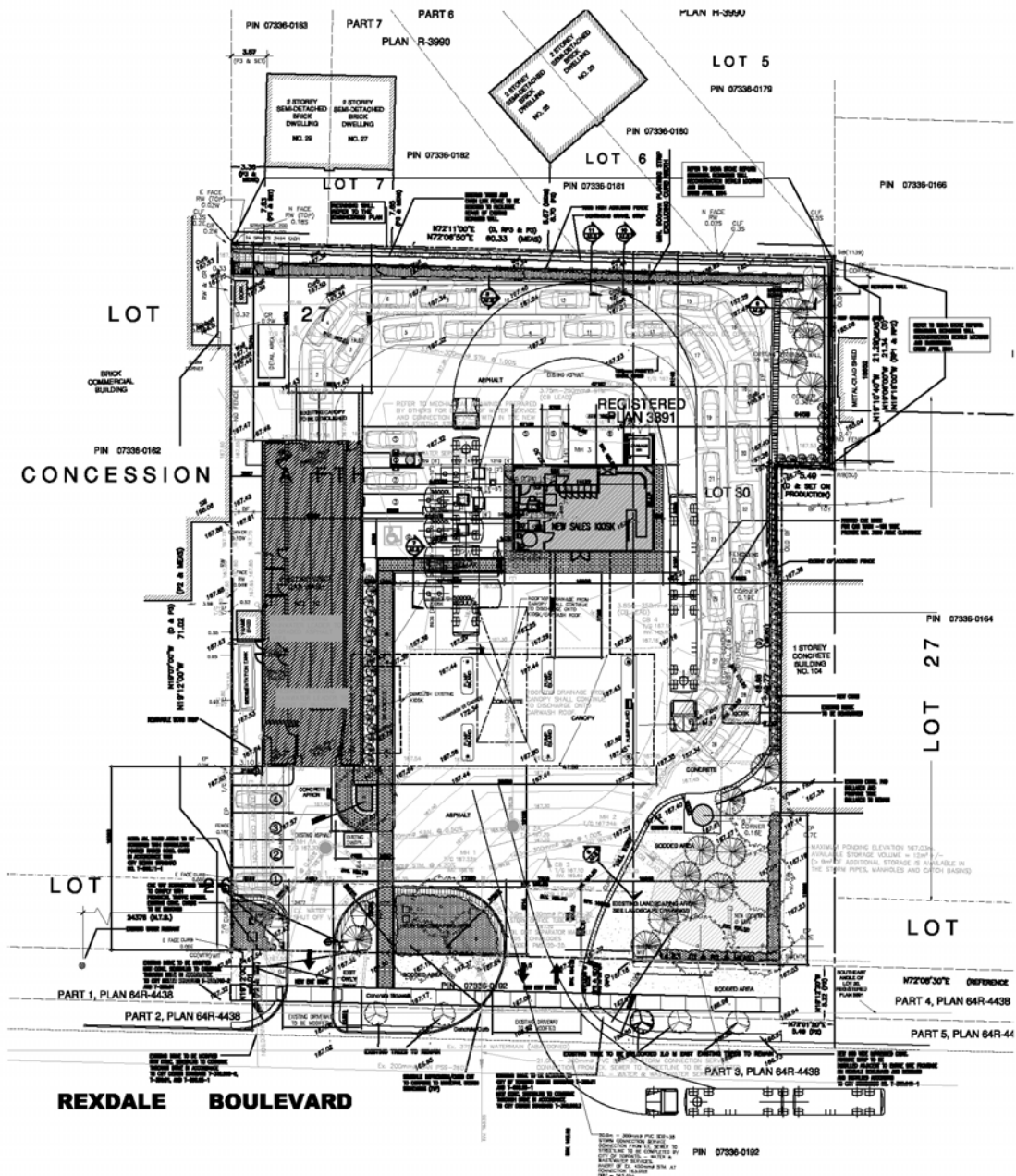
Tel: 416-394-6004; Fax: 416-394-6063

E-mail: mpremru@toronto.ca

List of Attachments:

- | | |
|---------------|------------------------|
| Attachment 1: | Site Plan |
| Attachment 2: | Elevations |
| Attachment 3: | Application Data Sheet |
| Attachment 4: | Zoning Bill (revised) |
| Attachment 5: | Schedule A |

Attachment 1



Site Plan

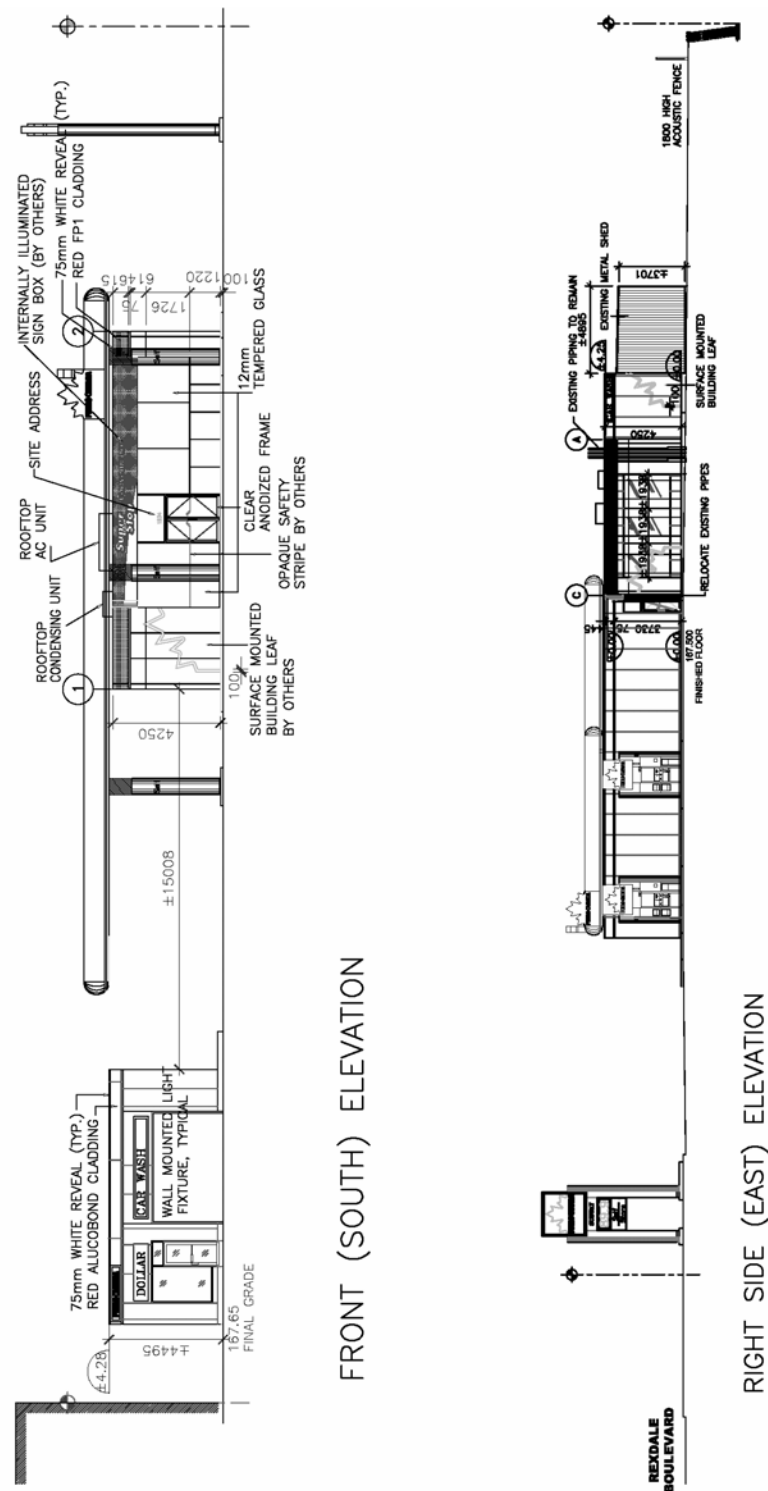
Applicant's Submitted Drawing

Not to Scale
11/22/05

110 Rexdale Boulevard

File # 03_167305

Attachment 2



Attachment 3

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	03 167305 WET 02 SA
Details		Application Date:	August 19, 2003
Municipal Address:	110 REXDALE BLVD, TORONTO ON		
Location Description:	PL 3891 PT LT30 **GRID W0204		
Project Description:	To permit a convenience restaurant, car rental establishment and expanded convenience kiosk on the lands currently occupied by a service station and a car wash.		

PLANNING CONTROLS

Official Plan Designation:	Special Retail	Site Specific Provision:	
Zoning:	CL	Historical Status:	
Height Limit (m):	14m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4090.5	Height:	Storeys:	1
Frontage (m):	54.86		Metres:	4.3
Depth (m):	71.02			
Total Ground Floor Area (sq. m):	479.06			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	479.06		Loading Docks	1
Total GFA (sq. m):	479.06			
Lot Coverage Ratio (%):	11.71			
Floor Space Index:	0.11			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	479.06
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Matthew Premru, Planner
	TELEPHONE:	(416) 394-6004

Attachment 4

DRAFT Zoning By-law Amendment

Authority: City of Toronto Council
as adopted by City of Toronto Council on ~ 2005.
Enacted by Council: ~ 2005.

CITY OF TORONTO

BY-LAW No. ~ -2005

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to the subject lands located on the north side of Rexdale Boulevard, east of Kipling Avenue, municipally known as 110 Rexdale Boulevard.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Notwithstanding the provisions of Section 304-20, 320-21(B1, D, H, I), 320-22. (C., D., H.), 320-91 of the Etobicoke Zoning Code, a convenience store, a take-out restaurant with or without a full commercial kitchen, a vehicle rental establishment, and mechanical car wash, shall be permitted to operate in conjunction with a service station on the lands shown as Limited Commercial (CL) on Schedule "A" attached hereto, subject to the following:
 - a) For the purpose of this By-law a convenience store shall be identified as follows:

"Convenience Store: a commercial building or structure or part thereof, where food and convenience goods are stored and offered for sale at retail, and which may include as an accessory use, subject to Section 2 herein, the sale of food prepared on the premises."
 - b) The maximum gross floor area of all buildings shall be limited to 450 square metres.
 - c) The maximum floor area dedicated for convenience store and take-out restaurant uses shall be limited to a combined total of 125 square metres,

however, the maximum floor area dedicated for the take-out restaurant shall be limited to 65 square metres.

- d) Notwithstanding Section 320-79 of the Etobicoke Zoning Code the following set-backs shall be maintained:

- i) Building setbacks:

Minimum front yard setback of 18 metres
Minimum rear yard setback of 19 metres
Minimum west side yard setback of 3 metres
Minimum east side yard setback of 12.5 metres

- ii) Canopy setbacks:

Minimum front yard setback of 17.5 metres
Minimum rear yard setback of 30 metres
Minimum east side yard setback of 11 metres

- iii) Propane tank setbacks:

Minimum front setback of 13 metres
Minimum east setback of 4.5 metres

- iv) Below-grade sediment tank is permitted at 0 metre clearance setback in the west side yard.

- e) Notwithstanding the provisions of Sections 320-21.D., and 320-22.F. of the Etobicoke Zoning Code, the following landscape strips shall be maintained:

- i) Minimum front yard of 3 metres
ii) Minimum rear yard of 2.9 metres
iii) Minimum east yard of 1.3 metres

The landscape strip shall not apply to areas containing underground tanks, driveways, and pedestrian accesses.

- f) The width of ramps along Rexdale Boulevard shall not exceed 7.5 metres, measured along the property line.

- g) Notwithstanding Section 320-22 B1, the minimum size of the vehicle waiting line spaces for the mechanical car wash shall be set at 6 m in length and 3 m in width.

2. For the purpose of this By-law, seating for the consumption of prepared foods shall be prohibited.
3. Notwithstanding Section 320-18 and 320-23 of the Etobicoke Zoning Code, the total number of parking spaces to be provided on-site shall be 13 of which a maximum of 4 may be used for the display of rental vehicles.
4. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall take precedence, otherwise the Etobicoke Zoning Code shall apply.
5. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
~ -2005 ~, 2005	Lands located on the north side of Rexdale Boulevard, east of Kipling Avenue.	To permit a convenience store, a take out restaurant, a vehicle rental establishment and a mechanical car wash to operate in conjunction with a service station.

ENACTED AND PASSED this ~ day of ~, 2005.

DAVID MILLER,
Mayor

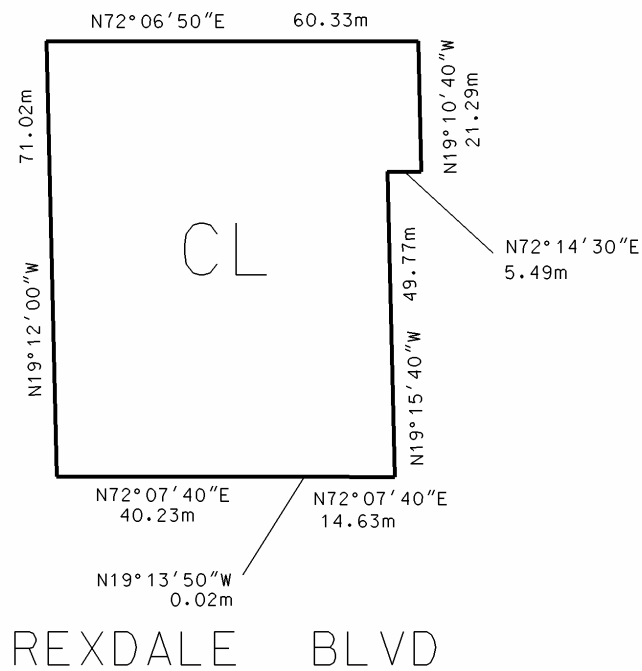
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 5



Schedule 'A' BY-LAW



NOTE:
BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY
SUBMITTED BY B.J. STASSEN LIMITED O.L.S.

**PART OF LOTS 26 AND 27 CONCESSION A FRONTING
THE HUMBER AND PART OF LOT 30 REGISTERED PLAN 3891**

Applicant's Name:	MICHAEL FARIC		
Assessment Map H12	Zoning Code Map/s H12W		scale:
File No. TA CMB2002 0023	Drawing No. CMB2002 0023A	Drawn By: K.P.	



ATTACHMENT 9 [Notice of Motion F(6)]

Briefing Note (December 6, 2005), headed “Routine Disclosure Policy on Building Plans (Update)”, from the Director, Corporate Access and Privacy. (See Minute 1.62, Page 84):

Issue:

- Staff in the Buildings Division in consultation with staff in the Facilities and Real Estate Division and the City Clerk’s Corporate Access and Privacy (CAP) Office have completed the development of a new routine disclosure process for building plans, which avoids the need for the public to request plans formally through the CAP Office.
- The policy is effective as of December 5, 2005.

Key Points:

- The main principles of the Buildings Division policy are as follows:
 - requests for viewing and obtaining copies of all plans held by the City, including building plans for a residential building under construction, will be made with a \$5.00 fee at the Registry Services counters;
 - given the requirements under the *Copyright Act*, the requests will be tracked as formal requests under *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”) ;
 - requests for plans of properties from requesters other than the owner will require authorization from the property owner or building management company;
- The new policy is based on the principle of the development of a restricted buildings list, to exclude plans where disclosure could reasonably be expected to endanger the security of a building.
- Access means either viewing or copying plans.
- The Buildings Division will work with the CAP Office, Police Services, Corporate Communications and Facilities and Real Estate to develop a restricted list. This will require consultation with many stakeholders and the requisite amount of time to allow for an informed and meaningful analysis of the interests of access, privacy, security.
- Upon completion of a restricted buildings list, there will no longer be the need for requesters to provide written authorization of a building owner or building management company.

Background:

- Of the 1700+ FOI requests that the City received in 2004 for building plans, an estimate places over 80 percent of those from owners seeking their own plans.
- With the development of a sensitive/restricted list and staff training, the requirement of owner consent would not be necessary. Until such time, a policy decision has been made that will balance the access needs of routine disclosure with the security needs of the public.

Update:

- MFIPPA gives a right of access to records held by the City. The Act, however, provides for specific exemptions from this general right of access, including denial of access if the disclosure would constitute an unjustified invasion of personal privacy under section 14(1) or if the disclosure could reasonably be expected to endanger the security of a building under section 8(1)(i).
- The IPC has upheld the application of section 8(1)(i) to building plans where there is sufficient evidence to demonstrate a direct link between disclosure of the plans and the harms identified in the section. See for example MO-1719 (attached).
- The City Clerk is the delegated decision-maker for access and privacy decisions under MFIPPA. As such, the City Clerk is bound by the provisions of MFIPPA and cannot disclose records in the custody and control of the City of Toronto that are required by statute to be withheld.
- It is intended that a list of “restricted buildings” will be created in the new year whereby access can be routinely granted to buildings plans not on the restricted list.
- For the purposes of the Act, disclosure to a councillor is a disclosure to a member of the public. Therefore, the new policy also applies to requests by individual councillors. It is, however, suggested that if a councillor requires access (viewing or copying) to building plans as part of their decision making processes, access can be granted under “confidential cover”.
- On an interim basis, the policy may be amended to allow viewing of construction plans of buildings while under construction, where the applicant has provided their consent to viewing at the time of application.

Questions and Answers:

N/A

Prepared by: Suzanne Craig, Director Corporate Access and Privacy 416-392-9683
ATTACHMENT 10 [Notice of Motion J(6)]

Report (January 23, 2006) from the Chief and General Manager, Toronto Emergency Medical Services, entitled “Request for Authority to Enter into an Agreement with Urgences-santé, Québec (City of Montreal) for the Rental of Decommissioned Ambulances”. (See Minute 1.70, Page 101)

Purpose:

To seek Toronto City Council's approval to permit Toronto Emergency Medical Services (“EMS”) to enter into an agreement with Urgences-santé, Québec (the City of Montreal's EMS service provider) for the rental and possible purchase of decommissioned Toronto EMS ambulances.

Financial Implications and Impact Statement:

A vehicle lease agreement between Toronto EMS and Urgences-santé, Québec will result in EMS receiving a rental fee of \$1,500 per month for each vehicle covered under this agreement. The agreement will initially cover a 3-month period for 6 vehicles for an estimated revenue of \$27,000.00. Upon the termination of the lease, all leased vehicles will be returned to Toronto EMS for disposition through the normal City vehicle auction process. However, Urgences-santé, Québec will have the option of purchasing some or all of the vehicles, at a cost equivalent to the amount Toronto EMS would have received through City auction (estimated at approximately \$6,200 per vehicle), net of any rental fees already paid to EMS. All monies received under this agreement will be contributed to the Vehicle Reserve to fund EMS' future vehicle purchases. There will be no expenses incurred by EMS with the execution of this agreement.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the Chief/General Manager, Toronto Emergency Medical Services be authorized to execute, on behalf of the City, an agreement with Urgences-santé, Québec for the rental and possible sale of six decommissioned ambulances, or more if required and available, such agreement to contain the terms and conditions set out in the body of this report;
- (2) the net revenues received from the rental or sale of the vehicles to Urgences-santé, Québec be redirected to Toronto EMS' vehicle reserve fund to offset future vehicle purchases; and
- (3) the appropriate City officials be given the authority to give effect thereto.

Background:

Just before the 2005 Christmas break, the City of Montreal's EMS system (Urgences-santé, Québec) contacted Toronto EMS to inquire whether it might have six spare ambulances it could rent to Montreal on an emergency basis, for a period of at least three months. The reasons for the request were threefold: first, Urgences-santé, Québec had experienced a rash of significant vehicular accidents which had rendered vehicles inoperable, and for which they had few spares for backup; second, their peak demand season is winter, and they are desiring to increase their ambulance coverage over the next few months; and, third, and most important, an order placed for new ambulances which were to have been delivered last September had not been filled and would not be soon forthcoming.

Comments:

Toronto EMS has a number of ambulances that have been decommissioned, and which are waiting to proceed to the next City auction, scheduled to take place this coming spring. Toronto EMS is prepared to assist the City of Montreal in their request, by offering to provide six decommissioned ambulances. Similar assistance was extended to Montreal previously, in 1997, when the (then) Metro Toronto government approved the loan of four ambulances to the City of Montreal.

Urgences-santé, Québec is seeking an agreement with Toronto EMS whereby it will rent each of the vehicles a month at a time, for up to three months, with an option to extend the agreement with mutual consent on a month-to-month basis, or to purchase the ambulances outright at the end of the rental period at a cost of \$6,200 per vehicle. This amount was determined based on the average revenues which were realized from previous vehicle auctions. Toronto EMS is supportive of the proposed arrangement, based on the fact that it will be assisting another emergency service (and City) in need, and it will fully recover the equivalent dollar value the ambulances would otherwise have received at Toronto City auction. This will be accomplished through the combination of the rental agreement and the subsequent sale of the vehicles or through their disposition at City auction. It is possible that some nominal surplus revenue may be received as a result of the proposed agreement.

A draft document formalizing a rental agreement was prepared in December 2005 where the terms of the rental arrangement were outlined, including timeframes, dollar values, liability/indemnity releases, pick up and delivery, etc. Senior staff of Urgences-santé, Québec in Montreal reviewed the draft document and concurred with the terms of the agreement.

The document was then sent to the City of Toronto Legal Division, who advised that, based on the Toronto Municipal Code, Chapter 195, Purchasing, materials or equipment which are deemed surplus to divisional or corporate requirements may be disposed of (1) by public auction or solicitation deemed appropriate by the Chief Purchasing Official in the circumstances, or (2) by way of trade-in at fair market value as part of the acquisition of other materials or equipment, or (3) as Council may otherwise authorize. In light of the legal opinion provided, it was apparent that City Council approval is required for any type of rental arrangement which involves surplus city equipment and, as a result, Toronto EMS did not execute the proposed agreement.

Recognizing that Council would not meet again until its meeting commencing January 31, 2006, and in the absence of its approval of a rental agreement, Toronto EMS extended assistance through the emergency loan of the six ambulances to Urgences-santé, Québec. This gesture was made to the City of Montreal in the interests of public safety, and inter-municipal co-operation and goodwill. Staff from Montreal arrived in Toronto on January 10, 2006, to pick up the vehicles and arrived back in Montreal uneventfully on January 11, 2006.

The loan of ambulances was made on a strictly provisional basis. Urgences-santé, Québec, through written agreement, have assumed all liabilities, and were and are solely responsible for vehicle conveyance to and from Montreal, licensing, insurance and all operational costs. However, this agreement did not provide for the payment of a rental fee to the City. Urgences-santé, Québec understands that should Toronto Council not approve the request for a longer term rental arrangement, then the vehicles will have to be returned to Toronto immediately, with all delivery costs to be assumed by Urgences-santé, Québec.

If Council approves this report, then the City and Urgences-santé, Québec will enter into a formal rental agreement. The formal agreement will, at a minimum, contain the following provisions: (1) requiring monthly rent of \$1,500 for each vehicle covered by the agreement; (2) providing for an initial three-month term with an option to extend the agreement with mutual consent on a month-to-month basis; (3) an option allowing Urgences-santé, Québec to purchase a vehicle for \$6,200.00 less any rental amount that has been paid with respect to that vehicle; (4) requiring Urgences-santé, Québec to be responsible for all costs and other liabilities arising from the agreement including all cost relating to the transport, use, maintenance, etc. of the vehicles; and, (5) an indemnity in favour of the City.

The City of Toronto Legal Division was consulted in the preparation of this report.

Conclusions:

Just before Christmas, Toronto EMS was approached by Urgences-santé, Québec (the City of Montreal's EMS provider) for the emergency rental of six decommissioned ambulances. Toronto EMS had ambulances available for auction, and was prepared to enter into an agreement with Urgences-santé in which the City would not lose any potential auction revenue associated with the vehicles. However, the City's Legal Division advised that only City Council can authorize such a disposition of surplus city assets.

Toronto EMS has loaned six ambulances to Urgences-santé, Québec on an emergency and provisional basis, and is requesting that City Council approve its entering into a multi-month rental agreement, with an option to purchase, with Urgences-santé, Québec, subject to concurrence with City Legal on the terms of the agreement. All funds received by Toronto EMS as a result of the agreement will be contributed to the Vehicle Reserve. There will be no cost to the City of Toronto arising from the proposed agreement, and there will possibly be some nominal revenue received.

Contact:

Wayne Vibert
Director/Deputy Chief, Operational Support, Toronto EMS
Phone: 416-392-2205
Fax: 416-392-2057
e-mail: wvibert@toronto.ca

ATTACHMENT 11 [Notice of Motion J(7)]

Report (December 14, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct (1)”. (See Minute 1.71, Page 103)

Purpose:

To report on the rejection of a complaint that a Councillor violated Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A member of the public complained that a Councillor had treated him/her unfairly in the course of a Community Council meeting. More particularly, it was alleged that the Councillor failed to treat the complainant, who was before the Community Council as a deputant, objectively and even-handedly. Rather, the Councillor attempted to discredit her/his position by misrepresenting the extent of the opposition to the matter before Community Council both during the complainant’s presentation and in the subsequent public deliberations of Community Council. The complainant asserted that this amounted to discreditable conduct in terms of Part XI of the Code of Conduct.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that the Councillor did not engage in discreditable conduct contrary to Part XI of the Code of Conduct. There is no doubt that, during her/his questioning of the complainant, the Councillor pushed the complainant hard on her/his objections to the proposal before Community Council as well as raising the extent to which her/his opposition was shared by others. Many of the considerable number of witnesses interviewed described it as a terse exchange in which the Councillor and the complainant had different positions on what was relevant. However, no one, including the complainant and her/his partner, was prepared to say that the Councillor was abusive. That aside, the complaint also turned on what was said to be the Councillor’s minimizing and/or misstating the extent of the opposition to the project in issue during the open debate among members of Community Council that followed. However, even if the Councillor did not accurately portray the extent

of the opposition, it is difficult to conclude that this would amount to discreditable conduct. Absent clear proof of deliberate lying, I would find it hard to characterize political rhetoric aimed at defusing opposition to a project that the Councillor supported as amounting to discreditable behaviour. In this instance, there was no tape recording of the proceedings, and the complainant and her/his partner were the only interviewees who came close to asserting that the Councillor had misled her/his colleagues. Everyone else saw the Councillor's advocacy of her/his position and minimizing of the opposition as no more than the usual staple of political debate in a democratic forum. Given the conflicting views as to what had taken place during the debate, I did not come close to a finding that the Councillor had deliberately misled Community Council.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Attachment: Confidential Report on Complaint to City Clerk

Contact:

David Mullan
Integrity Commissioner
Tel: 416-397-7770/Fax: 416-392-3840
Email: dmullan@toronto.ca

[Note:

The confidential report (December 14, 2005) from the Integrity Commissioner, referred to above, remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.]

ATTACHMENT 12 [Notice of Motion J(8)]

Report (December 14, 2005) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Councillors’ Code of Conduct (2)”. (See Minute 1.72, Page 104)

Purpose:

To report on the rejection of a complaint that a Councillor violated Part XI (Discreditable Conduct) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report (including the confidential attachment).

Background:

A member of the public complained that a Councillor had treated him/her unfairly in the course of a Community Council meeting. More particularly, it was alleged that the Councillor failed to treat the complainant, who was before the Community Council as a deputant, objectively and even-handedly. Rather, the Councillor attempted to discredit her/his position by abusive and harassing questioning which called into question inappropriately her/his credentials and that of the community group he/she represented. The complainant asserted that this amounted to discreditable conduct in terms of Part XI of the Code of Conduct.

I investigated the complaint according to Part B (“Formal Complaint Procedure”) of the Council Code of Conduct Complaint Protocol (“Complaint Protocol”).

Comments:

On the basis of my investigation, I concluded that it had not been established to my satisfaction that Councillor had engaged in discreditable conduct contrary to Part XI of the Code of Conduct. There is no doubt that, during her/his questioning of the complainant, the Councillor pushed the complainant hard on her/his status to represent the community group of which he/she was the designated spokesperson, as well the credentials of the community group itself. Many of the considerable number of witnesses interviewed described it as a hard-nosed, aggressive probing of the complainant. However, only the complainant and her/his partner went so far as to state categorically that the Councillor was abusive and harassing to the extent of unfairness. Without the benefit of a recording of the proceedings and given the variation in opinion among those present and interviewed as to the nature and appropriateness of the Councillor’s conduct, I am not prepared to find that the Councillor violated Part XI of the Code of Conduct. In a close case, the Councillor’s response that he/she was merely

fulfilling her/his “responsibility as a public official” in pressing the complainant on her/his credentials to act in a representative capacity will prevail over the complainant’s assertions of abuse and harassment. Councillors should, however, remain alert to the dangers to grass roots democracy if members of the public are discouraged from appearing before Community Councils or Committees of Council because they appear to be hostile or intimidating environments.

Conclusions:

Council should receive this report (including the confidential attachment) rejecting the complaint.

Attachment: Confidential Report to City Clerk on Complaint

Contact:

David Mullan
Integrity Commissioner
Tel: 416-397-7770/Fax: 416-392-3840
Email: dmullan@toronto.ca

[Note:

The confidential report (December 14, 2005) from the Integrity Commissioner, referred to above, remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.]

ATTACHMENT 13 [Notice of Motion J(12)]

Report (January 26, 2006) from the Chief Planner and Executive Director, City Planning Division, entitled "Supplementary Report - OPA and Rezoning Application 04 115162 WET 01 OZ Applicant: Jim Levac, Korsiak & Company Ltd. s/s of Stevenson Road (Ward 1 - Etobicoke North)". (See Minute 1.76, Page 110)

Purpose:

To provide an update to Council and recommend approval of revisions to an application for Official Plan and Zoning Amendments, previously approved in April 2005.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

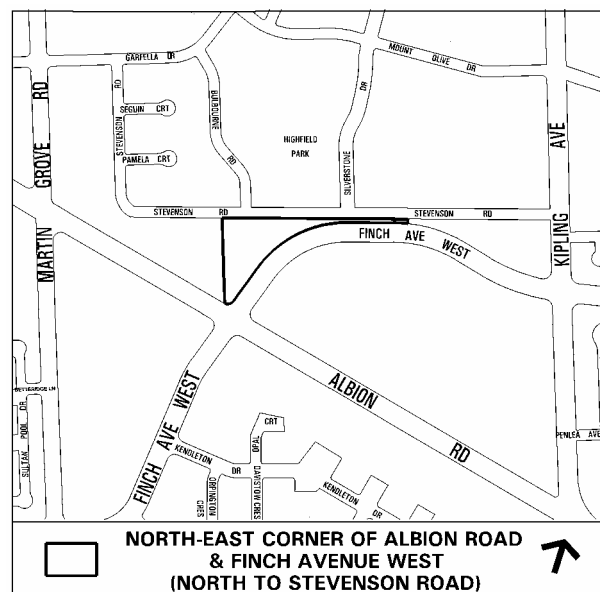
It is recommended that City Council:

- (1) amend the Official Plan and Zoning Code substantially in accordance with Attachment Nos. 1 and 2 of this report, replacing Attachment Nos. 5 and 6 to the report of the Acting Director, Community Planning, West District, dated March 4, 2005, as previously authorized by City Council at its meeting held on April 12, 13 and 14, 2005; and
- (2) determine that no further public notice be given in respect of the amendments to the Official Plan and the Zoning By-law.

Background:

An application for Official Plan and Zoning Amendments, to permit the Morguard Investments site at the northeast corner of Albion Road and Finch Avenue West to be developed with four commercial buildings, was approved by City Council on April 12, 13 and 14, 2005.

The bills have not been introduced to Council pending satisfaction of approval conditions. In the process of satisfying conditions to approval and the processing of a site plan control approval application, the proposed development has been revised to three



buildings with the maximum total gross floor area of 2 926.37 square metres remaining the same.

Since the original draft Amendments specified four buildings rather than three, the draft Official Plan and Zoning Amendments have been revised accordingly and are attached as Attachment Nos. 1 and 2.

Comments:

The revision is minor and the original staff conclusion that this proposal satisfies the redesignation criteria of the former Etobicoke Official Plan continues to apply. All other conditions relating to the approval have been addressed.

Conclusions:

Planning staff recommend that the revised Official Plan and Zoning Amendments, attached as Attachment Nos. 1 and 2, be approved and replace the previously approved Official Plan and Zoning Amendments attached to the staff report of March 4, 2005, as Attachment Nos. 5 and 6.

Since the revision is minor, staff recommend that no further public notification is required prior to these amendments being approved.

Contact:

Ed Murphy, Senior Planner
Tel: (416) 394-8234; Fax: (416) 394-6063
Email: ebmurphy@toronto.ca

List of Attachments:

Attachment No. 1: Revised Draft Official Plan Amendment
Attachment No. 2: Revised Zoning By-law Amendment

Attachment No. 1

Authority: Etobicoke York Community Council Report No. 7 Clause No. 3,
as adopted by City of Toronto Council on April 12, 13, and 14, 2005
as amended by the Action of Council in adopting item ~ at its meeting held on
January 31, February 2 and 3, 2006
Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

To adopt Amendment No. 131-2005 to the Official Plan
for the former City of Etobicoke
respecting the lands at the north-east corner of Finch Avenue and Albion Road

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as
amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the
public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the attached Amendment 131-2005 to the Official Plan of the Etobicoke
Planning Area, consisting of Part Two of the attached text.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Draft Official Plan Amendment No. 131-2005
CITY OF ETOBICOKE OFFICIAL PLAN

PART ONE - PREAMBLE

1.1 PURPOSE/LOCATION

Official Plan Amendment No.131-2005 applies to a 1.5 hectare parcel of land located at the north-east corner of Finch Avenue and Albion Road, south of Stevenson Road.

The purpose of this Amendment is to re-designate the land in order to permit the construction of a retail commercial development containing three buildings with a total GFA of 2930m², with vehicular access only from Finch Avenue.

1.2 BASIS

In March 2004, Morguard Investments Ltd., submitted an application to amend the Etobicoke Official Plan from office to District Retail to permit the construction of four retail commercial buildings, later revised to three buildings.

The staff report of February 2005 concluded that the proposal to amend the Official Plan was appropriate. At a Public Meeting held on March 30, 2005, the Etobicoke-York Community Council recommended approval of this application. At its meeting of April 14, 2005, City of Toronto Council adopted Clause No. 7 of Report No. 3 of the Etobicoke/York Community Council, thereby approving the application.

PART TWO - THE AMENDMENT

2.1 INTRODUCTION

All of this part of the Amendment, consisting of the following text and attached map entitled Schedule 'A', constitutes Amendment No. 131-2005 to the Official Plan for the Etobicoke Planning Area. The Official Plan is hereby amended as follows:

2.2 MAP CHANGES

Map 4 of the Etobicoke Official Plan is amended as shown on Schedule 'A' attached hereto to reflect the redesignation of the site from Office to District Commercial. Schedule 'A' attached hereto shall form part of the amendment.

2.3 IMPLEMENTATION

This Amendment will be implemented through a site-specific amendment to the Zoning Code, Council's conditions to approval, and the signing of appropriate agreements.

2.3 INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

Etobicoke Official Plan Amendment No. 131-2005 Schedule "A"

North-East corner of Albion Rd & Finch Ave

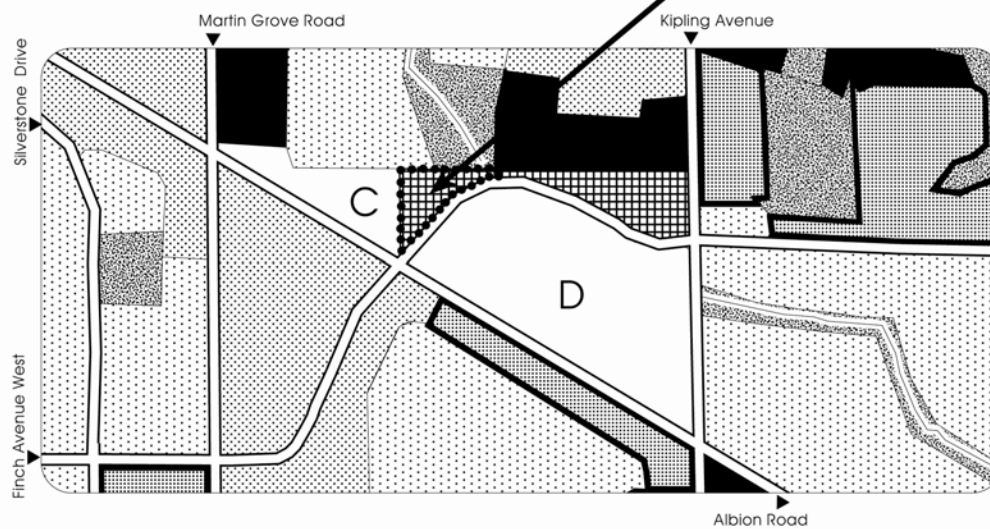
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Area of Amendment

Map 4

Is amended by redesignating
subject lands from Office to
Community Retail.



Land Use

Low Density Residential	Community Retail	Institutional	Open Space
Medium Density Residential	District Retail	Commercial - Residential Strip	
High Density Residential	Office	Utility	



Not to Scale
Extracted 02/28/05 - MH

Authority: Etobicoke York Community Council Report No. 7 Clause No. 3,
as adopted by City of Toronto Council on April 12, 13, and 14, 2005
as amended by the Action of Council in adopting item ~ at its meeting held on
January 31, February 2 and 3, 2006.
Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

To amend Chapters 320 and 324 of the Etobicoke Zoning Code,
with respect to certain lands located at the north-east corner of Finch Avenue and Albion
Road.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990,
c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public
and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, and originally attached to Township of Etobicoke By-law No. 11737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' attached hereto, from Agricultural (A) to Planned Commercial Regional (CPR) provided that the following provisions shall apply to the development of the CPR lands identified in Schedule 'A' attached hereto:
2. Notwithstanding Section 320-103 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the lands described in Schedule 'A' attached hereto:
 - A) A maximum of 3 separate buildings with a total Gross Floor Area not exceeding 2930m², shall be permitted on the lands shown on Schedule 'A' and Schedule 'B', attached hereto.
 - B) The minimum building setbacks shall be not less than the measurements shown on Schedule 'B', attached hereto.
 - C) Landscaping. The minimum parking setbacks shall be not less than the measurements shown on Schedule 'B', attached hereto. These setback areas

shall be used only for landscaping.

- D) **Lighting.** Lighting facilities and/or illuminated signs must be arranged so that the light is directed away from residences on the north side of Stevenson Road.
3. Notwithstanding Section 320-18 of the Etobicoke Zoning Code, a parking area shall be provided for not less than four and five tenths (4.5) automobile parking spaces per ninety-three (93) square metres of the total commercial floor space of the buildings.
4. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this by-law by adding the following to Section 321-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
	Lands located on the north -east corner of Finch Ave. and Albion Road	To rezone the lands from Agricultural (A) to Planned Commercial Regional (CPR) to permit maximum of 3 retail commercial buildings.

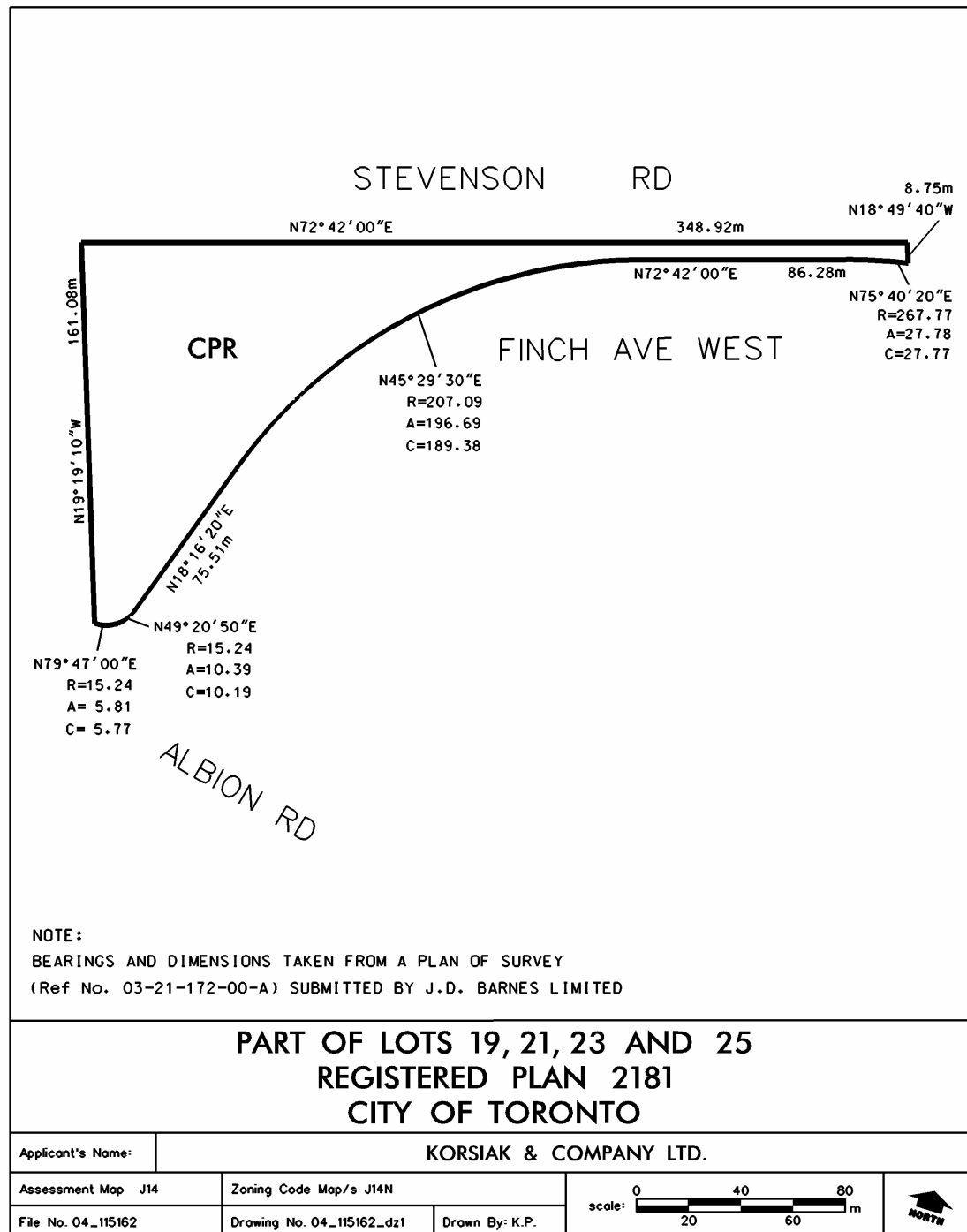
ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,
Mayor

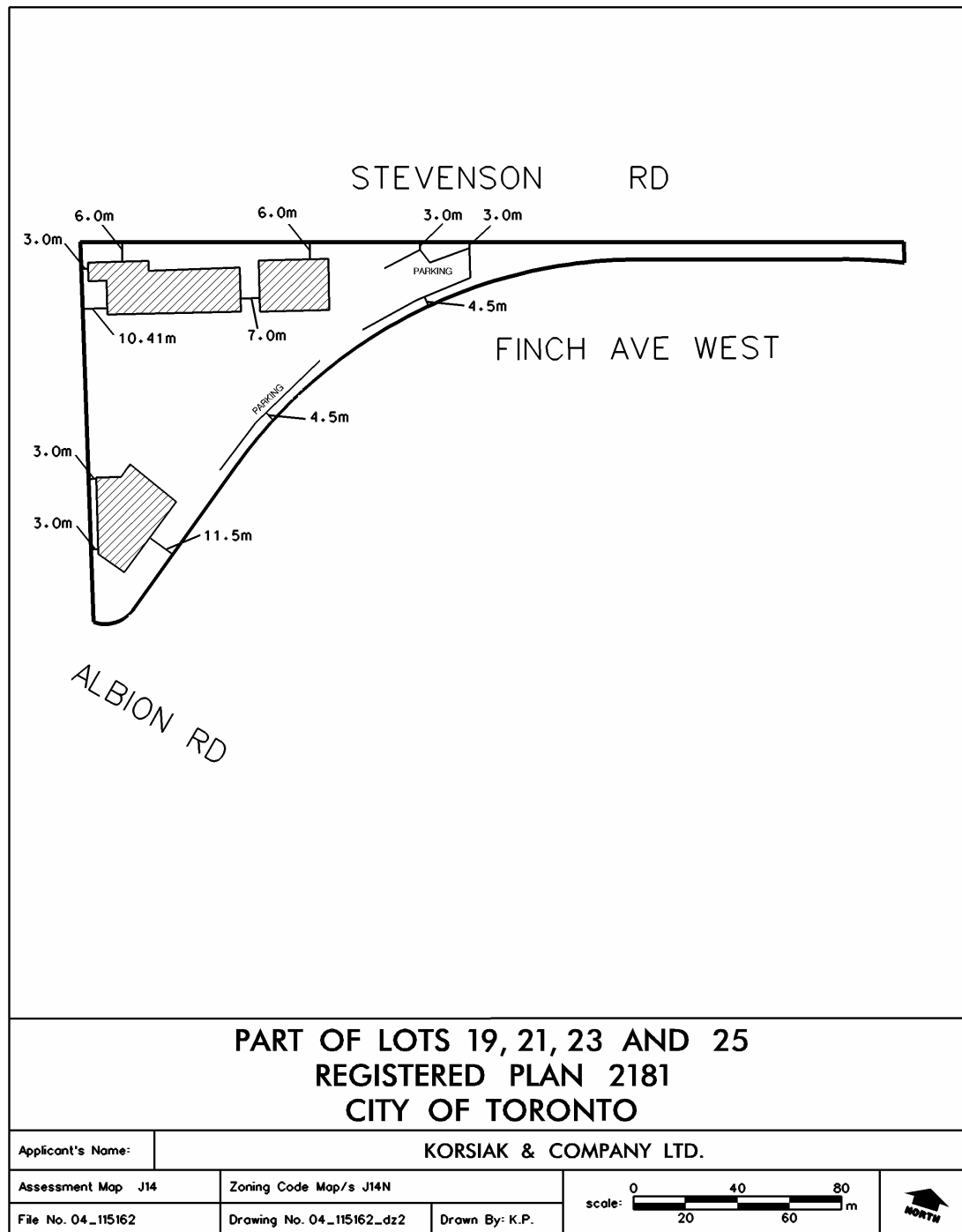
ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW



ATTACHMENT 14 [Notice of Motion J(15)]

Briefing Note (January 30, 2006) from the General Manager, Parks, Forestry and Recreation
(See Minute 1.79, Page 115)

Issue/Background:

- Council adopted Policy and Finance Committee Report 4, Clause 23, headed “Phase One Implementation of the Policy on City-Owned Space Provided at Below-Market Rent (All Wards)” at its meeting on April 12, 13 and 14, 2005
- Three organizations did not meet one of the four criteria of being an incorporated not-for-profit or having charitable status
- The organizations are the Forest Hill Art Club, Centre Sculpture Group and Sculptors’ Nine and they currently occupy below-market rent space at 666 Eglinton Avenue West (Ward 21, St. Paul’s West)
- These three organizations will be allowed to continue occupying below-market rent space subject to them incorporating as a not-for-profit organization within a year and continuing to meet all other criteria

Key Points:

Forest Hill Art Club

- This agency has been in existence for over 40 years
- Unincorporated not-for-profit organization
- Provide drop-in space for art, painting and drawing
- Pay no rent to the City
- Derive revenues from annual membership fees, approximately \$5,000 per year
- Expenses for insurance, telephone, equipment, models and art shows total approximately \$5,000 per year
- Members make decisions for the agency and are volunteers of the agency
- Serves youth, adults and seniors, but mainly for older adults and seniors

Centre Sculpture Group

- Started in 1972
- Unincorporated not-for-profit organization
- Provide drop-in space for seniors to sculpt and paint
- Pay no rent to the City
- Derive revenues from fees, approximately \$1,000 per year, which are used for clay, paints and tools
- Offer classes in sculpting
- Serves approximately 45 seniors per year and utilizes approximately 23 volunteers

Sculptors' Nine

- This agency has been in existence for over 30 years
- Unincorporated not-for-profit organization
- Provide drop-in space for seniors to sculpt
- Pay no rent to the City
- Only expenses are for telephone, snacks, materials and tools which are paid for out-of-pocket by members of the club
- Serves approximately 8 seniors
- Original tenants of the building

Conclusion:

- All three organizations are unincorporated not-for-profit, but have very little revenues
- They meet the other three criteria of eligibility for occupying below-market rent space in a City-owned facility (the activities serve City residents; the activities support City objectives; and the organization's mandate is not the responsibility of senior levels of government)
- Request Council resolution to allow them to remain as below-market rent space tenants without incorporating provided that they remain a not-for-profit community group, and provide annual financial statements and annual sworn written statements indicating that they are a not-for-profit community group to the City of Toronto

Contact:

Intiaz Ruffudeen, Parks, Forestry and Recreation Division, 397-5349

ATTACHMENT 15 [Notice of Motion J(17)]

Draft Postering By-law (See Minute 1.81, Page 119)

Authority: Planning and Transportation Committee Report No. , Clause No. , as adopted by City of Toronto Council on

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To add Article IV, Posters on Public Property, to Municipal Code, Chapter 693, Signs

WHEREAS Council may pass by-laws to regulate signs and other advertising devices under paragraph 7 of subsection 11(1) of the *Municipal Act, 2001*, as amended; and

WHEREAS section 99 of the *Municipal Act, 2001* establishes rules that apply to a by-law of a municipality respecting advertising devices, including signs, and permits the removal of signs erected or displayed in contravention of the by-law; and

WHEREAS Council may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the City under clause 391(1)(a) of the *Municipal Act, 2001*; and

WHEREAS Council may pass by-laws respecting highways under paragraph 1 of subsection 11(1) of the *Municipal Act, 2001*; and

WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS under section 427 of the *Municipal Act, 2001*, if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing it by action, or the costs may be added to the tax roll and collected in the same manner as taxes;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 693, Signs, of The City of Toronto Municipal Code, is amended by adding the following:

ARTICLE IV
Posters on Public Property

§ 693-28. Definitions and interpretation.

A. As used in this article, the following terms shall have the meanings indicated:

BOULEVARD – The untravelled portion of a highway, but does not include a sidewalk or a median.

COMMUNITY POSTER – A poster promoting citizen participation in religious, civic, charitable or non-profit activities and events, or advertising festivals, community events, political ideas, or missing persons, pets or items.

EXECUTIVE DIRECTOR – The Executive Director of Municipal Licensing and Standards or his or her designate or successor official.

HIGHWAY – A highway as defined in section 1 of the Municipal Act, 2001 that is under the jurisdiction of the City.

KIOSK – A structure, approved by the General Manager of the Transportation Division, or his or her designate or successor official, placed on a highway within the City for the purpose of posting posters and includes a poster board, a designated wall or other designated locations;

OWNER – Includes a person who created a poster, who installed a poster, who is in lawful control of a poster or otherwise directly benefits from the message of a poster.

POSTER – A notice of any kind, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard, which is attached with its entire back surface in contact with a utility pole or kiosk and is secured by removable tape, or staples and includes a community poster.

SIGN – Any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, and includes a poster.

STREET-LIGHTING POLE – A pole owned by Toronto Hydro Street Lighting Inc.

UTILITY POLE – Includes a utility pole, light standard, a pole owned or controlled by the Toronto Transit Commission, and a street lighting pole but does not include a privately-owned pole.

B. For the purposes of this article, there may be more than one owner of a poster.

- C. For greater certainty, this article does not apply to election signs.

§ 693-29. General restrictions.

- A. Except as authorized by by-law or by agreement with the City, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on, over or to any structure or thing located on land owned by the City or any of its agencies, boards or commissions.
- B. Except as authorized by by-law, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on or to a kiosk, or a utility pole located within a highway.
- C. No person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on any privately-owned poles located on boulevards.
- D. No person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any sign on any fencing of a construction site or demolition site as required pursuant to Chapter 363, Building Construction and Demolition, Article III, Fencing of Construction and Demolition Sites.

§ 693-30. Posters on kiosks.

- A. Despite §§ 693-29A and B, a poster may be placed on a kiosk if:
- (1) The poster is more than 22 centimetres by 28 centimetres in size and consists of lightweight cardboard or paper only;
 - (2) The poster is securely attached flush to the surface of the kiosk using staples or removable tape;
 - (3) The poster is placed no higher than two metres above the ground;
 - (4) The poster is dated, showing the date of posting;
 - (5) The poster is displayed for not more than the earlier of:
 - (a) 30 days or
 - (b) Five days after the end of the advertised event, if any;
 - (6) Not more than one poster conveying essentially identical information is posted on the kiosk; and

- (7) The poster faces towards the property fronting on the highway and away from the portion of the highway ordinarily used by vehicles.

§ 693-31. Community posters on utility poles.

- A. Despite §§ 693-29A and B, persons, charities, religious organizations, community organizations and schools may erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed community posters on utility poles as permitted under Subsection B.
- B. A community poster may be placed on a utility pole located on a boulevard if:
 - (1) The community poster is no larger than 22 centimetres by 28 centimetres and consists of lightweight cardboard or paper only;
 - (2) The community poster is securely attached flush to the surface of the utility pole using staples or removable tape;
 - (3) The community poster is placed no higher than two metres above the ground;
 - (4) The community poster is dated, showing the date of posting;
 - (5) The community poster is displayed for not more than the earlier of:
 - (a) 30 days or
 - (b) Five days after the end of the advertised event, if any;
 - (6) Not more than one community poster conveying essentially identical information is posted on the utility pole; and
 - (7) The community poster faces towards the property fronting on the boulevard and away from the portion of the highway ordinarily used by vehicles.

§ 693-32. Additional restrictions.

- A. In addition to the restrictions §§ 693-30 and 693-31, a poster shall not:
 - (1) Be placed on or within any traffic island or median.
 - (2) Be a hazard or dangerous to vehicular or pedestrian traffic, as determined by the General Manager of Transportation or his or her designate or successor official.
 - (3) Cause any damage to municipal property.
 - (4) Become unsightly.

- (5) Cover or overlap another poster or community poster, in whole or in part. Posters or community posters can be only one layer thick.

§ 693-33. Compliance.

Despite any other sign by-law or article in this chapter, a poster that complies with this article may be erected or displayed without a permit.

§ 693-34. Removal of signs.

- A. The Executive Director or the owner of a utility pole may, at any time and without notice, remove any sign from a utility pole in the course of periodic cleaning or maintenance operations.
- B. The Executive Director may, at any time and without notice, remove any sign that is displayed in contravention of this article.
- C. Any sign removed under this section may be destroyed or otherwise disposed of by the Executive Director or the owner of the utility pole without notice or compensation to any person who has an interest in the sign.
- D. Where a sign has been removed under Subsection B, the owner or any person responsible for erecting, attaching, placing or displaying, or causing or permitting the erecting, attaching, placing or displaying of the sign in contravention of this article shall, in addition to any fine or other penalty that may be imposed for an offence under this article, be required to pay to the City the greater of a per sign removal fee set out in § 441-9 of Chapter 441, Fees or the actual cost of removal and disposal of the sign, and the City may recover this amount by legal action or in like manner as municipal taxes.

§ 693-35. Offence.

Any person who contravenes any provision of this article is guilty of an offence.

2. Section 441-9 of Chapter 441, Fees, of The City of Toronto Municipal Code is amended by adding the following:

F. Removal of signs.

The sign removal fee payable to the City under § 693-32D is \$60 per sign.

3. The following provisions are repealed:

- A. Section 9 of By-law No. 64-87, "For Prohibiting and Regulating the Erection of Signs and Other Advertising Devices", as amended, of the former Borough of East York.

- B. Sections 215-27, and 215-28 of Chapter 215, Signs, of the former City of Etobicoke Municipal Code, as amended.
- C. Section 2.10 of By-law No. 30788, “A By-law to prohibit or regulate signs and other advertising devices”, as amended, of the former City of North York.
- D. The following from Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code:
- (1) Article XB; and
 - (2) the following from Schedule A, at the end of Chapter 313:
- | (from column 1) | (from column 2) | (from column 3) |
|-----------------|-------------------|--------------------------|
| “§ 313-73.4C | Removal of poster | \$60.00*
(per poster) |
- E. Paragraph 2.2.3 of Schedule A to By-law No. 22980, “A By-law to prohibit and regulate signs in the City of Scarborough.”, as amended, (Scarborough Sign Code) of the former City of Scarborough.
- F. By-law 11928, as amended by by-law 3296-79 of the former City of York.
4. This by-law comes into force ...

ENACTED AND PASSED this day of , A.D. 2006.

Mayor

City Clerk

ATTACHMENT 16 [Notice of Motion J(19)]

Report (December 20, 2005) from the Executive Director, Social Development, Finance and Administration, entitled “ ‘YouthAction’ – Youth Safety Project”. (See Minute 1.83, Page 122)

Purpose:

To seek approval to receive funding in the amount of \$124,402.00 from the government of Canada, Department of Justice Canada Youth Justice Renewal Fund, for a post charge community based program entitled “YouthAction” to engage young people who are in conflict with the law.

Financial Implications and Impact Statement:

The total cost of the one-time project is \$124,402.00 gross, zero net, fully funded by Department of Justice. The 2006 proposed operating budget request for the Social Development, Finance and Administration Division will be increased by \$124,402.00 gross, zero net. The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) the Executive Director be authorized to enter into an agreement with the Department of Justice to receive one-time funds in an amount not to exceed \$124,402.00 as the project costs for the YouthAction Project;
- (2) the Social Development, Finance and Administration 2006 proposed operating budget be adjusted by an increase of \$124,402.00 gross, zero net;
- (3) the Executive Director be authorized to enter into agreements with East Scarborough Boys and Girls Club and Native Child and Family Services for the delivery of the “YouthAction” – youth safety project; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Community Safety Plan, approved by Council in March 2004, is a package of prevention initiatives that act as a catalyst for civic action to improve public safety and build on existing strengths in Toronto communities. It includes The Mayor’s Panel on Community Safety which provides leadership to the implementation of the plan. The Panel on Community Safety

has identified the need for a balanced approach to building community safety, using prevention and intervention methods.

Consistent with this approach is recognizing the importance of building partnerships between young people who have conflict with the law, their community and the justice system. Connecting young people back to their local community and providing alternatives to custody and detention build resiliency to violence and are proactive solutions to dealing with the root causes of youth crime. The youth justice working group of the Mayor's Panel which includes representatives from all orders of government, young people, Toronto Police Service and members of the local youth justice system including judges, crowns and defense counsel has identified the need for both pre and post charge diversion programs and services. The subcommittee has helped develop the post charge "YouthAction" project. The funding for this initiative is from the Department of Justice as part of the federal contribution to the Community Safety Plan.

Comments:

YouthAction will help youth participants to develop skills related to conflict management. The participants will receive training in conflict mediation, anti-oppression and other skill building workshops. The participants will also engage in the development and implementation of community safety projects that aim to create meaningful connections between young people, their peers and their communities. Local advisory groups comprised of young people, community, police, youth justice practitioners and other key players will be developed to guide the work at a local neighbourhood level.

The project model develops a unique relationship between existing, traditional youth justice organizations and non-traditional service providers especially those serving diverse ethno-racial communities. The project uses a culturally competent approach in the context of the Youth Criminal Justice Act (YCJA).

The project "YouthAction" will be implemented in partnership with two community based organizations, East Scarborough Boys and Girls (ESBGC) and Native Child and Family Services (NCFS) and focus on Aboriginal and Black youth in conflict with the law between the ages of 12-17 years old. The program will provide social skills training to the youth participants, including leadership, conflict management, anti-oppression as well as the use of aboriginal restorative justice models such as peace circles. Cross-cultural workshops representative of the youth involved in the program will be provided to build tolerance, respect and positive identify. Youth participants will set goals, identify issues and develop both short and long term action plans for the future. A network of social service agencies will provide the youth with appropriate support including counselling, conflict mediation, education and employment preparation.

The youth participants will also be expected to plan and implement a community service initiative with a focus on local youth safety issues (i.e., workshops for parents on

“understanding the gap”, town hall meetings with police and youth, local discussion forums on gangs and drugs, etc.) as a way of positively engaging with their own communities

The project design has been developed to help the youth strengthen protective factors against violence and also provide positive linkages between the local community, police, youth courts and schools.

The City of Toronto will be responsible for overall project administration, convening and coordinating the YouthAction Community Advisory Committee and the evaluation and interim and final reports. The YouthAction Community Advisory Committee will be comprised of the two partner agencies, young people including youth participants, youth justice representatives from the courts including crowns, youth justice committee representative, bail program staff, probation and parole staff, in addition to child welfare representatives, school board representatives, police, community partners from the employment, training and other sectors. The Advisory Committee will also act as a broad forum to address coordination issues that arise for young people involved in the program such as conflicts with the Safe Schools Act and YCJA or young people who are dealing with issues related to court orders that may conflict with their ability to attend to the program or school. The Advisory Committee’s over arching mandate is to build local capacity between the traditional and non-traditional youth justice stakeholders.

Conclusions:

The need for alternative youth justice programs that strengthen linkages between young people who have come into conflict with the law and their community has been identified through the work of the Community Safety Panel. Connecting young people back to their local community and providing alternatives to custody and detention are proactive solutions to dealing with the root causes of youth crime. The YouthAction project meets the objectives of the City of Toronto Community Safety Plan, and is supported by partners including the Toronto Police Service. The post charge YouthAction project will help the 40 youth participants build resiliency to risk factors that can lead to violence or crime. Through skills development the building of self esteem and connection to community resources and supports, the project will help youth participants to positively manage anger, aggression, and possible entry into further criminal activity.

Contact:

Manjit Jheeta, Manager, Community Safety Secretariat
Social Development, Finance and Administration Division
Tel: 416-392-8684 Fax: 416-392-8492

ATTACHMENT 17 [Notice of Motion J(24)]

Report (January 31, 2006) from the Integrity Commissioner, entitled “Report on Awarding of City contract for Market Research Services to Northstar Research Partners”. (See Minute 1.88, Page 132)

Purpose:

To report to Council at the request of the Mayor on whether the award of a contract for market research services to Northstar Research Partners breached any City Policies and Procedures.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

I recommend that Council receive this report.

Background:

The Basics of the RFP

On September 7, 2005, the Purchasing and Materials Management Division issued a Request for Proposal (“RFP”) for the provision of research services for the operating divisions in Cluster B and potentially other divisions throughout the City of Toronto. The contract was an open one in the sense that it was intended to cover all such services required of the successful bidder during 2006 and potentially for two more years, on the basis of two one year options to renew subject to mutual agreement. This contrasted with the situation that had prevailed to that point. Previously, the City of Toronto had issued RFPs for its research projects on an individual basis. This new initiative was seen as a cost-saving measure.

In submitting bids, those responding to the RFP were not asked to provide a price for providing services under such an open contract. That would make no sense. Rather, they were asked to provide costing information for two hypothetical but typical research projects of the kind contemplated by the RFP. This information would be used in the assessment of the bids on the basis of price.

Eight companies responded to the RFP. They included Northstar Research Partners (“Northstar”). Northstar had provided similar services to the City of Toronto in the past. Brian Potts, the Senior Research Director signed the bid on behalf of Northstar. The bid also identified eight persons within the company as members of the team that would be providing the contracted services if the company’s bid prevailed. Those included Brian Potts, Stephen Tile, the President of Northstar, and Sherri Hamilton, a Research Director.

The evaluation team consisted of three Staff members. They evaluated the eight bids on the basis of a standardized scoring process and the three most highly ranked bidders advanced to the second phase of the bid process – a presentation to the three members of the evaluation panel in response to a hypothetical research project. At the conclusion of that process and the aggregation of all the various scoring components, Northstar emerged with the highest evaluation points and was recommended for the award of the contract. This was on November 8, 2005.

Subsequently, there was consultation among various Department Communications Leads that might be consumers of the services Northstar would be contracted to provide. That produced a number of indications of interest from various divisions. As a consequence, the budgeted research needs of those divisions were aggregated and this produced a contract “price” of \$400,000 for 2006. This represents an upset limit and it may not all be spent. In any event, because the price was under \$500,000, the contract did not have to go before the Bid Committee. Of course, any exercise of the option under the contract has the potential to take the overall value of the contract above \$500,000. In the event that a significant percentage of the \$400,000 is spent in 2006, the City would not exercise the option for 2007 but would issue a new RFP for 2007.

The Mayor’s Campaign Manager

John Laschinger is a Senior Associate at Northstar. He does not have an ownership interest in the company. He is paid a monthly retainer and beyond that receives additional payment on the basis of work that he brings into the company. In addition to working as an employee of Northstar, Mr. Laschinger regularly enters into contracts to manage election and political leadership campaigns. He does this through his own personal corporation and, beyond paying Northstar overhead on a cost basis as part of his work on those contracts, he is not accountable to Northstar for that work. He does, however, consult with Stephen Tile, the President of Northstar before entering into any such contract and there is an understanding that, if polling services are required as part of any campaign that Mr. Laschinger is managing, he will endeavour to secure the contract for those services for Northstar.

In January 2003, Mr. Laschinger became a co-chair of David Miller’s campaign committee. He was part of a “rainbow coalition” of persons from the spectrum of political parties, a state of affairs that was thought essential if David Miller’s mayoral candidacy was to be successful. In June of that year, Mr. Laschinger became David Miller’s campaign manager on a fee for service basis and he served in that capacity until the successful conclusion of the campaign. David Miller and Mr. Laschinger did not have a written contract. It was entered into on a handshake. Mr. Laschinger billed for his services through his personal corporation, Laschinger Management Inc. In addition, during the campaign, a limited amount of polling was needed and the contract for that work went directly to Northstar.

Since the successful conclusion of the 2003 campaign, Mr. Laschinger has continued to be one of a number of informal advisors to the Mayor. In that capacity, Mr. Laschinger does not charge for his services and he estimates that he has seen the Mayor on no more than two or

three occasions in the past twelve months. However, though a formal arrangement has yet to be made, it is now accepted on both sides that Mr. Laschinger will play a key role in the Mayor's 2006 campaign for re-election, once again on a fee-paying basis.

Mr. Laschinger tells me that he has not worked on any of Northstar's contracts with the City of Toronto. His name does not appear on the list of the eight persons who are identified in the bid as Northstar's team for the contract. However, his name does appear in the RFP as someone who was the member of the Northstar team on three of thirty-two listed relevant public opinion work projects for the public sector.

The Raising of Concerns

In early January, Works Committee had before it a contract with Northstar for the provision of polling work for the City entered into in the latter part of 2005 for some \$4000. This contract was awarded to Northstar after it had been successful in the RFP process detailed above. This was done on the basis that, as Northstar was about to become the City's agency of record for the provision of research services in 2006 under a blanket or open contract, it was appropriate to give it this small contract right at the end of 2005. At that meeting, Councillor Minnan-Wong, who is not a member of the Works Committee, while not alleging any wrongdoing, raised questions about the propriety of the City doing business with a company, one of whose principals¹ was John Laschinger. Since then and particularly after he learned of the amount potentially available under the blanket or open contract, Councillor Minnan-Wong has continued to express these concerns.

My involvement began when the Mayor wrote to me on January 17, 2006. He asked me to review the matter to determine whether there has been "any breach of any city policies or procedures" in the letting of the contract to Northstar and to report on the matter to Council as soon as possible. This was in the context of an assertion that, as far as the Mayor was able to ascertain, the awarding of the contract "was handled in the normal course of business without any impropriety whatsoever".

I indicated to the Mayor that I was willing to undertake this project and to in effect treat his letter as a complaint against himself, a process that I have used on one previous occasion. I did, however, inform the Mayor that I might not be able to complete an investigation to my satisfaction in time to submit a report to Council for its January meeting. In fact, subject to the reservations that I have not done anything like a forensic audit of the relevant RFP process (something I am not personally qualified to do in any event) and my acceptance of most of what I was told at face value, I am satisfied that I am in a position to report to Council on this matter.

My Investigations

1 I am not sure whether this term was correctly attributed to the Councillor. In any event, Mr. Laschinger, while an important and well-known member of Northstar is not a "principal" in the technical sense of that term but rather a Senior Associate.

The Mayor informed me that he played no role in this RFP. Neither Mr. Laschinger nor anyone else from Northstar contacted him about the RFP and Northstar's bid. Indeed, the first he knew of the contract was when Councillor Minnan-Wong raised concerns in early January.

Mr. Laschinger also said that at no point during the RFP process did he raise this matter with the Mayor. He also stated that the first he knew about Northstar obtaining this contract was the day he came to City Hall to meet the Mayor and discuss with him the formal announcement of the Mayor's intention to seek reelection. Someone at Northstar had told him that morning.

Mr. Potts, the Senior Research Director at Northstar and the signatory on the bid stated neither he nor any member of his team lobbied anyone at City Hall, be they Members of Council or Staff on this matter. Stephen Tile also stated that he and his company do not engage in lobbying at City Hall and that he did not do so on this occasion. Mr. Potts also told me that, aside from the fact that the awarding of the contract took longer than he had anticipated, the RFP process in this case had no unusual features as far as he was concerned. He also learned for the first time that the upset limit on the contract was \$400,000 from the recent media coverage of this matter. Both he and Mr. Tile were skeptical as to whether, given historic patterns, the City's needs under the contract would come to anything like \$400,000 in fees during 2006.

All three members of the evaluation team stated that they had not been lobbied in connection with this RFP. Aside from the fact that it marked a departure from the way in which the City had contracted previously for research services, they also were of the view that this was a standard RFP process with no unusual features. Albeit that Mr. Laschinger's name appeared three times in Northstar's response to the RFP, none of the three claimed to have noticed it. (It was in smaller typeface though bold as part of a list of some thirty-two projects.) They also stated that they were unaware of who Mr. Laschinger was and, in particular, that he had been the Mayor's campaign manager in 2003. The first they knew of this was when Councillor Minnan-Wong raised his concerns.

While it is not my mandate to comment on the way in which the price was set for this contract, I did consider the possibility that the fixing of the price at \$400,000 might have been part of a deliberate attempt to avoid Bid Committee scrutiny and, in particular, to evade any hard questions about Northstar and the connections between one of the senior associates of that company and the Mayor. This always seemed a stretch to me and, in the face of a very plausible explanation of how that sum was arrived at (as detailed above), I no longer have any cause for suspicion on this front.

More generally, I would reiterate that, while many of the statements from relevant personnel do not have independent corroboration, I have no reason to doubt the word of anyone with whom I spoke. I received total cooperation from the Mayor, the Staff members whom I interviewed, and also personnel at Northstar. On all fronts, there appeared to be a very strong desire to clear the air on this issue.

Conclusions:

On the basis of my investigation, I have not found any breach of City policies or procedures in the conduct of the RFP process that resulted in the award of an open contract to Northstar Research Partners for the provision of market research services for 2006 (and potentially two more years). More particularly, as Integrity Commissioner, I focused my inquiries on whether there was any impropriety on the part of the Mayor (or Staff for that matter) given the political relationship that existed and continues to exist between the Mayor and John Laschinger, a senior associate at Northstar. I did not detect any such impropriety. In my judgment, there was no violation of the Code of Conduct on the Mayor's part.

There is, however, a broader dimension to this matter that merits examination. In the Bellamy Commission Report, there are strong recommendations for revising the Code of Conduct for Members of Council "to include broader ethical considerations" and to take an expansive view of the meaning of the term "conflict of interest" including greater recognition of the need to avoid apparent or perceived conflicts of interest. Those recommendations not surprisingly beg the question whether the Mayor should be using as his paid campaign manager someone who plays a prominent role in a company that is doing significant business with the City.

The Bellamy Report of course makes many specific and detailed recommendations for creating regimes within the City that will prevent any real, potential or apparent conflicts from occurring. In particular, the recommendations with respect to regulation of lobbying and the creation of barriers between Members of Council and the procurement process have this as their objective. Given that, in this instance, there was no lobbying of Members of Council or Staff and given that there was no political or other illegitimate interference in the RFP process, is that enough to address any concerns? Does it provide a sufficient assurance that there was no conflict of interest here in even an extended sense and that anyone cognizant of the relevant facts would not see an appearance of possible conflict? I do believe that the way this process was conducted meets those concerns as well.

However, these considerations do suggest the need for vigilance and caution. While I would not go as far as recommending that the Mayor not use as a paid campaign manager someone whose company does significant work with the City, I do accept that there is a need to take care in the way in which that relationship is established or exists. In particular, I would recommend that the Mayor enter into a formal contract with Mr. Laschinger for any services that he will be providing as part of the Mayor's 2006 reelection campaign. To ensure transparency and allay concerns, the terms of that contract should ideally be made available as a public document (save as to the fees charged and provisions, if any, on campaign strategies). The contract should also contain a clause to the effect that Mr. Laschinger not participate in any Northstar contract with the City or RFP process for City work during the campaign and six months thereafter, as well as appropriate assurances for a process within Northstar of creating a wall between Mr. Laschinger and any contractual work with the City being undertaken at Northstar and during the campaign and six months thereafter.

Contact:

David Mullan
Integrity Commissioner
Tel: 416-397-7770/Fax: 416-392-3840
Email: dmullan@toronto.ca

ATTACHMENT 18 [Notice of Motion J(27)]

Report (January 30, 2006) from the General Manager, Transportation Services, and the Chief Corporate Officer, entitled “Toronto Waterfront Revitalization - West Don Lands Precinct Surplus Land Declaration and Proposed Closing and Leasing of Three Public Highways and Portions of Four Public Highways; Leasing of Four Parcels of City-Owned Property Located Within the Precinct and Leasing of 33 St. Lawrence Street (Ward 28 - Toronto Centre-Rosedale)”. (See Minute 1.91, Page 139)

Purpose:

To recommend that Water Street, Overend Street and Cypress Street and portions of Bayview Avenue, Eastern Avenue, Front Street East and Mill Street be permanently closed and declared surplus to municipal requirements and authority be granted to negotiate with the Toronto Waterfront Revitalization Corporation (“TWRC”), Ontario Realty Corporation (“ORC”), Her Majesty the Queen in Right of Ontario (the “Province”) and/or Toronto and Region Conservation Authority (“TRCA”) for the possible disposal of the closed highways, on the understanding that there is a possibility that title may be conveyed directly to one or more private developers, to be selected in the future, to facilitate redevelopment of the West Don Lands Precinct.

To secure approval of a lease agreement, at nominal consideration, with ORC as agent for the Province (the “Tenant”), for the closed highways, for four parcels of City-owned property within the Precinct and for a parcel of City-owned property known municipally as 33 St. Lawrence Street, to facilitate the construction of the West Don Lands Flood Protection Land Form and the redevelopment of the West Don Lands Precinct.

Financial Implications and Impact Statement:

There are no financial implications arising from this report. However, land for new streets, parks and infrastructure will eventually be conveyed or dedicated to the City for nominal consideration, as part of the subdivision approval process for the West Don Lands Precinct.

The granting of the leases, for nominal rent, is in keeping with the principles set out in the report entitled “Governance Structure for Toronto Waterfront Revitalization” approved by City Council in 2004, whereby access to public lands is to be made available on an incremental basis to facilitate implementation of, among other things, the tri-government approved West Don Lands Precinct revitalization plan.

Recommendations:

It is recommended that:

- (1) subject to compliance with the requirements of the *Municipal Act, 2001*, Water Street, Overend Street and Cypress Street and portions of Bayview Avenue, Eastern Avenue,

Front Street East and Mill Street, shown as Parts 1 to 9, inclusive, on Sketch No. PS-2006-002 (collectively the “Highways”) be permanently closed as public highways;

- (2) notice be given to the public of a proposed by-law to permanently close the Highways, in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and, in addition, by publishing one notice of the proposed by-law in a local community newspaper, at the cost of the Tenant, and the Toronto and East York Community Council hear any member of the public who wishes to speak to the matter;
- (3) following the closure of the Highways, easements be granted as required to Bell Canada, Toronto Hydro, Enbridge Consumers Gas, Rogers Cable and any other utility companies as may be required, for access, operation, use, inspection, repair, maintenance, reconstruction or alteration of the existing services, and for the construction of additional or new services, or, with the consent of the affected utility companies, the services be removed from the Highways at the sole cost of the Tenant;
- (4) the Highways be declared surplus to the City’s requirements and all steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code be taken;
- (5) the Chief Corporate Officer be authorized:
 - (a) to negotiate with TWRC, ORC, the Province and/or TRCA for the possible disposal of parts of the Highways designated as Parts 1 to 5, inclusive and 7 to 9, inclusive, on Sketch No. PS-2006-002 (the “Project Highways”), on the understanding that there is a possibility that title may be conveyed directly to one or more private developers, to be selected in the future; and
 - (b) to invite an offer to purchase the portion of the Highways designated as Part 6 on Sketch No. PS-2006-002 (the “Remnant Highway”) from Canadian National Railway Company (“CN”);
- (6) authority be granted for the City to lease the Project Highways, once closed, four parcels of City-owned property located west of Bayview Avenue between the Eastern Avenue Diversion and the CNR/GO railway track, shown as Parts 2 to 5, inclusive, on Sketch No. PS-2006-004 (the “Bayview Properties”) and the City-owned property known municipally as 33 St. Lawrence Street, shown as Part 1 on Sketch No. PS-2006-004, to the Tenant, for nominal rent, on the terms and conditions set out in Appendix “A” of this report, such lease agreement to be in a form satisfactory to the City Solicitor;
- (7) the Chief Corporate Officer be authorized to administer and manage the lease agreement, including the provision of any consents, approvals, notices and notices of

termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction; and

- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in City Council of any bills necessary to give effect thereto.

Background:

On May 30, 31 and June 1, 2001, City Council approved a governance structure for the interim TWRC to undertake four priority projects and the project planning for revitalization of the Toronto Waterfront. On April 1, 2003, pursuant to the Province's Toronto Waterfront Revitalization Corporation Act, 2002, the permanent TWRC came into effect. On July 20, 21 and 22, 2004, City Council adopted Clause No. 14 of Report No. 6 of the Policy and Finance Committee, which, among other things, recommended that the flood protection land form be seen as a first priority in the redevelopment of the West Don Lands.

On November 30, December 1 and 2, 2004, City Council adopted, as amended, Policy and Finance Committee Report 9, Clause 1, entitled "Governance Structure for Toronto Waterfront Revitalization", thereby, among other things, approving in principle the transformation of TWRC into an empowered corporation and recognizing the need to strengthen tri-government commitment for a single, implementing waterfront corporation that works closely with local government to plan and achieve broad public and City building goals. Council also approved the concept that control of public lands should be transferred to TWRC on a precinct by precinct basis, or for individual projects, on a parcel by parcel basis, following completion of a Business and Implementation Strategy for the precinct or project that is satisfactory to the three governments.

City Council, at its meeting of May 17, 18 and 19, 2005 adopted, as amended, Policy and Finance Committee Report 5, Clause 1, entitled "West Don Lands Precinct Plan and Environmental Assessment Master Plan", thereby endorsing the April 2005 West Don Lands Precinct Plan (area shown on Attachment 1) as a basis for informing future environmental assessments, development application decisions and contribution agreements with the government partners and TWRC. Council also authorized TWRC to file the March 2005 West Don Lands Class Environmental Assessment Master Plan in the public record, subject to certain conditions of approval. In order to proceed with development in the West Don Lands Precinct, flood protection measures are necessary to remove the risk of flooding from the Don River. A flood protection land form designed by the TRCA in consultation with the City, ORC and TWRC, is to be constructed on the west side of the Don River between King Street East and the CNR/GO railway tracks (area shown on Attachment 1).

On September 28, 29 and 30, 2005, City Council adopted Policy and Finance Committee Report 8, Clause 2, entitled "Implementation of a New Governance Structure for *Toronto Waterfront Renewal*", *thereby endorsing certain proposed amendments to the Toronto*

Waterfront Revitalization Corporation Act, 2002 that would allow TWRC to act as an agent of the City or the Province if expressly authorized in writing by such party to so act. Council also approved in principle an Accounting Protocol for Waterfront Revitalization, to track contributions to (cash and in kind) and returns from the waterfront initiative. The process through which control of land is to be provided to TWRC is to be defined in a public land management protocol agreed to by the governments and TWRC.

Comments:

The West Don Lands Precinct is 32 ha in size and generally located east of Parliament Street, south of King Street East, west of the Don River and north of the CN/GO rail corridor. The Precinct Plan proposes the area to be developed as a mixed use community with a maximum 6,000 residential units. It is anticipated that the area will be developed in 10 to 15 years. A new streets and block pattern of development is envisioned for the area.

The Province is the majority land owner in the area and development will proceed in co-operation with the TWRC and the City. Applications for subdivision, zoning amendments and lifting the H to allow for development to proceed in the area have been submitted. The plan of subdivision secures the new streets and blocks in the area. The first phase of development will be in the area bounded by Queen Street East, St. Lawrence Street, Eastern Avenue ramps and the Don River. Approximately 600 units, in a mix of affordable and market units, are projected to be developed in this area. Construction is expected to begin in Spring 2006.

In order for the construction to begin, a number of existing roads in the area must be closed and leased. Transportation Services staff has received a request from TWRC, on behalf of ORC, for the closing of the Project Highways (Parts 1 to 5 and 7 to 9, inclusive, on Sketch No. PS-2006-002) for incorporation into the redevelopment area and the flood protection land form. Transportation Services has reviewed the feasibility of closing the Project Highways and has determined that the Project Highways can be closed, provided adequate provision is made for the existing utilities and City services located in the Highways. Negotiations can then proceed with TWRC, ORC, the Province and/or TRCA for the ultimate disposal of parts of the Project Highways, on the understanding that title to some parts of the Project Highways may be conveyed directly to one or more private developers, to be selected in the future. As the Remnant Highway (Part 6 on Sketch No. PS-2006-002) is not required for highway purposes, it is recommended that it be closed at the same time as the Project Highways and that CN be invited to submit an offer to purchase it.

On an interim basis, until the Project Highways can be permanently closed and leased, the Project Highways are to be temporarily closed. Commencing February 10, 2006 hoarding, and control gates are to be erected around the entire site to facilitate environmental testing and demolition, which is scheduled to begin as soon as possible. The temporary closures are being processed by the General Manager of Transportation Services pursuant to Municipal Code Chapter 937. No work will be permitted within the Project Highways until the Project Highways have been permanently closed and leased, assuming City Council approves the lease. Twenty-four hour access to the Project Highways will be maintained for City and utility company staff and vehicles to access their services in case of an emergency.

It is anticipated that the Plan of Subdivision for the West Don Lands Precinct and the RA/RM Plan will be considered by City Council in June 2006. In order for site preparation activities, including demolition and remediation, and ultimately, construction of the flood protection land form to proceed, it is necessary to lease to the Tenant the Project Highways, once closed, 33 St. Lawrence Street and the Bayview Properties. At the time the Plan of Subdivision for the West Don Lands Precinct is registered, portions of 33 St. Lawrence Street and the Bayview Properties will be laid out as public highways and portions will be included in the public park and open space systems within the Precinct.

Staff of Facilities and Real Estate has negotiated the terms of a lease with the Tenant, on the terms and conditions set out in the attached Appendix "A". Generally, the lease will be at nominal rent of Two Dollars (\$2.00) for the entire term, will have a term of 5 years and will be at no cost to the City.

In order to proceed with the disposal of the Highways, the City must comply with the procedures governing disposal of property. Section 268 of the *Municipal Act, 2001* requires that, before selling any property, City Council must declare the property surplus by by-law or resolution, give notice to the public of the proposed sale and obtain at least one appraisal of the market value of the property, unless exempted from doing so.

The usual process to close and convey a highway requires three separate approvals from City Council, as the initial recommendation to close a highway is usually conditional upon City Council approving a sale of the highway at a subsequent City Council meeting. After a sale transaction is subsequently approved by City Council, public notice of the proposed by-law to close the highway is then given, members of the public who wish to speak to the matter are given the opportunity to do so and the necessary bill is introduced at a subsequent City Council meeting. Given that the redevelopment of the West Don Lands Precinct is an important Waterfront initiative supported by the City, the Province and the Federal government, it is recommended that the necessary steps to close the Highways be taken immediately. Then, if City Council subsequently approves the conveyance of the Highways, the conveyance can proceed immediately thereafter.

The requirements of the Municipal Class Environmental Assessment (the "Class EA") have been met under the West Don Lands Precinct Plan and Environmental Assessment Master Plan.

Conclusions:

In order to facilitate the West Don Lands Redevelopment Project, the Highways should be permanently closed and declared surplus, with adequate provision being made to protect the existing utilities and City services located in the Highways. The Chief Corporate Officer should be authorized to negotiate with TWRC, ORC, the Province and/or TRCA for the possible disposal of parts of the Project Highways, on the understanding that there is a possibility that title may be conveyed directly to one or more private developers, to be selected in the future and to invite an offer to purchase the Remnant Highway from CN.

The Project Highways, once closed, the Bayview Properties and the property known municipally as 33 St. Lawrence Street should be leased to the Tenant on the terms and conditions set out in Appendix "A".

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List of Attachments:

Attachment 1
Appendix A – Basic Lease Terms and Conditions
Sketch No. PS-2005-062
Sketch No. PS-2006-002
Sketch No. PS-2006-004

APPENDIX “A”Basic Lease Terms and Conditions
Lease of Project Highways, Bayview Properties and 33 St. Lawrence Street

1. Commencement Date: For Bayview Properties and 33 St. Lawrence Street, upon execution of the lease; for Project Highways, upon registration of a by-law permanently closing the highways as public highways.
2. Term: Five (5) years, subject to right of early termination by Tenant on prior written notice to the City.
3. Basic Rent: Two Dollars (\$2.00) for entire Term, plus any applicable GST.
4. Additional Rent: Tenant to be completely responsible for all costs related to the leased lands, including all realty taxes and utilities.
5. Use: For the purpose of carrying out site preparation activities, including soil remediation in accordance with the Risk Assessment and Risk Management Plan, once approved, demolition of existing buildings, footings and foundations and construction of the flood protection land form, new roads and services.
6. As-is Basis: Tenant to accept condition of leased lands on “as is” basis.
7. Assignment: Tenant shall not sublet or assign without the prior written consent of the City, which consent may be unreasonably withheld.
8. Insurance: Tenant to maintain Commercial General Liability insurance with a limit of not less than \$5,000,000.00 per occurrence.

(Sketch No. PS-2005-062, Sketch No. PS-2006-002 and Sketch No. PS-2006-004 are on file in the City Clerk’s Office.)

ATTACHMENT 19 [Notice of Motion J(33)]

Report (January 30, 2006) from the City Solicitor, entitled “Official Plan Amendment and Zoning By-law Amendment - 2575 and 2625 Danforth Avenue - Section 37 Agreement (Ward 32 - Beaches-East York)”. (See Minute 1.97, Page 152)

Purpose:

To recommend revisions to the reports of the development approvals for 2575 and 2625 Danforth Avenue so as to permit the construction of two additional mixed-use buildings.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) Recommendation (1) (a) of Clause 6 of Toronto and East York Community Council Report 9, which was considered and amended by City Council on November 30, December 1 and 2, 2004, be further amended by adding subclause (1) (a) (ii) to read as follows:

“(1) (a) (ii) delete Recommendations (2) (b) (ii) and (3) (ii) (j) (ii) and replace them with the following:

maintain the 1,123 existing rental units for a minimum period of 20 years commencing from the date of Final Approval of the Amending By-laws, making no application for condominium registration or for demolition to construct anything other than rental units;”

- (2) Recommendation (1) of Clause 6 of Toronto and East York Community Council Report 9, which was considered and amended by City Council on November 30, December 1 and 2, 2004, be further amended by adding clause (c) to read as follows:

“(1) (c) delete Recommendation (4) and replace it with the following:

before introducing the necessary Bills to Council for enactment, require the owner to execute a Section 37 Agreement;” and

- (3) that Recommendation (3)(c), of Clause 6 of Toronto and East York Community Council Report 9, which was considered by City Council on November 30, December 1 and 2, 2004, be deleted.

Background:

At its meeting of November 30, December 1 and 2, 2004, City Council adopted the recommendations set out in the reports dated November 1, 2004, and November 15, 2004, from the Director, Community Planning, South District (Toronto and East York), respecting an application to amend the Official Plan and Zoning by-law for the properties at 2575 and 2625 Danforth Avenue, to permit the construction of an additional two mixed-use buildings.

The approval was conditional upon the entering into of a Section 37 Agreement to secure certain facilities and matters. The Section 37 negotiations have been finalized and the applicant and staff have agreed to the details. The outcome of these negotiations requires amendments to conditions of approval, adopted by City Council.

Comments:

The Clause, as adopted by City Council, required certain facilities and matters to be secured by way of a Section 37 Agreement with the City. The matters and details are as follows:

Provision of Daycare

The owner has agreed to provide a new non-profit daycare facility for a minimum of 65 children, including both indoor and outdoor space. At the time of adoption of the report of the Director, Community Planning, South District (Toronto and East York), and the owner had agreed to permit the shared use of amenity space for the purposes of providing a school aged daycare program provided that details respecting insurance, maintenance and other matters respecting the shared use of the amenity space be investigated and agreed upon by the applicant and the Daycare operator.

The owner has now agreed, as secured by the Section 37 Agreement, to provide for the shared use of a portion of the tenant amenity space for a period of ten years. The space will be used by the daycare before and after school throughout the school year, and all day for holidays and the summer months. The space will be available to tenants when not in use by the daycare.

Pre-existing Community Centre

The owner has agreed to demolish the pre-existing community centre to permit landscaping in that area. The demolition will occur prior to the first building permit being issued for Building F.

Cash Contributions

The owner has agreed to make cash contributions as stated in the Draft Official Plan Amendment, at the time of execution of the Site Plan Agreement.

The Owner has agreed to give to the City a cash contribution in the amount of \$175,000 for improvements to the existing community centres, broken down as follows,

- (a) \$100,000 for internal improvements to the Main Square Community Centre;
- (b) \$25,000 for landscape improvements to the Main Square Community Centre;
- (c) \$25,000 for the purchase of equipment for the Main Square Community Centre; and
- (d) \$25,000 for the purchase of equipment for the Secord Community Centre.

Rental Housing

The owner has agreed to maintain the 1,123 existing rental units as rental for a minimum period of twenty years commencing from the date of Final Approval of the Amending By-laws, making no application for condominium registration or for demolition to construct anything other than rental units.

The report of the Director, Community Planning, South District (Toronto and East York), as amended, included a recommendation that would have permitted the owner to apply to convert the rental units to condominiums if the tax rate were to increase such that the owner was paying more tax than it would have if the rental units were registered as a condominium. This recommendation was included in error and should only apply to the new rental housing units that are to be provided on site.

New Rental Housing

The owner has agreed to provide and maintain up to two additional rental apartment buildings as rental buildings for at least twenty years commencing from the date of initial occupancy of each unit.

Amenity Space

The owner has agreed to provide a minimum of 600 square metres of indoor tenant amenity space, of which at least 150 square metres will be provided in the existing buildings. The Owner has agreed to performance standards for these spaces which include the size requirements, fixtures required and equipment required.

Garbage Storage Area

The owner has agreed to construct a new garbage storage area following an agreed upon timeline, following the execution of the Site Plan Agreement. The Site Plan Approval process, will determine the location, appearance and other details respecting the garbage storage area.

Improvements to Existing Buildings

The owner has agreed to refurbish the lobby entrances to Buildings B and C, the provision of a minimum of 150 square metres of Indoor Amenity Space in the existing building, the provision of new loading spaces adjacent to each of the existing buildings and the construction of a new garbage storage area.

Construction Mitigation and Tenant Communication Strategy

The owner has agreed to develop and implement a Construction Mitigation and Tenant Communication strategy prior to the issuance of any building permits for Buildings E and F and prior to the any demolition permit for structures in connection with the development.

The Clause, as adopted by City Council, contained certain conditions of approval that require amendments prior to the introduction of the Bills. The matters and details are as follows:

Recommendation (3)(c) of the Clause 6

At its meeting of November 30, December 1 and 2, 2004, City Council adopted Recommendation (3)(c) of Clause 6 in Report 9 of Toronto and East York Community Council. That recommendation provided that “should the construction of the first phase of the development not commence within seven years of the coming into force of the by-laws to enact the Official Plan Amendment and Zoning By-law Amendment, the owner shall provide a \$1,000,000.00 payment to the City for the provision of daycare spaces within the immediate vicinity of the property”. The condition was added by the Ward Councillor. The Ward Councillor has been consulted and she is in agreement with the deletion of this recommendation.

Entering into a Section 37 Agreement

This recommendation, as adopted City Council, required that the owner enter into and have registered on title, a Section 37 Agreement, prior to introducing the necessary Bills to City Council. The owner has executed the Section 37 Agreement but it has not yet been registered on title. The registration is done by the City and all of the documentation and necessary signatures have been received to allow for the registration. This recommendation may be modified to provide that the Bills may be introduced and enacted after execution of the Agreement.

Conclusions:

Now that negotiations have been concluded between the owner and City Staff, it would be in order to revise the previous resolutions by Council so as to better reflect the position of the owner and the City in this matter.

Contact:

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Legal Services Division
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FISCAL IMPACT STATEMENT SUMMARY
Notices of Motions
Submitted by the Deputy City Manager and Chief Financial Officer
Council Meeting - January 31, February 1 and 2, 2006

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
F(1)	Cost of Living Adjustment for Elected Officials	\$0	\$0	Consider.
F(2)	Report of Integrity Commissioner on Complaint of Violation of Councillor's Code of Conduct	\$0	\$0	Consider. See Report Attached to Motion.
F(3)	Site Plan Approval and Rezoning Application – 110 Rexdale Boulevard	\$0	\$0	Consider. See Report Attached to Motion.
F(4)	TEDCO'S Application for Judicial Review of IPC Order MO-1966			<i>Confidential. See Confidential Report Attached to Motion.</i>
F(5)	Western Hemisphere Travel Initiative – Request to Add Issue to the Great Lakes and St. Lawrence Cities Agenda	\$0	\$0	Consider. See Report Attached to Motion.
F(6)	Access to Information – Construction Plans for Neighbouring Properties	\$0	\$0	Consider. See Report Attached to Motion.
I(1)	Grant to Save Our St. Clair (SOS) Group	\$30,000	\$0	Refer to Budget Advisory Committee. There is no provision in the 2006 Proposed CPIP Operating Budget for this grant.
I(2)	Toronto Entertainment District Association Use of Metro Hall Parking	\$0	\$0	Consider.
J(1)	Internet Broadcast of all Standing Committees, Community Councils and City Council Meetings for Viewers at Home	\$0	\$0	Refer to e-City and Administration Committee for consideration with funding report from City Clerk, Facilities and IT on this issue. See FIS.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(2)	Improving Co-operation with Canadian National Railway (CN) and Canadian Pacific Railway (CPR)	TBD	\$0	Require report from staff for more information in order to estimate costs for waste collection. See FIS.
J(3)	Restriction of Delivery Vehicles in Downtown Core	\$0	\$0	Refer to Works Committee. See FIS.
J(4)	5-Year Toronto Bike Plan	\$0	\$0	Consider.
J(5)	Agreement for Use of City Property – San Lorenzo Latin American Community Centre	Current Year: \$(933) Future Year: increase by inflation rate	\$0	Refer to Economic Development and Parks Committee. See FIS.
J(6)	Proposed Agreement Between Toronto Emergency Medical Services and Urgences-Sante, Quebec	\$27,000 additional revenue	\$0	Consider. The estimated rental revenue of \$27,000 will be contributed to the Vehicle Reserve. See Report Attached to Motion.
J(7)	Integrity Commissioner Report on Complaint of Violation of Councillors' Code of Conduct – Complaint (1)	\$0	\$0	Consider. See Report Attached to Motion.
J(8)	Integrity Commissioner Report on Complaint of Violation of Councillors' Code of Conduct – Complaint (1)	\$0	\$0	Consider. See Report Attached to Motion.
J(9)	Ontario Municipal Board Hearing – 2415 Dundas Street West			Already Considered by City Council on January 31, 2005.
J(10)	Renewal of Argonaut Rowing Club Lease	\$0	\$0	The new agreement will result in nominal revenue increase.
J(11)	Renewal of Toronto Island Canoe Club Agreement	\$0	\$0	The new agreement will result in nominal revenue increase.
J(12)	Revisions to Draft Official Plan and Zoning Amendments - Morguard Investments	\$0	\$0	Consider. See Report Attached to Motion.

Minutes of the Council of the City of Toronto
January 31, February 1 and 2, 2006

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(13)	Policy for Purchase of Software Containing only Canadian Spell-Check	\$0	\$0	Consider.
J(14)	Change in Membership - Mayor's Roundtable on Arts and Culture	\$0	\$0	Consider.
J(15)	City-owned Space Provided at Below-Market Rent - 666 Eglinton Avenue West	\$0	\$0	Consider. See Briefing Note Attached to Motion.
J(16)	151 Wimbledon Road – Ontario Municipal Board Hearing, February 13, 2006 – Ward 4 (Etobicoke Centre)	\$0	\$0	Consider. See Report Attached to Motion.
J(17)	Draft Postering By-law	\$0	\$0	Consider. See Report Attached to Motion.
J(18)	Implications of Bill 206 for the City of Toronto - Reform to OMERS	\$0	\$0	Consider.
J(19)	Funding for the "Youth Action" Project	\$0	\$0	Consider. The cost of the one-time project of \$124,402 is fully funded by the Department of Justice. See Report Attached to Motion.
J(20)	266 Airdrie Road - Committee of Adjustment File No.: A0795/05NY - Ontario Municipal Board Hearing - 2:00 p.m. February 6, 2006 - OMB File No. PL051115 (Ward 26 - Don Valley West)	\$0	\$0	Consider. See Report Attached to Motion.
J(21)	Funding Support from Environment Canada's Great Lakes Sustainability Fund for the City of Toronto's Wet Weather Flow Master Plan (WWFMP) Projects	\$0	\$0	\$175,000 gross will be fully funded from the Federal Government. 2006 Toronto Water Capital Budget requires adjustments. See FIS.
J(22)	Kenaston Gardens Park - Request for Community Consultation Meeting	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(23)	Community Concerns Relating to the Keele Correctional Centre – 330 Keele Street	\$0	\$0	Consider.
J(24)	Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners	\$0	\$0	Consider. See Report Attached to Motion.
J(25)	2 and 6 Royal York Road - Ontario Municipal Board Hearing - February 28, 2006 (Ward 6 Etobicoke-Lakeshore)			<i>Confidential. See Confidential Report Attached to Motion.</i>
J(26)	Solid Waste Management Contractual Issues (All Wards)			<i>Confidential. See Confidential Report Attached to Motion.</i>
J(27)	Toronto Waterfront Revitalization – West Don Lands Precinct – Surplus Land Declaration and Proposed Closing and Leasing of Three Public Highways and Portions of Four Public Highways; Leasing of Four Parcels of City-Owned Property Located within the Precinct and Leasing of 33 St. Lawrence Street (Ward 28 – Toronto Centre-Rosedale)	\$0	\$0	Consider. See Report Attached to Motion.
J(28)	Request to Transport Canada to Require Side Guards on Large Vehicles to Protect Cyclists	\$0	\$0	Consider.
J(29)	Security/Safety Protocols for City of Toronto Recreation Facilities	\$0	\$0	Consider.
J(30)	799, 803, 803R, and 809 Broadview Avenue and 21R Pretoria Avenue – Official Plan Amendment, Zoning By-law Amendment and Site Plan Appeals to the Ontario Municipal Board			<i>Confidential. See Confidential Report Attached to Motion.</i>

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION F(1)]
(See Minute 1.58, Page 76)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – F(1) – The City Council 2005 Approved Budget was adjusted by \$395,400.00 for COLA (2.75%); the 2006 Proposed Budget includes \$365,300.00 for COLA. The Mayor's 2005 Approved Budget was adjusted by \$42,200.00 for COLA (2.75%); the 2006 Proposed Budget includes \$41,000.00 for COLA. This would include all increases for Elected Officials and their non-union staff. Re-consideration of the increase could result in savings of approximately \$41,028.00.

☒ Consider ☐ Refer to Standing Committee

Submitted by: _____

Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION I(1)]
(See Minute 1.63, Page 86)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>30,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – I(1) – Cannot be accommodated within existing 2005 Operating Budget for CPIP.
--

- ☐ Consider ☒ Refer to Policy and Finance Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: December 6, 2005

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION I(1)]
(See Minute 1.63, Page 86)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>30,000</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – I(1) – There is no provision in the 2006 Proposed CPIP Operating Budget for this grant.
--

- ☐ Consider ☒ Refer to Budget Advisory Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 4 [NOTICE OF MOTION J(1)]
(See Minute 1.65, Page 90)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(1) – A report from Facilities & Real Estate, Information & Technology and City Clerk has been requested to go to e-City and Administration Committee. That already addresses this issue.

- ☐ Consider ☒ Refer to e-City and Administration Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 5 [NOTICE OF MOTION J(2)]
(See Minute 1.66, Page 92)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: <u>T.B.D.</u> (net)	Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(2) – Should require report from staff for more information in order to estimate costs for waste collection.
--

- ☐ Consider ☒ Refer to Works Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 6 [NOTICE OF MOTION J(3)]
(See Minute 1.67, Page 94)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(3) – Should require report from staff to identify requirements for implementation.

- ☐ Consider ☒ Refer to Works Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 7 [NOTICE OF MOTION J(5)]
(See Minute 1.69, Page 98)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$(933.00) (net)	<input checked="" type="checkbox"/> Future year impacts: <u>increase by inflation rate</u>
	<input checked="" type="checkbox"/> Following year
	<input checked="" type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input checked="" type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Budget adjustments: \$(933.00) (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(5) – Parks is currently in discussions to permit the San Lorenzo Latin American Community Centre to temporarily install a radio tower on unspecified park land. As consideration, San Lorenzo is to pay rent of \$933.00 (the recreational rate) for 2006 and inflation (CPI)-adjusted amounts for future years. Furthermore, San Lorenzo is to be responsible for all operating and capital costs, including, but not limited to, erecting and removing the tower, site restoration, tower maintenance, etc. Currently, there is no arrangement being made on this.

- ☐ Consider ☒ Refer to Economic Development and Parks Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 8 [NOTICE OF MOTION J(6)]
(See Minute 1.70, Page 101)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$27,000 (net) additional revenue	<input type="checkbox"/> Future year impacts: \$ _____ <input type="checkbox"/> Following year <input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input checked="" type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net) <input type="checkbox"/> Following year <input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact: (Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(6) – The estimated rental revenue of \$27,000 will be contributed to the Vehicle Reserve. There will be no expenses incurred by EMS with the execution of this agreement.
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- ☒ Consider ☐ Refer to Budget Advisory Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 9 [NOTICE OF MOTION J(15)]
(See Minute 1.79, Page 115)**Financial Implications:**

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ 0 (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding (Federal)
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(15) – The Forest Hill Art Club, the Centre Sculpture Group and the Sculptors' Nine do not presently pay any rent or capital costs at 666 Eglinton Ave. W. (a City facility). They are only responsible for limited operating expenditures (i.e. insurance, materials and supplies, telephone). Amending the "Policy on City-Owned Space Provided at Below-Market Rent" to allow these three non-profit groups to maintain their rent-free status will therefore not impact current or future operating budgets. There is, however, the opportunity cost of foregone market rent revenue.

☒ Consider ☐ Refer to Standing Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 10 [NOTICE OF MOTION J(19)]
(See Minute 1.83, Page 122)

Financial Implications:

<input checked="" type="checkbox"/> Operating	
<input checked="" type="checkbox"/> Current year impacts: \$ <u>0</u> (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input checked="" type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input type="checkbox"/> Capital	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ _____ (net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – (J19) – The cost of the one-time project of \$124,402 is fully funded by the Department of Justice.
--

- ☒ Consider ☐ Refer to Budget Advisory Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: February 1, 2006

FISCAL IMPACT STATEMENT 11 [NOTICE OF MOTION J(21)]
(See Minute 1.85, Page 126)**Financial Implications:**

<input type="checkbox"/> Operating	
<input type="checkbox"/> Current year impacts: \$ _____ (net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input type="checkbox"/> Budget adjustments: \$ 0 _____ (net)	
<input type="checkbox"/> Impact on staffing levels: _____ (positions)	

<input checked="" type="checkbox"/> Capital	
<input checked="" type="checkbox"/> Current year impacts: \$175,000 gross/\$0(net)	<input type="checkbox"/> Future year impacts: \$ _____ (net)
	<input type="checkbox"/> Following year
	<input type="checkbox"/> Future years
<input checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved capital budget	<input checked="" type="checkbox"/> Third party funding (Federal)
<input type="checkbox"/> New revenues	<input type="checkbox"/> Debt
<input type="checkbox"/> Reserve/Reserve Fund contributions	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Budget adjustments: \$175,000 gross/\$0(net)	
<input type="checkbox"/> Operating Impact:	
<input type="checkbox"/> Program costs: \$ _____ (net)	
<input type="checkbox"/> Debt service costs: \$ _____ (net)	

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(21) – Funding in the amount of \$175k from the Federal Government, Environment Canada, was not included in the 2006 Toronto Water Capital Budget. An adjustment will be made to the 2006 Capital Budget to include the funding of \$175k.
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- ☒ Consider ☐ Refer to Standing Committee

Submitted by: _____
Deputy City Manager & Chief Financial Officer

Date: February 1, 2006