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These Minutes were confirmed by City Council on June 27, 2006.

MINUTES OF THE COUNCIL OF THE CITY OF TORONTO

**TUESDAY, MAY 23, 2006,
WEDNESDAY, MAY 24, 2006 AND
THURSDAY, MAY 25, 2006**

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

CALL TO ORDER - 9:37 a.m.

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

The meeting opened with *O Canada*.

6.2 CONFIRMATION OF MINUTES

Councillor Carroll, seconded by Councillor Del Grande, moved that the Minutes of the regular Council meeting held on the 25th, 26th and 27th days of April, 2006, be confirmed in the form supplied to the Members, which carried.

6.3 PETITIONS

May 24, 2006:

- (a) Councillor Grimes submitted a petition (undated) containing the signatures of approximately 255 individuals, respecting the conversion of lands at 156 and 160 Evans Avenue and 833, 835 and 839 Oxford Street, from Industrial to Residential.

The above petition was received and considered with Etobicoke York Community Council Report 3, Deferred Clause 2a, headed "Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application, Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)".

- (b) Councillor Davis submitted a petition (May 24, 2006) containing the signatures of approximately 181 individuals, respecting safety shields in cabs.

The above petition was received and considered with Motion J(2), moved by Councillor Davis, seconded by Councillor Moscoe, respecting proposed improvements for the safety of Taxi Drivers.

PRESENTATION OF REPORTS

- 6.4 Councillor Lindsay Luby presented the following Reports for consideration by Council:

Deferred Clauses from April 25-27, 2006:

Policy and Finance Committee Report 3, Clauses 2a, 12a and 28a
Administration Committee Report 2, Clauses 2a, 6a and 12a
Audit Committee Report 1, Clauses 4a and 9a
Planning and Transportation Committee Report 2, Clauses 1a, 2a and 10a
Striking Committee Report 2, Clause 1a
Works Committee Report 2, Clauses 1a, 15a, 21a and 23a
Etobicoke York Community Council Report 3, Clauses 2a, 3a, 8a, 10a and 56a
Scarborough Community Council Report 3, Clauses 5a and 12a
Toronto and East York Community Council Report 3, Clause 85a

New Committee Reports:

Policy and Finance Committee Report 4
Administration Committee Report 3
Board of Health Report 3
Community Services Committee Report 3
Economic Development and Parks Committee Report 3
Planning and Transportation Committee Report 3
Works Committee Report 3
Joint Policy and Finance Committee and Administration Committee Report 1
Joint Policy and Finance Committee and Economic Development and Parks Committee Report 1

New Community Council Reports:

Etobicoke York Community Council Report 4
North York Community Council Report 4
Scarborough Community Council Report 4
Toronto and East York Community Council Report 4

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

6.5 DECLARATIONS OF INTEREST

Councillor Ashton declared his interest in Policy and Finance Committee Report 4, Clause 17, headed “Acquisition of Toronto District School Board’s Wanita Road Site (Ward 44 - Scarborough East)”, in that he owns property in the immediate vicinity.

Councillor Augimeri declared her interest in Motion J(7), moved by Councillor Mihevc, seconded by Deputy Mayor Bussin, respecting a request for a review of Ontario’s *Workplace Safety and Insurance Act* - Firefighters’ Illness or Disease, in that her spouse acts as a consultant dealing specifically with *Workplace Safety and Insurance Act* matters.

Councillor Cowbourne declared her interest in the following matters on the Order Paper for this meeting of Council:

- (i) Policy and Finance Committee Report 4, Clause 17, headed “Acquisition of Toronto District School Board’s Wanita Road Site (Ward 44 - Scarborough East)”, in that the subject property is adjacent to her principal residence; and
- (ii) Item (c), entitled “City of Toronto Energy Plan”, as contained in Policy and Finance Committee Report 4, Clause 35, headed “Other Items Considered by the Committee”, in that her husband is employed by an independent electricity system operator which is directly responsible for the sale of hydro electricity in Ontario.

Deputy Mayor Feldman declared his interest in the following matters on the Order Paper for this meeting of Council:

- (i) Policy and Finance Committee Report 4, Clause 10, headed “Request to Install an Irrigation Supply Main Crossing under Jane Street for the Oakdale Golf and Country Club (Ward 7 - York West and Ward 9 - York Centre)”, in that he is a past President, shareholder and member of the subject Club;
- (ii) Item (k), entitled “The Jolly Miller Lands (Ward 25 – Don Valley West)”, as contained in Administration Committee Report 3, Clause 15, headed “Other Items Considered by the Committee”, in that his principal residence is across the road from the subject property; and
- (iii) Works Committee Report 3, Clause 1, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”, in that members of his family have bought advertisements on benches.

Councillor Kelly declared his interest in Motion J(40), moved by Councillor Del Grande, seconded by Councillor Altobello, respecting the hiring of relatives of Members of Council in Council Offices, in that his wife works for one of the City’s agencies, boards and commissions.

Councillor Li Preti declared his interest in Joint Policy and Finance Committee and Administration Committee Report 1, Clause 1, headed “Status Report on the Proposed Terms of Transfer of Properties to the City of Toronto Economic Development Corporation (Ward 10 - York Centre; Ward 11 - York South-Weston; Ward 35 - Scarborough Southwest and Ward 36 - Scarborough Southwest)”, as it relates to Ward 10, in that he lives within the subject area.

Councillor Mammoliti declared his interest in Motion J(40), moved by Councillor Del Grande, seconded by Councillor Altobello, respecting the hiring of relatives of Members of Council in Council Offices, in that his brother works for the Toronto Community Housing Corporation (TCHC).

Mayor Miller declared his interest in Motion F(1), moved by Deputy Mayor Feldman, seconded by Deputy Mayor Pantalone, respecting the Integrity Commissioner Report on the awarding of a City Contract for Market Research Services to Northstar Research Partners, in that an associate of the subject firm is the Campaign Manager for his upcoming election campaign.

Councillor Saundercook declared his interest in Motion J(40), moved by Councillor Del Grande, seconded by Councillor Altobello, respecting the hiring of relatives of Members of Council in Council Offices, in that his brother works for Toronto Hydro.

Councillor Shiner declared his interest in the following matters on the Order Paper for this meeting of Council:

- (i) Policy and Finance Committee Report 4, Clause 1, headed “The Hiring and Appointment of Relatives of Members of Council to City of Toronto Staff and Agencies, Boards and Commissions”, and Motion J(40), moved by Councillor Del Grande, seconded by Councillor Altobello, respecting the hiring of relatives of Members of Council in Council Offices, in that a member of his family works for the City on a part-time basis;
- (ii) Administration Committee Report 3, Clause 14, headed “Information and Privacy Commissioner Order MO-2030, Request for Municipal Property Assessment Corporation (MPAC) Assessment Information in Electronic Form”, in that a member of his family works for Municipal Property Assessment Corporation (MPAC); and
- (iii) Motion J(33), moved by Councillor Silva, seconded by Councillor Mihevc, respecting an appeal of a Committee of Adjustment Decision for 399 Adelaide Street West, in that his family owns property in the area.

Councillor Silva declared his interest in Motion J(7), moved by Councillor Mihevc, seconded by Deputy Mayor Bussin, respecting a request for a review of Ontario’s *Workplace Safety and Insurance Act* - Firefighters’ Illness or Disease, in that his spouse works for the spouse of Councillor Augimeri.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

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

Policy and Finance Committee Report 3, Clauses 2a, 12a and 28a.

Administration Committee Report 2, Clauses 2a, 6a and 12a.

Audit Committee Report 1, Clauses 4a and 9a.

Planning and Transportation Committee Report 2, Clauses 1a, 2a and 10a.

Striking Committee Report 2, Clause 1a.

Works Committee Report 2, Clauses 1a, 15a, 21a and 23a.

Etobicoke York Community Council Report 3, Clauses 2a, 3a, 8a, 10a and 56a.

Scarborough Community Council Report 3, Clauses 5a and 12a.

Toronto and East York Community Council Report 3, Clause 85a.

Policy and Finance Committee Report 4, Clauses 1, 2, 3, 4, 5, 7, 8, 15, 17, 18, 22, 25, 26, 28, 29, 30, 32 and 34.

Administration Committee Report 3, Clauses 1, 2, 4, 5, 11, 12, 14 and 15.

Board of Health Report 3, Clause 1.

Community Services Committee Report 3, Clauses 1, 4, 6, 7, 8 and 10.

Economic Development and Parks Committee Report 3, Clauses 1, 4, 5, 6, 7 and 15.

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

Works Committee Report 3, Clauses 1, 2, 4, 5, 7, 10, 12, 16, 17, 19 and 21.

Joint Policy and Finance Committee and Administration Committee Report 1, Clause 1.

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

Etobicoke York Community Council Report 4, Clauses 6, 8, 9, 11, 12, 13 and 25.

North York Community Council Report 4, Clauses 5, 22, 30, 31, 32, 33 and 34.

Scarborough Community Council Report 4, Clauses 2, 13 and 14.

Toronto and East York Community Council Report 4, Clauses 1, 4, 7, 8, 14, 35, 36 and 65.

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

Striking Committee Report 2, Clause 1a.

Works Committee Report 2, Clause 1a.

Policy and Finance Committee Report 4, Clauses 1, 4, 7, 15, 18 and 26.

Administration Committee Report 3, Clauses 11 and 12.

Board of Health Report 3, Clause 1.

Community Services Committee Report 3, Clauses 1, 8 and 10.

Planning and Transportation Committee Report 3, Clause 4.

Works Committee Report 3, Clause 4.

North York Community Council Report 4, Clause 30.

Scarborough Community Council Report 4, Clause 13.

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

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

Economic Development and Parks Committee Report 3, Clause 14. (See Minute 6.21, Page 21).

Etobicoke York Community Council Report 4, Clause 39. (See Minute 6.17, Page 17).

Scarborough Community Council Report 4, Clause 18. (See Minute 6.36, Page 45).

Toronto and East York Community Council Report 4, Clause 6. (See Minute 6.58, Page 71).

Toronto and East York Community Council Report 4, Clause 62. (See Minute 6.53, Page 65).

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

6.7 Toronto and East York Community Council Report 3, Deferred Clause 85a, headed “Citizen Appointments to the Todmorden Mills Museum and Arts Centre Community Museum Board (Ward 29 - Toronto-Danforth)”.

The Clause was submitted without recommendation.

Motion:

Councillor Ootes moved that Council:

- (1) appoint the selected individuals listed in Attachment 1 to the report (March 9, 2006) from the General Manager, Economic Development, Culture and Tourism, to the Todmorden Mills Museum and Arts Centre Community Museum Board for a term expiring November 30, 2006, or until a successor is appointed; and
- (2) authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Votes:

The motion by Councillor Ootes carried.

The Clause, as amended, carried.

Summary:

In summary, City Council amended this Clause by:

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

Erika Empey; and
John Broadhead; and

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

6.8 Policy and Finance Committee Report 4, Clause 8, headed “Provincial Funding for Methadone Works”.

Vote:

The Clause was adopted, without amendment.

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

6.9 Policy and Finance Committee Report 4, Clause 25, headed “Approval of Best Start Funds for Bergamot Child Care Centre”.

Vote:

Adoption of Clause, without amendment:

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

Carried by a majority of 41.

6.10 Economic Development and Parks Committee Report 3, Clause 6, headed “Museum Grants - Campbell House, Toronto’s First Post Office and The Friends of Fort York (Wards 19 and 20 Trinity-Spadina and Ward 28 Toronto-Centre Rosedale)”.

Vote:

Adoption of Clause, without amendment:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 40.

6.11 Economic Development and Parks Committee Report 3, Clause 7, headed “2006 Arts and Culture Grants Recommendations, Community Partnership and Investment Program - Local Arts Service Organizations Allocations (All Wards)”.

Vote:

Adoption of Clause, without amendment:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 40.

- 6.12 **Etobicoke York Community Council Report 4, Clause 25, headed “Installation of Speed Humps - Alberta Avenue, between St. Clair Avenue West and Davenport Road (Ward 17 - Davenport)”.**

Vote:

The Clause was adopted, without amendment.

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

- 6.13 **North York Community Council Report 4, Clause 22, headed “Dual Northbound Left Turn Lanes - Bermondsey Road and Eglinton Avenue East (Ward 34 - Don Valley East)”.**

The Clause was submitted without recommendation.

May 23, 2006:

Motion:

Deputy Mayor Feldman moved that Council adopt the following:

“That the staff recommendations contained in the Recommendations Section of the report (April 19, 2006) from the Director, Transportation Services, North York District [as contained in the Clause], be adopted.”

Votes:

The motion by Deputy Mayor Feldman carried.

The Clause, as amended, carried.

May 25, 2006:

Motion to Re-Open:

Deputy Mayor Feldman, 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:

Deputy Mayor Feldman moved that Council adopt the following:

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

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

Votes:

The motion by Deputy Mayor Feldman carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Thompson, 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.

Deputy Mayor Bussin in the Chair.

Vote:

The Clause, as amended, carried.

Summary:

In summary, Council adopted the following:

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

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

- 6.14 **Toronto and East York Community Council Report 4, Clause 7, headed “Final Report – Amendment to the Official Plan and Zoning By-law - 40 Adelaide Street West, 40 Temperance Street, and 335 and 347 Bay Street; and Intention to Designate under the *Ontario Heritage Act*, Alterations to a Heritage Building, and Heritage Easement Agreement - 347 Bay Street (Ward 28 - Toronto Centre-Rosedale)”.**

Motion:

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

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

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

- 6.15 **Toronto and East York Community Council Report 4, Clause 36, headed “Proposed Installation of Speed Bumps in East-West Public Lane Bounded by Poucher Street, Pape Avenue and Riverdale Avenue (Ward 30 - Toronto-Danforth)”.**

Vote:

The Clause was adopted, without amendment.

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

- 6.16 **Policy and Finance Committee Report 3, Deferred Clause 12a, headed “How Quickly the Toronto Police Service Can Recruit and Train the 250 New Police Officers Hired Under the ‘Safer Communities - 1,000 Officers Partnership Program’, Locations to Which They Will Be Deployed, Associated Costs and Multicultural Diversity of the New Police Officers”.**

Motions:

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

“That the Toronto Police Services Board be requested to consider increasing the authorized number of positions of the Toronto Police Service (the uniform strength) by 106 officers, to the 1992 level of 5,616 police officers, for 2007, and to maintain at least this number of officers in future years.”

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

“That the Toronto Police Services Board be requested to consider reporting to Council, through the Policy and Finance Committee, on what steps are being taken, either independently or in co-operation with the Toronto Community Housing Corporation, to provide additional policing at problem housing sites.”

Deputy Mayor Pantalone in the Chair.

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

“That the Toronto Police Services Board be requested to consider reporting to Council by the last meeting of this term, scheduled to be held on September 25, 2006, through the Policy and Finance Committee, in consultation with the Toronto Community Housing Corporation and the Toronto Transit Commission, on how the Toronto Police Service supports these organizations and how support might be improved, including the option of the Toronto Police Service taking over responsibility for the policing for these organizations.”

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

“That the Toronto Police Services Board be requested to consider requesting the Chief of Police to review the allocation of the 175 additional police officers and consider increasing the staffing in 12 Division.”

- (e) Councillor Fletcher moved that motion (c) by Councillor Ootes be amended by:

- (1) deleting the word “consultation” and inserting instead the word “conjunction”; and
- (2) adding the following words:

“such report to include the current delivery of security functions of the Toronto Community Housing Corporation and the Toronto Transit Commission and the funds expended on security; and how 250 new officers can be used to enhance existing partnerships between the Toronto Police Service, the Toronto Community Housing Corporation and the Toronto Transit Commission”.

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

“That the Toronto Police Services Board be requested to consider reporting to Council, through the Policy and Finance Committee, on the development of a new funding formula that provides ongoing financial support from the provincial and federal governments for City policing costs.”

Mayor Miller in the Chair.

Votes:

Adoption of motion (a) by Councillor Shiner:

Yes - 39	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Thompson, Walker, Watson
No - 2	
Councillors:	Moscoe, Soknacki

Carried by a majority of 37.

Adoption of motion (b) by Councillor Thompson:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, 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 Councillor Fletcher:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, 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 Ootes, as amended:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, McConnell, Mihevc, Milczyn, 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 Nunziata:

Yes - 17	
Councillors:	Ashton, Carroll, Cowbourne, Davis, Di Giorgio, Fletcher, Ford, Hall, Holyday, Jenkins, Li Preti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Walker
No - 24	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Cho, De Baeremaeker, Del Grande, Feldman, Filion, Giambrone, Kelly, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson

Lost by a majority of 7.

Adoption of motion (f) by Councillor Cho:

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

Carried, without dissent.

Adoption of Clause, as amended:

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

Carried, without dissent.

Summary:

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

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

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

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

6.17 Etobicoke York Community Council Report 4, Clause 39, headed “Liquor Licence Application - 9 Milvan Drive, Units 1 and 2 (Ward 7 - York West)”.

Vote:

The Clause was adopted, without amendment.

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.

Motion:

Councillor Mammoliti moved that the Clause be amended by amending the Conditions contained in the Operative Paragraph of the motion by Councillor Mammoliti, as contained in the Clause, by:

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

“(3) There shall be at least six uniformed and licensed security guards at the

Licensed Premises during the hours of operation and will be deployed as follows:

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

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

- “(1) The licensed Premises shall close no later than 3:30 a.m. local time each day and no patrons will be allowed to enter or remain on the licensed Premises after 3:30 a.m. local time.
- (2) Except in the event of an emergency, all patrons shall enter and exit the licensed Premises through the front entrance.

- (3) There shall be at least six uniformed and licensed security guards at the Licensed Premises during the hours of operation and will be deployed as follows:
 - (a) five security guards at the front entrance at the head of the lineup with two of the security guards to be searchers (one male, one female); and
 - (b) one security guard in the alleyway to guard the emergency exits;
- (4) All patrons shall be subject to a physical search of their person and belongings before being permitted entry to the Licensed Premises and signs to that effect shall be posted at the front entrance to the Licensed Premises.
- (5) Security guards shall have a hand-held metal detector at the front entrance of the Licensed Premises and shall use the said metal detector to screen patrons before entering the Licensed Premises.
- (6) Security guards at the front entrance shall be equipped with two mechanical or electronic counters, one for the 'in count' and one for the 'out count', so as to maintain an accurate count of the number of people in the Licensed Premises.
- (7) The Licensee shall hire an appropriate number of paid-duty police officers during the hours of operation.
- (8) The Licensee shall install and maintain six high-resolution video security cameras at the licensed Premises during the hours of operation in the following locations:
 - (a) front parking lot;
 - (b) front entrance lineup area;
 - (c) lobby entrance;
 - (d) washrooms access/egress;
 - (e) VIP area of the bar; and
 - (f) alleyway covering the two emergency exits.
- (9) The Licensee shall store and retain the video from each camera for at least 30 days and make the video tape or DVD available immediately to police officers or liquor licence inspectors, upon request."

Votes:

The motion by Councillor Mammoliti carried.

The Clause, as amended, carried.

6.18 Policy and Finance Committee Report 4, Clause 28, headed "Bill 104 - The Greater Toronto Transportation Authority Act".

Motion:

Councillor Stintz moved that the Clause be amended:

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

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

6.19 Administration Committee Report 3, Clause 4, headed “Apportionment of Property Taxes”.

Motion:

Councillor Watson moved that the Clause be amended by deleting the following application:

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

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

6.20 Toronto and East York Community Council Report 4, Clause 65, headed “Status and Further Directions Report – Rezoning Application - 450, 470 and 500 Lake Shore Boulevard West (Ward 20 - Trinity-Spadina)”.

Motion:

Councillor Silva moved that the Clause be received.

Vote:

The motion by Councillor Silva carried.

6.21 Economic Development and Parks Committee Report 3, Clause 14, headed “City of Toronto Response to the Western Hemisphere Travel Initiative (WHTI) (All Wards)”.

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

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

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Deputy Mayor Pantalone in the Chair.

6.22 Council considered the following Clauses concurrently:

- **Policy and Finance Committee Report 3, Deferred Clause 28a, headed “Response to the Reports on ‘Improving the Planning Process’ ”; and**
- **Planning and Transportation Committee Report 2, Deferred Clause 2a, headed “Improving the Planning Process”.**

Motions:

- (a) Councillor Giambrone moved that Planning and Transportation Committee Report 2, Deferred Clause 2a, be amended by adding the following:

“That:

- (1) the Chief Planner and Executive Director, City Planning, report to the Planning and Transportation Committee on options for alternative funding sources for professional facilitators for community meetings;
- (2) the Deputy City Manager and Chief Financial Officer, in consultation with the Chief Planner and Executive Director, City Planning, be requested to report to the Planning and Transportation Committee and the Budget Advisory Committee, in time for consideration as part of the 2007 budget process, on mechanisms for increasing development fees sufficiently to cover the costs of increased services outlined in this Clause, including any cost increases necessary to improve the development process; and
- (3) the Chief Planner and Executive Director, City Planning, be requested to report to the Planning and Transportation Committee, on options for using pre-applications to identify areas for redeploying planning resources; this proactive planning would also assess the needed investments in public infrastructure for things like community services and facilities, parks, and perhaps identifying priorities and guidelines for Section 37 in advance.”

- (b) Councillor Shiner moved that Planning and Transportation Committee Report 2, Deferred Clause 2a, be amended by adding the following:

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

- (c) Councillor Kelly moved that Policy and Finance Committee Report 3, Deferred Clause 28a, be amended by adding the following words to staff Recommendation (1) contained in the Recommendations Section of the report (March 27, 2006) from Sue Corke, Deputy City Manager:

“and a public focus group, chosen by the Chief Planner and Executive Director, City Planning, composed of representatives of the City’s Community/Ratepayer Associations (two per Community Council area)”.

- (d) Councillor Filion moved that Policy and Finance Committee Report 3, Deferred Clause 28a, be amended by adding the following:

“That, in those small number of instances in which local Councillors request the use of a facilitator for planning meetings related to social housing projects, the Chief Planner and Executive Director, City Planning, attempt to accommodate such requests within existing resources.”

- (e) Councillor Lindsay Luby moved that motion (d) by Councillor Filion be amended by inserting the words “or other instances as determined by the Ward Councillor”, after the words “social housing projects”.

- (f) Councillor Ootes moved that:

- (1) Policy and Finance Committee Report 3, Deferred Clause 28a, be amended to provide that where a Councillor wants to retain a facilitator, the cost will be paid out of the Councillor’s budget; and
- (2) Planning and Transportation Committee Report 2, Deferred Clause 2a, be amended to provide that where a Councillor wants to retain a facilitator, the cost will be paid out of the Councillor’s budget.

Votes on Policy and Finance Committee Report 3, Deferred Clause 28a:

Adoption of motion (c) by Councillor Kelly:

Yes - 8	
Councillors:	Carroll, Cowbourne, Del Grande, Fletcher, Ford, Jenkins, Kelly, Li Preti
No - 29	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Bussin, Cho, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Hall, Holyday, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson

Lost by a majority of 21.

Adoption of motion (e) by Councillor Lindsay Luby:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Filion, Fletcher, Giambrone, Jenkins, Kelly,

	Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Pitfield, Rae, Silva, Soknacki, Walker, Watson
No - 12	
Councillors:	Ainslie, Cho, Di Giorgio, Feldman, Ford, Hall, Holyday, Nunziata, Pantalone, Saundercook, Shiner, Thompson

Carried by a majority of 13.

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

Yes - 21	
Councillors:	Ainslie, Altobello, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Holyday, Kelly, Li Preti, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 16	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cowbourne, Davis, Filion, Fletcher, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Silva, Watson

Carried by a majority of 5.

Deputy Mayor Pantalone, due to the above decision of Council, declared motion (d) by Councillor Filion, redundant.

Adoption of Clause, as amended:

Yes - 24	
Mayor:	Miller
Councillors:	Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Moscoe, Nunziata, Ootes, Pantalone, Silva, Soknacki, Thompson, Watson
No - 14	
Councillors:	Ainslie, Altobello, Bussin, Cho, Feldman, Ford, Holyday, Kelly, Mihevc, Pitfield, Rae, Saundercook, Shiner, Walker

Carried by a majority of 10.

Summary:

In summary, Council amended Policy and Finance Report 3, Deferred Clause 28a, to provide that where a Councillor wants to retain a facilitator, the cost will be paid out of the Councillor's budget.

Votes on Planning and Transportation Committee Report 2, Deferred Clause 2a:

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

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

Lost, there being a tie vote.

Adoption of Parts (2) and (3) of motion (a) by Councillor Giambrone:

Yes - 14	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cowbourne, Davis, Fletcher, Giambrone, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Silva, Watson
No - 24	
Councillors:	Ainslie, Altobello, Cho, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Nunziata, Ootes, Pitfield, Rae, Saundercook, Shiner, Soknacki, Thompson, Walker

Lost by a majority of 10.

Adoption of motion (b) by Councillor Shiner:

Yes - 37	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Filion

Carried by a majority of 36.

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

Yes - 22	
Mayor:	Miller
Councillors:	Ainslie, Altobello, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Holyday, Kelly, Li Preti, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Saundercook, Shiner, Soknacki, Thompson, Walker
No - 15	
Councillors:	Bussin, Carroll, Cho, Cowbourne, Davis, Filion, Giambrone, Hall, Jenkins, Lindsay Luby, McConnell, Mihevc, Rae, Silva, Watson

Carried by a majority of 7.

Adoption of Clause, as amended:

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

Carried by a majority of 22.

Summary:

In summary, Council amended Planning and Transportation Committee Report 2, Deferred Clause 2a:

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

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

Mayor Miller in the Chair.

6.23 **Policy and Finance Committee Report 3, Deferred Clause 2a, headed “Toronto Youth Strategy 2006 Implementation Priorities and Terms of Reference for the Youth Strategy Panel”.**

Motion:

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

“That:

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

Votes:

Adoption of motion by Councillor Carroll:

Yes - 31	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pitfield, Rae, Saundercook, Silva, Soknacki, Thompson, Walker, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 30.

The Clause, as amended, carried.

6.24 Administration Committee Report 2, Deferred Clause 2a, headed “Canadian Content and Toronto Local Preference Policy”.

Motion brought forward from Council Meeting of April 25, 26 and 27, 2006:

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

“That:

- (1) the City of Toronto develop a draft municipal taxpayer preference policy that recognizes the contribution made to the municipal economy by companies that pay property taxes and thereby contribute financially to the economy of the City of Toronto, the Greater Toronto Area (GTA), Ontario and Canada;
- (2) the draft policy be based entirely on objective measures, i.e., the quantum of property taxes paid to municipalities in each of four categories in descending order of impact on the local economy:
 - (a) to the City of Toronto (first category);
 - (b) to a municipality within the GTA (second category);
 - (c) to a municipality within Ontario (third category); and
 - (d) to a municipality in Canada; and
- (3) this draft policy be circulated to the Toronto Board of Trade, Manufacturers’ Associations and Unions within the City of Toronto for their comments prior to consideration by Council.”

Ruling by Mayor:

Mayor Miller ruled motion (a) by Councillor Moscoe out of order, as it is contrary to the provisions of the *Discriminatory Business Practices Act*.

Motion:

- (b) Councillor Holyday moved that the Clause be amended by deleting the recommendations of the Administration Committee and inserting instead the following:

“That the staff recommendations contained in the Recommendations Section of the report (February 10, 2006) from the City Manager and Deputy City Manager and Chief Financial Officer, as contained in the Clause, be adopted.”

Votes:

Adoption of motion (b) by Councillor Holyday:

Yes - 14	
Councillors:	Altobello, Del Grande, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Watson
No - 18	
Mayor:	Miller
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Fletcher, Jenkins, Mammoliti, McConnell, Mihevc, Moscoe, Pantalone, Silva, Soknacki, Walker

Lost by a majority of 4.

The Clause was adopted, without amendment.

6.25 Administration Committee Report 2, Deferred Clause 6a, headed “Remuneration and Expenses of Members of Council and of the Council Appointees to Local Boards and Other Special Purpose Bodies for the year ended December 31, 2005”.

May 23, 2006:

Motion brought forward from Council Meeting of April 25, 26 and 27, 2006:

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

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

Deputy Mayor Pantalone in the Chair.

Votes:

The motion by Councillor Shiner carried.

Adoption of Clause, as amended:

Yes - 30	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Silva, Walker, Watson
No - 2	
Councillors:	Ford, Nunziata

Carried by a majority of 28.

Mayor Miller in the Chair.

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, the vote upon which was taken as follows:

Yes - 20	
Councillors:	Ashton, Carroll, Cho, Cowbourne, Davis, Feldman, Fletcher, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Saundercook, Shiner, Silva, Stintz
No - 10	
Mayor:	Miller
Councillors:	Altobello, Bussin, Del Grande, Di Giorgio, Holyday, Ootes, Rae, Soknacki, Watson

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

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

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

Deputy Mayor Pantalone in the Chair.

6.26 **Administration Committee Report 2, Clause 12a, headed “Use of Corporate and Communication Resources During an Election Year”.**

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by deleting Recommendation (2) of the Administration Committee and inserting instead the following:

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

- (b) Councillor Walker moved that the Clause be amended by deleting Recommendation (2) of the Administration Committee and inserting instead the following:

“(2) that June 30 of an election year be the Effective Date of some of the guidelines.”

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

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

- (d) Councillor Nunziata moved that the Clause be amended to provide that no newsletters be distributed after July 1, 2006.

Votes:

Adoption of motion (b) by Councillor Walker:

Yes - 5	
Councillors:	Ford, Holyday, Jenkins, Pitfield, Walker
No - 29	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson, Watson

Lost by a majority of 24.

Adoption of motion (a) by Councillor Moscoe:

Yes - 25	
Councillors:	Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Thompson, Watson
No - 9	
Councillors:	Ashton, Ford, Holyday, Jenkins, Milczyn, Nunziata, Pitfield, Silva, Walker

Carried by a majority of 16.

Adoption of motion (c) by Councillor Bussin:

Yes - 24	
Councillors:	Altobello, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson, Watson
No - 10	
Councillors:	Ainslie, Ashton, Cho, Ford, Holyday, Jenkins, Milczyn, Nunziata, Pitfield, Walker

Carried by a majority of 14.

Adoption of motion (d) by Councillor Nunziata:

Yes - 11	
Councillors:	Altobello, Ashton, Cowbourne, Di Giorgio, Fletcher, Ford, Holyday, Jenkins, Nunziata, Pitfield, Walker
No - 23	
Councillors:	Ainslie, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Giambrone, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson, Watson

Lost by a majority of 12.

Adoption of Clause, as amended:

Yes - 27	
Councillors:	Ainslie, Altobello, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Thompson, Watson
No - 7	
Councillors:	Ashton, Ford, Holyday, Milczyn, Nunziata, Pitfield, Walker

Carried by a majority of 20.

Summary:

In summary, Council amended this Clause by:

- (1) deleting Recommendation (2) of the Administration Committee and inserting instead the following:
 - “(2) select Option 3 in Recommendation (2), that Nomination Day of an election year be the Effective Date of some of the guidelines. For 2006 the date is Friday, September 29, 2006.”; and
- (2) amending Attachment 1 to the report (February 17, 2006) from the City Clerk and the Director, Corporate Communications, by deleting from Part (2), under the section related to the activities to be discontinued for Members of Council from Effective Date to Election Day in a municipal election year, the words “all printing, high speed photocopying and distribution, including”, so that Part (2) now reads as follows:
 - “(2) printing and general distribution of newsletters unless so directed and approved by Council;”.

6.27 Audit Committee Report 1, Deferred Clause 4a, headed “2006 Audit Work Plan”.

Motions:

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

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

‘Policies and practices related to outside work performed by City Arborists and related staff.’ ”
- (b) Councillor Davis moved that the Clause be amended by amending Appendix I to the report (January 18, 2006) from the Auditor General by adding the following to the 2006 Work Plan of the Auditor General:

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

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

“That:

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

6.28 Audit Committee Report 1, Deferred Clause 9a, headed “Let’s Build Program - 3810 Bathurst Street and 1555 Jane Street”.

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Feldman, Fletcher, Holyday, Jenkins, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Watson
No - 4	
Councillors:	Del Grande, Ford, Pitfield, Thompson

Carried by a majority of 22.

6.29 Planning and Transportation Committee Report 2, Deferred Clause 1a, headed “Bill 51 - Planning and Conservation Land Statute Law Amendment Act, 2005 and the Land Use Provisions of Bill 53, Stronger City of Toronto for a Stronger Ontario Act, 2005”.

Motion:

Councillor Shiner moved that the Clause be amended:

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

“It is recommended that:

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

- (2) by adding the following:

“That:

- (a) the following staff recommendations, contained in the Recommendations Section of the supplementary report (April 18, 2006) from the Chief Planner and Executive Director, City Planning [as contained in the Clause], be adopted:

‘It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be advised that Council recommends that the Bill 51 requirement to establish complete application policies in official plans not apply to the City of Toronto and that any legislation and related regulations addressing the matter of complete applications for Toronto instead be set out in Bill 53;
- (2) the provisions in Bill 53:
 - (a) allow the City to establish complete application requirements through by-laws of Council, with proper Notice but with no appeal to the OMB; and

- (b) allow that such by-laws follow Notice requirements that are either set out by local by-laws or alternatively prescribed by provincial regulation, in order to ensure proper notification to the public of complete application requirements and revision thereto;
 - (3) the Minister of Municipal Affairs and Housing be requested to consult with City staff in his preparation of the Bill 53 regulations relating to complete applications;
 - (4) the request for complete application requirements to be enshrined in Bill 53 be referred to the City Manager and City Solicitor for consideration in their preparation of a submission to the Standing Committee of the Legislature considering Bill 53; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;
- (b) the following staff recommendations contained in the Recommendations Section of the supplementary report (April 24, 2006) from the Chief Planner and Executive Director, City Planning Division [as contained in the Clause], be adopted:

‘It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be advised that Council recommends that the Minister not seek to exempt any further energy undertakings from the provisions of the *Planning Act* as is currently proposed under Section 23 of Bill 51, given that the environmental assessment (EA) process is poorly suited to identifying and addressing site-specific and local land-use impacts of development, including energy projects, facilities or undertakings;
- (2) the Minister of the Environment be advised that Council recommends that the *Environmental Assessment Act* include the requirement that energy undertakings be subject to an evaluation under the City’s site-plan control and zoning processes and that this evaluation should occur in tandem with the environmental assessment;

- (3) the Chief Planner and Executive Director, City Planning Division be directed to develop urban design guidelines for both large and small scale energy undertakings;
 - (4) the Chief Planner and Executive Director, City Planning Division be directed to ensure that the City's Zoning By-laws contain provisions to regulate energy projects, including sustainable and green energy projects; and
 - (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.'; and
- (c) the Minister of Municipal Affairs be again requested to bring forward:
- (i) reform to the Ontario Municipal Board (OMB), including that the OMB be a true appeal body and not a substitute decision maker; and
 - (ii) grounds for appeal be limited to Council acting unreasonably or in a manner not consistent with the provincial policy statement or not in conformity with Provincial Plans.' "

Votes:

Adoption of Part (1) of the motion by Councillor Shiner:

Yes - 29	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 27.

Adoption of Part (2)(a) of the motion by Councillor Shiner:

Yes - 28	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 4	
Councillors:	Ford, Holyday, Lindsay Luby, Ootes

Carried by a majority of 24.

Adoption of Part (2)(b) of the motion by Councillor Shiner:

Yes - 30	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 3	
Councillors:	Ford, Holyday, Ootes

Carried by a majority of 27.

Adoption of Part (2)(c) of the motion by Councillor Shiner:

Yes - 29	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Jenkins, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 4	
Councillors:	Ford, Holyday, Lindsay Luby, Milczyn

Carried by a majority of 25.

Adoption of Clause, as amended:

Yes - 30	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Walker, Watson
No - 3	
Councillors:	Ford, Holyday, Lindsay Luby

Carried by a majority of 27.

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, the vote upon which was taken as follows:

Yes - 21	
Councillors:	Ainslie, Altobello, Ashton, Carroll, Cho, De Baeremaeker, Del Grande, Di Giorgio, Ford, Holyday, Jenkins, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Thompson, Walker, Watson
No - 11	
Councillors:	Bussin, Cowbourne, Davis, Feldman, Fletcher, Lindsay Luby, Mihevc, Pantalone, Rae, Saundercook, Silva

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

6.30 Works Committee Report 2, Deferred Clause 21a, headed “Solid Waste Requirements for Lands at Ingram Transfer Station”.

Motion:

Councillor Di Giorgio moved that the Clause be referred to the Etobicoke York Community Council for consultation with the community and an examination of the zoning permissions required, and report back to Council in July 2006.

Vote on Referral:

Adoption of the motion by Councillor Di Giorgio:

Yes - 11	
Councillors:	Bussin, Cho, Di Giorgio, Feldman, Ford, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Saundercook
No - 19	
Councillors:	Ainslie, Altobello, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Fletcher, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Pantalone, Silva, Thompson, Watson

Lost by a majority of 8.

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

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

6.31 Planning and Transportation Committee Report 3, Clause 5, headed “Review of Tow Rates”.

Motion:

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

Votes:

The motion by Councillor Stintz carried.

The Clause, as amended, carried.

Mayor Miller in the Chair.

6.32 **Economic Development and Parks Committee Report 3, Clause 4, headed “Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)”.**

Deputy Mayor Feldman in the Chair.

Mayor Miller in the Chair.

Deputy Mayor Feldman in the Chair.

Motions:

(a) Councillor Holyday moved that the Clause be amended by deleting Recommendation (4) of the Economic Development and Parks Committee.

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

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

(c) Councillor Ashton moved that the Clause be amended by adding the following words to Recommendation (2) of the Economic Development and Parks Committee:

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

Councillor Nunziata in the Chair.

Deputy Mayor Feldman in the Chair.

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

“That:

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

Mayor Miller in the Chair.

6.33 Etobicoke York Community Council Report 4, Clause 8, headed “Application for an Exemption to Toronto Municipal Code, Chapter 447, Fences - 2 Kenridge Avenue (Ward 5 - Etobicoke-Lakeshore)”.

The Clause was submitted without recommendation.

Motion:

Councillor Milczyn moved that Council adopt the following:

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

6.34 Etobicoke York Community Council Report 4, Clause 9, headed “Encroachment Agreement - Application to Maintain a Close Boarded Wooden Fence with Lattice Work on Top within the Street Allowance - 2 Kenridge Avenue (Ward 5 - Etobicoke-Lakeshore)”.

The Clause was submitted without recommendation.

Motion:

Councillor Milczyn moved that Council adopt the following:

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

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

6.35 Etobicoke York Community Council Report 4, Clause 11, headed “Request to Remove One City-Owned Tree - 1217 Islington Avenue (Ward 5 - Etobicoke-Lakeshore)”.

The Clause was submitted without recommendation.

Motion:

Councillor Milczyn moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (April 14, 2006) from the General Manager, Parks, Forestry and Recreation [as contained in the Clause].

Votes:

Adoption of motion by Councillor Milczyn:

Yes - 29	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Giambrone, Grimes, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson
No - 4	
Councillors:	Di Giorgio, Ford, Holyday, Nunziata

Carried by a majority of 25.

The Clause, as amended, carried.

- 6.36 **Scarborough Community Council Report 4, Clause 18, headed “Final Report - Part Lot Control Application 05 110620 ESC 43 PL, Taylorwood Park Homes Inc., 3765 Kingston Road (Ward 43 - Scarborough East)”.**

May 23, 2006:

Vote:

The Clause was adopted, without amendment.

May 24, 2006:

Motion to Re-Open:

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

“That:

- (1) the City Solicitor be authorized to introduce the Part Lot Control Exemption By-law in Council after the owner of the subject lands has registered a

Section 118 Restriction under the *Land Titles Act*, agreeing not to transfer or charge any part of the said lands without the prior written consent of the Chief Planner and Executive Director, City Planning, or his delegate; and

- (2) the City Solicitor be authorized to take the necessary steps to release the Section 118 restriction at such time as the Common Elements Condominium Plan has been registered.”

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

- 6.37 **Joint Policy and Finance Committee and Administration Committee Report 1, Clause 1, headed “Status Report on the Proposed Terms of Transfer of Properties to the City of Toronto Economic Development Corporation (Ward 10 - York Centre; Ward 11 - York South-Weston; Ward 35 - Scarborough Southwest and Ward 36 - Scarborough Southwest)”.**

Motion:

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

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

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

- 6.38 **North York Community Council Report 4, Clause 5, headed “Request to Amend the Subdivision Agreement for English Lane Homes Inc. to Eliminate the Requirement of a Sidewalk on the North Boulevard of Jessie Drive (Ward 34 - Don Valley East)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by adding to the end of Recommendation (1) of the North York Community Council, the words, “and located adjacent to and as close to the road as possible”, so that Recommendation (1) of the North York Community Council now reads as follows:

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

6.39 Scarborough Community Council Report 4, Clause 2, headed “Proposed Renaming of Empringham Park to Shawn “Blu” Rose Park (Ward 42 - Scarborough Rouge River)”.

Vote:

Adoption of Clause, without amendment:

Yes - 33	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 0	

Carried, without dissent.

6.40 Works Committee Report 3, Clause 21, headed “Other Items Considered by the Committee”.

Motion:

Councillor Palacio moved that Item (d), entitled “Inventory of City Laneways and Level of Services Provided (All Wards)”, be referred back to the Works Committee for further consideration.

Vote:

The motion by Councillor Palacio carried.

Disposition:

Item (n), entitled “The Wet Weather Flow Master Plan Implementation 2004-2005 (City-wide)”, contained in this Clause, was postponed to the special meeting of City Council on June 14, 2006.

The balance of the Clause was received, for information.

6.41 Administration Committee Report 3, Clause 15, headed “Other Items Considered by the Committee”.

May 24, 2006:

Procedural Motion:

Councillor Giambrone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived, in order to consider Item (i), entitled “Termination of Lease of Lands Adjacent to 26 Ernest Avenue (Ward 18 – Davenport)”, contained in this Clause.

Vote:

Adoption of the procedural motion by Councillor Giambrone:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Augimeri, Carroll, Cho, Cowbourne, De Baeremaeker, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Pantalone, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 10	
Councillors:	Ashton, Del Grande, Di Giorgio, Ford, Holyday, Kelly, Li Preti, Nunziata, Ootes, Pitfield

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

May 25, 2006:

Motion:

Councillor Ashton moved that Council adopt the following:

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

‘It is recommended that:

- (1) authority be granted for termination of the lease with M & S Waste and Salvage Limited (the “Tenant”) for the lands described as Part of Lot 34, Concession 2 From the Bay, shown as Part 7 on Plan 64R-16975, Part 1 and Part of Part 2 on Plan 64R-16972, City of

Toronto and adjacent to 26 Ernest Avenue, as more particularly shown on Sketch “A” attached (the “Property”) (“the Lease”);

- (2) the Chief Corporate Officer or his designate be authorized to execute and deliver the Notice of Termination; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Ashton carried.

The balance of the Clause was received, for information.

6.42 Policy and Finance Committee Report 4, Clause 34, headed “Sale of City-Owned Land Located East of Manse Road, South of Lawrence Avenue East to WRP Neighbourhood Housing for Demonstration Affordable Home Ownership Project (Ward 44 - Scarborough East)”.

Vote:

Adoption of Clause, without amendment:

Yes - 19	
Mayor:	Miller
Councillors:	Ashton, Augimeri, Bussin, Carroll, Del Grande, Di Giorgio, Filion, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Palacio, Pantalone, Soknacki, Stintz, Watson
No - 9	
Councillors:	Altobello, Cowbourne, De Baeremaeker, Ford, Grimes, Holyday, Kelly, Lindsay Luby, Pitfield

Carried by a majority of 10.

6.43 Scarborough Community Council Report 3, Deferred Clause 12a, headed “Final Report - Rezoning Application 05 112029 ESC 44 OZ and Plan of Subdivision Application 05 112043 ESC 44 SB, Women Religious Project, Neighbourhood Housing, 4331 Lawrence Avenue East - West Hill Community (Ward 44 - Scarborough East)”.

Vote:

Adoption of Clause, without amendment:

Yes - 24	
Mayor:	Miller

Councillors:	Ashton, Augimeri, Bussin, Carroll, Di Giorgio, Filion, Fletcher, Grimes, Hall, Jenkins, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Silva, Soknacki, Stintz, Watson
No - 9	
Councillors:	Altobello, Cowbourne, De Baeremaeker, Del Grande, Ford, Holyday, Kelly, Lindsay Luby, Pitfield

Carried by a majority of 15.

6.44 Works Committee Report 3, Clause 2, headed “Pedestrian Crossover Review”.

Motion:

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

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

Votes:

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

6.45 Economic Development and Parks Committee Report 3, Clause 1, headed “Sports Strategy Framework for the City of Toronto (All Wards)”.

Motion:

Councillor Saundercook moved that the Clause be amended by amending Recommendation (2) of the Economic Development and Parks Committee by:

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

so Recommendation (2) now reads as follows:

- “(2) appoint Councillor Augimeri, Councillor Grimes and Councillor Saundercook to ensure the implementation and success of the Sport Strategy Framework,

working with staff and the Toronto Sports Council to advance the needs of Sport for Toronto and to identify other funding opportunities related to City and provincial policies on intensification.”

Votes:

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

6.46 **Policy and Finance Committee Report 4, Clause 2, headed “Recommendations on Members of Council Providing Letters of Reference”.**

Motion:

Councillor Watson moved that the Clause be referred back to the Policy and Finance Committee for further consideration.

Vote on Referral:

The motion by Councillor Watson carried.

6.47 **Toronto and East York Community Council Report 4, Clause 8, headed “Final Report - Application to Amend the Official Plan and Zoning By-law - 180-188 University Avenue and 192-194 Adelaide Street West; and Alterations to a Building Designated under the Ontario Heritage Act and Heritage Easement Agreement – 180 University Avenue (Ward 20 - Trinity-Spadina)”.**

Motion:

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

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

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

Deputy Mayor Bussin in the Chair.

6.48 **Administration Committee Report 3, Clause 1, headed “Fair Wage Violation - Kary Construction Limited”.**

Motion:

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

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

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

6.49 **Planning and Transportation Committee Report 3, Clause 8, headed “Transit Pass and Parking Requirements”.**

The Clause was submitted without recommendation.

Motion:

Councillor Moscoe moved that the Clause be referred to the Chief Planner and Executive Director, City Planning, for a report to the Planning and Transportation Committee, in consultation with the Chief General Manager of the Toronto Transit Commission.

Vote on Referral:

The motion by Councillor Moscoe carried.

6.50 **Joint Policy and Finance Committee and Economic Development and Parks Committee Report 1, Clause 1, headed “Toronto 2015 World Expo Bid (All Wards)”.**

Motions:

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

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

Mayor Miller in the Chair.

(b) Councillor Palacio moved that the Clause be amended to provide that, in view of the fiscal benefits resulting from Expo 2015 that go to mainly the provincial and federal governments, the City of Toronto request a financial guarantee from other orders of

government, to cover 100 percent of any Capital and Operating shortfall, if the City of Toronto is successful in the bidding process.

Votes:

Adoption of motion (b) by Councillor Palacio:

Yes - 38	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz, Walker, Watson
No - 0	

Carried, without dissent.

Adoption of motion (a) by Councillor Nunziata:

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

Carried, without dissent.

Adoption of Clause, 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, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Stintz,

Watson
No - 2 Councillors: Ford, Walker

Carried by a majority of 35.

Summary:

In summary, City Council amended this Clause:

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

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

6.51 **North York Community Council Report 4, Clause 32, headed “Request for Direction Report - Site Plan Control Application - 05 204361 NNY 25 SA - 939 Lawrence Avenue East – The Cadillac Fairview Corporation - Don Mills Shopping Centre (Ward 25 - Don Valley West)”.**

Motion:

Councillor Jenkins moved that the Clause be amended:

- (1) in accordance with the following settlement proposal contained in the communication (May 23, 2006) from Jeffrey L. Davies, Davies Howe Partners, and the City Solicitor be directed to do all things necessary to give effect thereto:
 - “(i) Cadillac Fairview will agree to a contribution of on-site public art in the amount of one percent of the cost of all construction on lands to be re-developed under its site plan approval application (‘Phase I’) that have been identified as triggering the need for building permits for new construction in the letter from its planning consultant to the City dated April 28, 2006; the contribution will include the costs associated with the artwork referenced in Recommendation (2)(vi) of the staff report dated May 3, 2006, as amended and adopted by Community Council; the provisions of the agreement that will govern the public art contribution will be worked out between Cadillac Fairview and the City of Toronto prior to issuance by the Ontario Municipal Board of a final order approving the site plan, with any disagreements being resolved by the Board;

- (ii) Cadillac Fairview will agree to give the City the deed in escrow referred to in Recommendations (2)(x) and (xiv) of the staff report dated May 3, 2006, as amended and adopted by Community Council, prior to final site plan approval, on the following understandings:
 - (a) the deed in escrow will be for parkland located west or south of the Civitan arena lands, the exact location being determined in accordance with Recommendation (2)(xiv) of the staff report, as amended and adopted by Community Council, and specified by means of a reference plan denoting the lands in question, which plan will be prepared at Cadillac Fairview's expense; and
 - (b) if Cadillac Fairview does not secure planning approval for an anticipated subsequent phase of the project ('Phase II'), including final site plan approval for at least one component thereof, within seven years of final site plan approval for Phase I, then the deed in escrow will be registered on the direction of Council. However, if Cadillac Fairview does secure planning approval for Phase II within seven years, then the City will determine the optimal location within the Don Mills Centre site of all parkland to be dedicated for the combined Phase I + Phase II development without regard for the location of the lands identified in the deed in escrow, which will not be registered but released to Cadillac Fairview upon approval of Phase II and conveyance of the parkland to be dedicated for the combined Phase I + Phase II development;
 - (iii) City Council will delete in its entirety Recommendation 1(i) of the staff report dated May 3, 2006, as amended and adopted by Community Council, and accept the location of the buildings as proposed by Cadillac Fairview in its revised site plan submitted to the City on April 7, 2006;
 - (iv) City Council will delete North York Community Council Recommendation (2)(b); and
 - (v) City Council will direct staff to work with representatives of Cadillac Fairview to expeditiously resolve all remaining issues and complete the site plan agreement as soon as possible, on the understanding that both parties will attempt to settle remaining issues on the merits; any issues that cannot be settled will be determined by the Board in timely fashion."; and
- (2) by adding the following:
- "That the supplementary report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be received."

Votes:

The motion by Councillor Jenkins carried.

The Clause, as amended, carried.

6.52 Toronto and East York Community Council Report 4, Clause 1, headed “Requests for Endorsement of Events for Liquor Licensing Purposes (Wards 19 and 20 - Trinity-Spadina; Ward 21 - St. Paul’s and Wards 27 and 28 - Toronto Centre-Rosedale)”.

Motions:

- (a) Councillor Ootes moved that the Clause be amended by amending the recommendations of the Toronto and East York Community Council by adding the following new Part (p) to Recommendation (1):

“(p) the 13th Annual Krinos Taste of the Danforth to be held on Danforth Avenue between Broadview Avenue and Jones Avenue on:

Friday, August 11, 2006, from 6:00 p.m. to 2:00 a.m., Saturday, August 12, 2006;

Saturday, August 12, 2006, from 12:00 noon to 2:00 a.m., Sunday, August 13, 2006; and

Sunday, August 13, 2006, from 12:00 noon to 8:00 p.m.;

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

Red Violin, 95 Danforth Avenue

Embrujo Flamenco Tapas Bar, 97 Danforth Avenue

Mambo Lounge, 120 Danforth Avenue

Old Nick English Pub, 123 Danforth Avenue

Café Brussel, 124 Danforth Avenue

Prince of Egypt, 135 Danforth Avenue

Dora Keogh, 141 Danforth Avenue

Allen's, 143 Danforth Avenue

Black Swan Tavern, 154 Danforth Avenue

South Sea Chinese Food, 162 Danforth Avenue

Terri O's Sports Bar, 185 Danforth Avenue

The Willow Tex-Mex, 193 Danforth Avenue

LCBO, 213 Danforth Avenue

Asteria Souvlaki Place, 292 Danforth Avenue

7 Numbers, 307 Danforth Avenue

Timothy's World News Café, 320 Danforth Avenue
Silk Road Café, 341 Danforth Avenue
Auld Spot, 347 Danforth Avenue
Sher-E-Punjab, 351 Danforth Avenue
Mariko Japanese Restaurant, 353 Danforth Avenue
Second Cup, 355 Danforth Avenue

GREEKTOWN BIA MEMBERS

Detroit Eatery, 389 Danforth Avenue
Astoria Shish Kebob House, 390 Danforth Avenue
Diners Thai, 395 Danforth Avenue
Caffé Demétré, 400 Danforth Avenue
Avli Restaurant, 401 Danforth Avenue
Megas Restaurant, 402 Danforth Avenue
Pantheon Greek Cuisine Restaurant, 407 Danforth Avenue
Kokkino, 414 Danforth Avenue
The Myth, 417 Danforth Avenue
Kalyvia-Greek Cuisine, 420 Danforth Avenue
Omonia Shish Kebob Place, 426 Danforth Avenue
Plazma Lounge, 433 Danforth Avenue
Pappas Grill, 440 Danforth Avenue
Wimpy's Diner, 443 Danforth Avenue
Messini Authentic Gyros, 445 Danforth Avenue
Mezes-Authentic Greek Cuisine, 456 Danforth Avenue
Sushi Delight, 461 Danforth Avenue
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Mocha Mocha Café, 489 Danforth Avenue
Christina's on the Danforth, 492 Danforth Avenue
Brass Taps Pizza Pub, 493 Danforth Avenue
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Ouzeri on the Danforth, 500A Danforth Avenue
Trapezzi, 505 Danforth Avenue
Mamma's Pizza, 507 Danforth Avenue
Athens Pastries, 509 Danforth Avenue
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Pan on the Danforth, 516 Danforth Avenue
Café Frappe Bistro, 519 Danforth Avenue
521 Café, 521 Danforth Avenue
Ampeli Taverna, 526 Danforth Avenue
Fox and Fiddle, 535 Danforth Avenue
Iliada Kaffeteria Bar, 550 Danforth Avenue
The Friendly Greek, 551 Danforth Avenue
Swiss Chalet Rotisserie & Grill, 561 Danforth Avenue
Ice Lounge, 564 Danforth Avenue

Mr. Greek Mediterranean Grill, 568 Danforth Avenue
Katsu Japanese Restaurant, 572 Danforth Avenue
Il Fornello, 576 Danforth Avenue
Mong-Kut Thai Restaurant, 596 Danforth Avenue
The Court Jester Pub, 609 Danforth Avenue
Hyttopp Wild Wings Sports Bar, 630 Danforth Avenue
Palladium Bar Grill, 635 Danforth Avenue
Maria's Garden Restaurant & Bar, 673 Danforth Avenue
Asteria Souvlaki Place, 679 Danforth Avenue
Zorba's Restaurant, 681 Danforth Avenue
Neon Café, 706A Danforth Avenue
Athens Restaurant – Tavern, 707 Danforth Avenue
Akropolis Pastries & Pies, 708 Danforth Avenue
Eton House, 710 Danforth Avenue
Gabby's Restaurant, 729 Danforth Avenue
Rails & Ales, 752 Danforth Avenue
Silver City Bar & Café, 780 Danforth Avenue
Pizza Pizza, 780 Danforth Avenue
Aji Sai Japanese Restaurant, 783 Danforth Avenue
The Family Thai, 785 Danforth Avenue
Chopan Kebab House, 798 Danforth Avenue
Iparho Bar, 802 Danforth Avenue
Maverick's, 804 Danforth Avenue
Maple Leaf Sports Bar & Grill, 826-828 Danforth Avenue
Madera Restaurant, 836B Danforth Avenue
Motorama Restaurant, 862 Danforth Avenue
Patris Restaurant, 888 Danforth Avenue;”.

- (b) Councillor Davis moved that the Clause be amended by amending the recommendations of the Toronto and East York Community Council as follows:

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

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

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

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

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

“(i) the Cabbagetown Festival taking place on September 9, 2006, nor to

the following establishments being granted a liquor licence establishment to sell and serve alcohol on their outside patios from 11:00 a.m. to 11:00 p.m. for this event:

Flamingo House Restaurant, 446 Parliament Street
House on Parliament, 456 Parliament Street
Grasshopper Bar, 460 Parliament Street
Johnny G's, 478 Parliament Street
Cabbage Patch Pub & Restaurant, 488-490 Parliament Street
PearTree, 507 Parliament Street
The Cobourg, 533 Parliament Street
The Laurentian Room, 51A Winchester Street
Chapter 11, 557 Parliament Street
Big Mamma's Boy, 554 Parliament Street
Timothy's Tikka House, 556 Parliament Street
The Cabbage Bowl Restaurant, 568 Parliament Street
Cranberries Bar & Grill, 601 Parliament Street
Town Grill, 243 Carlton Street
Fellini's Shoe, 226 Carlton Street
Margarita's, 229 Carlton Street
Brass Taps Pizza Pub, 221 Carlton Street;

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

- “(2) request the City Clerk to advise the Alcohol and Gaming Commission that City Council has no objection to Kitty O’Shea’s Ale House, 2714 St. Clair Avenue East, being granted a temporary liquor licence extension to sell and serve alcohol on an adjacent parking lot, from 12:00 noon to 9:00 p.m., on June 17, 2006, subject to the owner providing the Ward Councillor and the City Clerk with a written undertaking that:
- (a) no amplified music will be transmitted outside the establishment for the duration of this event; and
 - (b) a notice will be distributed, at the owner’s expense, to the community advising them of this event.”

Votes:

Motion (a) by Councillor Ootes carried.

Motion (b) by Councillor Davis carried.

The Clause, as amended, carried.

Summary:

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

- (1) by adding the following to Part (h) of Recommendation (1):
- “nor to the following establishments being granted a temporary liquor licence extension for the duration of this event:
- Zipperz Bar/Cellblock, 72 Carlton Street – to sell and serve alcohol in an adjacent parking lot from 11:00 a.m. to 11:00 p.m.; and
- Slack’s Restaurant and Bar, 562 Church Street – to sell and serve alcohol in an adjacent parking lot from 11:00 a.m. to 11:00 p.m.”;
- (2) by adding the following new Parts (i) to (p) to Recommendation (1):
- “(i) the Cabbagetown Festival taking place on September 9, 2006, nor to the following establishments being granted a liquor licence establishment to sell and serve alcohol on their outside patios from 11:00 a.m. to 11:00 p.m. for this event:

Flamingo House Restaurant, 446 Parliament Street
House on Parliament, 456 Parliament Street
Grasshopper Bar, 460 Parliament Street
Johnny G's, 478 Parliament Street
Cabbage Patch Pub & Restaurant, 488-490 Parliament Street
PearTree, 507 Parliament Street
The Cobourg, 533 Parliament Street
The Laurentian Room, 51A Winchester Street
Chapter 11, 557 Parliament Street
Big Mamma's Boy, 554 Parliament Street
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The Cabbage Bowl Restaurant, 568 Parliament Street
Cranberries Bar & Grill, 601 Parliament Street
Town Grill, 243 Carlton Street
Fellini's Shoe, 226 Carlton Street
Margarita's, 229 Carlton Street
Brass Taps Pizza Pub, 221 Carlton Street;

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

Friday, August 11, 2006, from 6:00 p.m. to 2:00 a.m., Saturday, August 12,

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

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

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

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Megas Restaurant, 402 Danforth Avenue
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Kalyvia-Greek Cuisine, 420 Danforth Avenue
Omonia Shish Kebob Place, 426 Danforth Avenue
Plazma Lounge, 433 Danforth Avenue
Pappas Grill, 440 Danforth Avenue

Wimpy's Diner, 443 Danforth Avenue
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Mezes-Authentic Greek Cuisine, 456 Danforth Avenue
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Plaza Garibaldi, 467 Danforth Avenue
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521 Café, 521 Danforth Avenue
Ampeli Taverna, 526 Danforth Avenue
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Swiss Chalet Rotisserie & Grill, 561 Danforth Avenue
Ice Lounge, 564 Danforth Avenue
Mr. Greek Mediterranean Grill, 568 Danforth Avenue
Katsu Japanese Restaurant, 572 Danforth Avenue
Il Fornello, 576 Danforth Avenue
Mong-Kut Thai Restaurant, 596 Danforth Avenue
The Court Jester Pub, 609 Danforth Avenue
Hytopp Wild Wings Sports Bar, 630 Danforth Avenue
Palladium Bar Grill, 635 Danforth Avenue
Maria's Garden Restaurant & Bar, 673 Danforth Avenue
Asteria Souvlaki Place, 679 Danforth Avenue
Zorba's Restaurant, 681 Danforth Avenue
Neon Café, 706A Danforth Avenue
Athens Restaurant – Tavern, 707 Danforth Avenue
Akropolis Pastries & Pies, 708 Danforth Avenue
Eton House, 710 Danforth Avenue
Gabby's Restaurant, 729 Danforth Avenue
Rails & Ales, 752 Danforth Avenue
Silver City Bar & Café, 780 Danforth Avenue
Pizza Pizza, 780 Danforth Avenue
Aji Sai Japanese Restaurant, 783 Danforth Avenue
The Family Thai, 785 Danforth Avenue
Chopan Kebab House, 798 Danforth Avenue
Iparho Bar, 802 Danforth Avenue

Maverick's, 804 Danforth Avenue
Maple Leaf Sports Bar & Grill, 826-828 Danforth Avenue
Madera Restaurant, 836B Danforth Avenue
Motorama Restaurant, 862 Danforth Avenue
Patris Restaurant, 888 Danforth Avenue;"; and

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

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

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

6.53 **Toronto and East York Community Council Report 4, Clause 62, headed “Non-Objection Letter to the Alcohol and Gaming Commission for the 2006 Celebrate Toronto Street Festival (Ward 19 - Trinity-Spadina; Ward 21 - St. Paul's and Ward 27 - Toronto Centre-Rosedale)”.**

May 23, 2006:

Vote:

The Clause was adopted, without amendment.

May 25, 2006:

Motion to Re-Open:

Councillor Davis, 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 Davis moved that the Clause be amended by adding to staff Recommendation (3) contained in the Recommendations Section of the report (March 27, 2006) from the General

Manager, Economic Development, Culture and Tourism, as contained in the Clause, the following words:

“and that the Alcohol and Gaming Commission be advised that it has no objection to the following establishments being granted a temporary liquor licence to sell and serve alcohol on an outside patio for the duration of this event:

(a) The Superior Restaurant, 253 Yonge Street; and

(b) The Mars Uptown Diner, 2363 Yonge Street.”

Votes:

The motion by Councillor Davis carried.

The Clause, as amended, carried.

6.54 Administration Committee Report 3, Clause 5, headed “Authority to Award Request for Proposal (RFP) 2104-06-3074 - Wireless Telecommunications Services”.

Motion:

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

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

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

6.55 Community Services Committee Report 3, Clause 6, headed “Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto”.

Motions:

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

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

- (b) Councillor Mihevc moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary report (May 17, 2006) from the General Manager, Social Services, and the Executive Director, Social Development, Finance and Administration.

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

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

6.56 Etobicoke York Community Council Report 3, Deferred Clause 56a, headed “Final Report - Official Plan Amendment and Rezoning Application; Owner: Wynn Bitton Inc., Architect: Hariri Pontarini, 2442 Bloor Street West (Ward 13 - Parkdale-High Park)”.

Motions:

- (a) Councillor Milczyn moved that the Clause be amended by:
- (1) deleting the recommendation of the Etobicoke York Community Council and inserting instead the following:
- “That the staff recommendations contained in the Recommendations Section of the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District, as contained in the Clause, be adopted.”; and
- (2) adding the following:
- “That:
- (a) the Section 37 Agreement secure the quality of materials and the current architectural design;

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

Votes:

Motion (b) by Councillor Lindsay Luby carried.

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

Yes - 32	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fillion, Fletcher, Giambrone, Hall, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Silva, Stintz, Thompson, Walker, Watson
No - 9	

Councillors:	Ford, Grimes, Holyday, Jenkins, Lindsay Luby, Moscoe, Saundercook, Shiner, Soknacki
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Carried by a majority of 23.

Adoption of Clause, as amended:

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

Carried by a majority of 24.

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, so he could change his vote on the Clause, as amended, from positive to negative, which carried, more than two-thirds of Members present having voted in the affirmative.

Revised Vote:

Adoption of Clause, as amended:

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

Carried by a majority of 22.

Summary:

In summary, City Council amended this Clause by:

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

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

- (2) adding the following:

“That:

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

6.57 Works Committee Report 3, Clause 5, headed “Potential to Increase the Number of Taxi Stands Adjacent to TTC Subway Stations (All Wards)”.

Motion:

Councillor Watson moved that the Clause be amended by amending the report (April 12, 2006) from the General Manager, Transportation Services, by:

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

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

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

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

Votes:

The motion by Councillor Watson carried.

The Clause, as amended, carried.

6.58 Toronto and East York Community Council Report 4, Clause 6, headed “Final Report - Application to Amend the Zoning By-law - 46 - 62 Spadina Avenue and 378 Wellington Street West (Ward 20 - Trinity-Spadina)”.

May 23, 2006:

Vote:

The Clause was adopted, without amendment.

May 25, 2006:

Motion to Re-Open:

Councillor Silva, 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 Silva moved that the Clause be amended by amending staff Recommendation (3)(i) contained in the Recommendations Section of the report (April 24, 2006) from the Director, Community Planning, Toronto and East York District, by deleting the figure “\$235,000”, and inserting instead the figure “\$200,000”, so that Recommendation (3)(i) now reads as follows:

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

Votes:

The motion by Councillor Silva carried.

The Clause, as amended, carried.

6.59 Planning and Transportation Committee Report 3, Clause 3, headed “Graffiti Transformation Investment Program: 2006 Recommendations”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 3	
Councillors:	Del Grande, Ford, Kelly
No - 35	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 32.

The Clause was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

6.60 Works Committee Report 2, Deferred Clause 15a, headed “Terms and Conditions for the 2005 Flood Damages Grant Program (City-wide)”.

Motion brought forward from Council Meeting of April 25, 26 and 27, 2006:

(a) Councillor Watson moved that:

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

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

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

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

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

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

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

Motion moved on May 25, 2006:

- (b) Councillor Shiner moved that:

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

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

OR, in the event Part (1) fails,

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

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

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

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

6.61 North York Community Council Report 4, Clause 31, headed “Final Report - Official Plan Amendment and Rezoning Application - 04 129307 NMI 26 OZ - Deltera Inc. - Burka Varacalli - 1250 Eglinton Avenue East (Ward 26 - Don Valley West)”.

Motion:

Councillor Pitfield moved that the Clause be amended:

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

“It is recommended that City Council:

- (1) Amend Recommendation (6) of the staff report dated April 25, 2006, by adding that the following issues will be addressed through the site plan process:
- (g) the provision of off-site parking spaces secured through a parking agreement for shared off-site parking with neighbouring properties, such parking agreement to be prepared to the satisfaction of the Director, Transportation Services, North York District in consultation with the City Solicitor;

- (h) the site plan agreement for the proposed development will require that the necessary off-site shared parking spaces for the hotel will be maintained; and
 - (i) the parking management plan referenced under the heading 'Parking Requirements' contained in the report (April 25, 2006) from the Director, Community Planning, North York District, be prepared to the satisfaction of the Director, Transportation Services, North York District, and the Director, Community Planning, North York District in consultation with the Ward Councillor "; and
- (2) by adding the following:

"That:

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

'It is recommended that:

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

Votes:

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

6.62 Economic Development and Parks Committee Report 3, Clause 15, headed "2006 Cultural Grant Allocation to the Toronto Mas Band Association (All Wards)".

Motions:

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

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

- (b) Councillor Kelly moved that the Clause be referred to the Policy and Finance Committee.

Vote on Referral:

Adoption of motion (b) by Councillor Kelly:

Yes - 3	
Councillors:	Del Grande, Ford, Kelly
No - 31	
Councillors:	Ainslie, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Giambrone, Grimes, Hall, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 28.

Votes on Clause:

Adoption of motion (a) by Councillor Holyday:

Yes - 33	
Councillors:	Ainslie, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 2	
Councillors:	Augimeri, Kelly

Carried by a majority of 31.

Adoption of Clause, as amended:

Yes - 33	
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Kelly

Carried by a majority of 32.

Summary:

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

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

6.63 Toronto and East York Community Council Report 4, Clause 14, headed “Intention to Designate under Part IV of the *Ontario Heritage Act* - 135 First Avenue (St. Matthew’s Anglican Church and Church Hall) (Ward 30 - Toronto-Danforth)”.

The Clause was submitted without recommendation.

Motion:

Councillor Fletcher moved that Council adopt the staff recommendations contained in the Recommendations Section of the report (February 14, 2006) from the Director, Policy and Research, City Planning Division [as contained in the Clause].

Votes:

The motion by Councillor Fletcher carried.

The Clause, as amended, carried.

6.64 Administration Committee Report 3, Clause 14, headed “Information and Privacy Commissioner Order MO-2030, Request for Municipal Property Assessment Corporation (MPAC) Assessment Information in Electronic Form”.

Motion:

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

“That:

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

Votes:

Adoption of motion by Councillor Moscoe:

Yes - 33	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 31.

The Clause, as amended, carried.

6.65 Works Committee Report 3, Clause 19, headed “Authority for Members of the Community Environmental Assessment Team to Participate in Solid Waste Management Services Research Trip”.

Vote:

Adoption of Clause, without amendment:

Yes - 34	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 33.

6.66 Community Services Committee Report 3, Clause 7, headed “Funding for Regent Park Neighbourhood Initiative”.

Motion:

Councillor Ford moved that the Clause be received.

Votes:

Adoption of motion by Councillor Ford:

Yes - 1	
Councillor:	Ford
No - 35	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker

Lost by a majority of 34.

Adoption of Clause, without amendment:

Yes - 36	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 35.

6.67 **Works Committee Report 3, Clause 16, headed “Apartment and Multi-Residential Bulk Lift Collection of Garbage, Recyclables and Bulky Garbage in the Former Toronto, York, Etobicoke and East York”.**

Motion:

Councillor Ootes moved that consideration of this Clause be postponed to special meeting of City Council on June 14, 2006.

Vote:

The motion by Councillor Ootes carried.

6.68 **Works Committee Report 3, Clause 17, headed “Progress Report on the Options for Addressing Currently Contracted Curbside Waste and Recycling Collection Operations in the Former Etobicoke and York”.**

Motion:

Councillor Ootes moved that consideration of this Clause be postponed to special meeting of City Council on June 14, 2006.

Vote:

The motion by Councillor Ootes carried.

6.69 Scarborough Community Council Report 3, Deferred Clause 5a, headed “Request for Fence Exemption 460 Huntingwood Drive (Ward 40 - Scarborough Agincourt)”.

Vote:

Adoption of Clause, without amendment:

Yes - 15	
Councillors:	Ashton, Augimeri, Bussin, Cho, Davis, De Baeremaeker, Holyday, Jenkins, Kelly, Lindsay Luby, McConnell, Milczyn, Nunziata, Palacio, Walker
No - 17	
Councillors:	Carroll, Cowbourne, Del Grande, Di Giorgio, Filion, Ford, Giambrone, Grimes, Hall, Mammoliti, Mihevc, Ootes, Saundercook, Silva, Soknacki, Stintz, Thompson

Lost by a majority of 2.

Motion to Re-Open:

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

Vote:

Adoption of Clause, without amendment:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Soknacki, Stintz, Thompson, Walker
No - 2	
Councillors:	Del Grande, Ford

Carried by a majority of 30.

6.70 Works Committee Report 2, Deferred Clause 23a, headed “Planning Study for an Expanded Public Source Separated Organic Processing System - Recommendations Regarding Sites and Technologies”.

Motion:

Councillor Di Giorgio moved that consideration of this Clause be postponed to the special meeting of City Council on June 14, 2006.

Vote:

Adoption of motion by Councillor Di Giorgio:

Yes - 19	
Councillors:	Altobello, Ashton, Bussin, Cho, Del Grande, Di Giorgio, Filion, Ford, Holyday, Jenkins, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Saundercook, Stintz, Thompson, Walker
No - 11	
Councillors:	Augimeri, Carroll, Cowbourne, Fletcher, Giambrone, Grimes, Lindsay Luby, McConnell, Mihevc, Moscoe, Soknacki

Carried by a majority of 8.

- 6.71 **Scarborough Community Council Report 4, Clause 14, headed “Final Report (Refusal) OPA and Rezoning Application 05 211770 ESC 39 OZ St. John’s McNicoll Centre - Architect: CXT Architects Inc., 1030 McNicoll Avenue, Steeles Employment District (Ward 39 - Scarborough-Agincourt)”.**

Vote:

Adoption of Clause, without amendment:

Yes - 20	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Saundercook, Stintz, Walker
No - 13	
Councillors:	Cho, De Baeremaeker, Del Grande, Grimes, Kelly, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Soknacki, Thompson

Carried by a majority of 7.

- 6.72 **IN-CAMERA MEETING SESSIONS OF THE COMMITTEE OF THE WHOLE**

May 24, 2006:

Mayor Miller in the Chair.

Procedural Motion:

Councillor Shiner, at 5:10 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the *Municipal Act, 2001*:

- (a) Policy and Finance Committee Report 4, Clause 17, headed “Acquisition of Toronto District School Board’s Wanita Road Site (Ward 44 - Scarborough East)”, as it contains information related to the acquisition of land for municipal purposes;
- (b) Administration Committee Report 3, Clause 2, headed “2006 Insurance Program Renewal”, as it contains information related to the security of the property of the Municipality or Local Board; and
- (c) Community Services Committee Report 3, Clause 4, headed “City of Toronto Fire Services’ Stolen Pumper on March 20, 2006”, as it contains information related to labour relations and employee negotiations;
- (d) Works Committee Report 3, Clause 1, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”, as it contains information related to the security of the property of the Municipality;
- (e) Works Committee Report 3, Clause 7, headed “Contract 05SD-05RD - Recommencement of Work - Reconstruction of TTC Track Allowance, Pavement, Sidewalk and Curb - Toronto and East York District - St. Clair Avenue East and West from Ferndale Avenue to Avenue Road (Ward 22, St. Paul’s)”, as it contains information related to litigation or potential litigation; and
- (f) Motion F(3), moved by Mayor Miller, seconded by Councillor Holyday, respecting a review of certain applications before the North York Committee of Adjustment, as it contains information that is subject to solicitor-client privilege.

Vote:

The motion by Councillor Shiner carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:17 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 7:30 p.m., and met in public session in the Council Chamber.

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

6.73 Policy and Finance Committee Report 4, Clause 17, headed “Acquisition of Toronto District School Board’s Wanita Road Site (Ward 44 - Scarborough East)”.

Report of the Committee of the Whole:

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

Vote:

Adoption of Clause, without amendment:

Yes - 26	
Mayor:	Miller
Councillors:	Altobello, Carroll, Davis, De Baeremaeker, Feldman, Fillion, Giambrone, Hall, Jenkins, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 4	
Councillors:	Ford, Holyday, Kelly, Nunziata

Carried by a majority of 22.

6.74 Administration Committee Report 3, Clause 2, headed “2006 Insurance Program Renewal”.

Report of the Committee of the Whole:

Mayor Miller, 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:

Moved by Councillor Soknacki:

“That the Clause be amended by adding the following:

‘That the staff recommendations contained in the Recommendations Section

of the confidential report (May 23, 2006) from the Deputy City Manager and Chief Financial Officer, be adopted. The following staff Recommendations (1), (3) and (4) are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to the security of the property of the Municipality or Local Board:

“It is recommended that:

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

Table (1)
Expiring versus Renewal

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

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

Votes:

Adoption of motion by Councillor Soknacki:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Ford, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 0	

Carried, without dissent.

The Clause, as amended, carried.

[As noted in Recommendation (3) of the report (May 23, 2006) from the Deputy City Manager and Chief Financial Officer, the Deputy City Manager and Chief Financial Officer has confirmed that the City's final insurance arrangements are in place and this information is now public in its entirety.]

6.75 Community Services Committee Report 3, Clause 4, headed "City of Toronto Fire Services' Stolen Pumper on March 20, 2006".

Report of the Committee of the Whole:

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

Vote:

The Clause was adopted, without amendment.

6.76 Works Committee Report 3, Clause 7, headed “Contract 05SD-05RD - Recommencement of Work - Reconstruction of TTC Track Allowance, Pavement, Sidewalk and Curb - Toronto and East York District - St. Clair Avenue East and West from Ferndale Avenue to Avenue Road (Ward 22, St. Paul’s)”.

Report of the Committee of the Whole:

Mayor Miller, 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:

Moved by Councillor Carroll:

“That the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the supplementary confidential report (May 23, 2006) from the City Solicitor, the Executive Director, Technical Services and the General Manager, Transportation Services.”

Votes:

The motion by Councillor Carroll carried.

Adoption of Clause, as amended:

Yes - 28	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 3	
Councillors:	Ford, Ootes, Pitfield

Carried by a majority of 25.

Summary:

In summary, City Council amended this Clause in accordance with the following staff recommendations contained in the Recommendations Section of the supplementary confidential report (May 23, 2006) from the City Solicitor, the Executive Director, Technical Services and the General Manager, Transportation Services. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to litigation or potential litigation:

‘It is recommended that:

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

- (6) staff be authorized to enter into further contracts respecting the reconstruction of the TTC track allowance, pavement, curb and sidewalk, in connection with the St. Clair Avenue West streetcar line, within the approved cash flow and commitments pursuant to the provisions of the Municipal Code § 195 - Purchasing, and § 71 - Financial Control, without further prior approval by City Council; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

6.77 Works Committee Report 3, Clause 1, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

Motions moved in Public Sessions:

May 24, 2006:

Deputy Mayor Bussin in the Chair.

- (a) Councillor Carroll moved that the Clause be amended in accordance with the staff recommendations contained in the Recommendations Section of the confidential report (May 18, 2006) from the City Solicitor.

May 25, 2006:

Mayor Miller in the Chair.

- (b) Councillor Shiner moved that:
 - (1) the Clause be referred back to a joint meeting of the Planning and Transportation Committee and the Works Committee for further review and recommendations as to the final terms of the RFP and to obtain additional comments from interested parties; or

- (2) in the event Part (1) fails, the Clause be amended by adding to Recommendation (6) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, the following words:

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

Deputy Mayor Bussin in the Chair.

Vote on Referral:

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

Yes - 12	
Councillors:	Del Grande, Feldman, Ford, Kelly, Li Preti, Mammoliti, Nunziata, Ootes, Saundercook, Shiner, Stintz, Thompson
No - 27	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Moscoe, Palacio, Pantalone, Rae, Silva, Watson

Lost by a majority of 15.

Motions:

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

“That:

- (1) the report requested of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by the Works Committee, in Part (III) of the Action Taken by the Works Committee, also include the following additional principle:

- ‘(7) ensuring that the City has the right to determine the location and relocation of any street furniture at its discretion.’;

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

Mayor Miller in the Chair.

Deputy Mayor Bussin in the Chair.

- (d) Councillor Stintz moved that the Clause be amended by:
 - (1) amending the staff recommendations contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by:
 - (a) deleting the following staff Recommendations (6) and (9):
 - “(6) as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s);
 - (9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire

City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the term of such contract be 20 years;”; and

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

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

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

- (2) adding the following:

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

- (e) Councillor Del Grande moved that the Clause be amended to provide that the RFP provide for two options: a 10 year and a 20 year contract.

- (f) Councillor Cho moved that the Clause be amended by amending staff Recommendation (9) contained in the Recommendations Section of the report (April 18, 2006) from the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning, by:

- (1) deleting the words “and the term of such contract be 20 years”; and

- (2) inserting the following words:

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

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

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

- “(9) the RFP be based on the premise that one contract for the range of street furniture specified be awarded for the entire City of Toronto to a single corporate vendor or a consortium of companies on acceptable terms, and the initial term of such contract be for 10 years, with an option for a further 10 years, provided that:
- (a) the contractor is not in breach of the contract; and
 - (b) the City shall have the opportunity, as a condition of renewal, to require that the financial terms in the contract be renegotiated to increase the financial return to the City;”.
- (g) Councillor Davis moved that the Clause be amended:
- (1) by amending Recommendation (B) of the Works Committee by amending the staff recommendations in the Recommendations Section of the report (April 19, 2006) from the General Manager, Solid Waste Management Services, headed ‘Supplementary Information on the Eucan Recycling/Litter Bin Test’, as follows:
 - (a) by inserting in Recommendation (3), after the words, “remain in place”, the words, “unless requested by the local Councillor”, so that Recommendation (3) now reads as follows:

“(3) the Eucan bins installed for the test remain in place, unless requested by the local Councillor, under the existing terms and conditions, until a final decision is reached by Council on the award of the Co-ordinated Street Furniture program, subject to concurrence by Eucan.”; and
 - (b) by adding the following new Recommendation (4):

“(4) any pilot Eucan bin removed as per Recommendation (3) above from a pre-existing silver box location, be replaced by a silverbox, at the expense of Eucan.”;
 - (2) to provide that the report requested by the Works Committee related to possible annual revenues from different sizes of advertising space also consider a reduction of 20 percent, so the request now reads:

“(III) requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to report to the Works Committee on:

 - (1) possible annual revenues if advertising space was:

- (a) held constant at the current 198,200 square feet; or
 - (b) increased by 10 percent; or
 - (c) increased by 20 percent; or
 - (d) reduced by 20 percent;”; and
- (3) by adding the following:
 - “That:
 - (a) the General Manager, Solid Waste Management, and the General Manager, Transportation Services, be requested to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the contracts related maintenance or type of bench used, the numbers of benches currently on the street; and
 - (b) no additional benches with advertising be approved and installed under the existing contracts.”
- (h) Councillor De Baeremaeker moved that the Clause be amended by deleting Recommendation (A)(2)(i) and inserting instead the following:
 - “(A)(2)(i) bicycle stands;”.

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 June 14, 2006.

Council also adopted the following procedural motion:

Moved by Councillor Walker:

“That:

- (1) all motions moved at the May 23, 24 and 25, 2006 meeting of City Council on any items remaining on the agenda be forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and these motions be deemed to be moved; and
- (2) any speaker’s lists from the May 23, 24 and 25, 2006 meeting of City Council be carried forwarded to the next regular meeting of City Council, or a special meeting of City Council should one be called to complete consideration of unfinished business, and be adopted for

continuing the debate on those matters at that meeting, and that a provision be allowed for any Members who were not on a speaker's list to add their names."

6.78 F(3) Review of Certain Applications Before the North York Committee of Adjustment

Mayor Miller called on Motion F(3), as follows:

Moved by: Mayor Miller

Seconded by: Councillor Holyday

"WHEREAS at its meeting held on October 26-31, 2005, City Council adopted a motion to provide for the Auditor General to conduct a review 'respecting the processing and hearing of certain applications to the Committee of Adjustment'; and

WHEREAS the motion further requested that the Auditor General's findings be provided to the City Solicitor, and that the City Solicitor report, in consultation with the Integrity Commissioner, directly to Council, on whether there may be reasons to consider this matter further and, if so, the appropriate procedures under which that further consideration should be carried out; and

WHEREAS the Auditor General has completed his review and the Auditor General's findings have been provided to the City Solicitor who has consulted with the Integrity Commissioner;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) adopt the staff recommendations contained in the Recommendations Section of the public report (April 13, 2006) from the Auditor General, which recommends that Council adopt the recommendations in the confidential report (April 13, 2006) from the Auditor General; and
- (2) receive the confidential report (April 19, 2006) from the City Solicitor."

City Council had before it, for consideration with Motion F(3), the following:

- (i) (April 26, 2006) confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer; and
- (ii) (May 24, 2006) confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, for consideration with Motion F(3), the following:

- (i) public report (April 13, 2006) from the Auditor General (See Attachment 1, Page 244);
- (ii) confidential report (April 13, 2006) from the Auditor General. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals;
- (iii) confidential report (April 19, 2006) from the City Solicitor. This report remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege; and
- (iv) confidential communication (May 23, 2006) from Jon Williams. This communication remains confidential in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about identifiable individuals.

Report of the Committee of the Whole:

Mayor Miller, in accordance with the provisions of the *Municipal Act, 2001*, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion F(3).

Motion moved in Public Session:

Councillor Shiner moved that consideration of Motion F(3) be postponed to the next regular meeting of City Council, or to a special meeting of Council should one be called, and that it be considered as the second item of business.

Vote:

Adoption of the motion by Councillor Shiner:

Yes - 25	
Councillors:	Ainslie, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 8	
Councillors:	Augimeri, Bussin, Fillion, Ford, Holyday, Mihevc, Moscoe, Silva

Carried by a majority of 17.

Disposition:

Council postponed consideration of Motion F(3) to its special meeting on June 14, 2006, as the second item of business.

May 25, 2006:

Deputy Mayor Bussin in the Chair.

Procedural Motion:

Councillor Shiner moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Policy and Finance Committee Report 4, Clause 30, headed “Executive and Senior Management Compensation and Benefits Policies”, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information related to labour relations or employee negotiations.

Vote:

The motion by Councillor Shiner carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 4:15 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the *Municipal Act, 2001*.

Committee of the Whole rose, reconvened as Council at 5:05 p.m., and met in public session in the Council Chamber.

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

6.79 Policy and Finance Committee Report 4, Clause 30, headed “Executive and Senior Management Compensation and Benefits Policies”.

Report of the Committee of the Whole:

Deputy Mayor Bussin, 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:

Moved by Councillor Walker:

“That the Clause be amended by deleting Recommendation (2) contained in the report (April 24, 2006) from the City Manager and inserting instead the following:

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

Votes:

Adoption of the motion by Councillor Walker:

Yes - 27	
Councillors:	Ainslie, Augimeri, Carroll, Cowbourne, De Baeremaeker, Del Grande, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Silva, Soknacki, Walker
No - 6	
Councillors:	Altobello, Ashton, Bussin, Davis, Di Giorgio, Stintz

Carried by a majority of 21.

Adoption of Clause, as amended:

Yes - 28	
Councillors:	Ainslie, Augimeri, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Silva, Soknacki, Walker
No - 6	
Councillors:	Altobello, Ashton, Bussin, Davis, Saundercook, Stintz

Carried by a majority of 22.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

Deputy Mayor Feldman in the Chair.

6.80 F(1) Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners

Deputy Mayor Feldman called on the following Motion appearing on the Order Paper:

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, for consideration with 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 Summary, Page 308)

Council also had before it, during consideration of Motion F(1), a report (January 31, 2006) from the Integrity Commissioner (See Attachment 2, Page 248).

Vote:

Motion F(1) was adopted, without amendment.

Summary:

In adopting Motion F(1), without amendment, Council received the report (January 31, 2006) from the Integrity Commissioner for information.

6.81 **F(2) Report of Integrity Commissioner on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press**

Deputy Mayor Feldman 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 (April 12, 2006) forwarding a response to a complaint of Violation of the Councillor's Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (April 12, 2006) from the Integrity Commissioner, and that the report be received for information."

Fiscal Impact Statement:

City Council had before it, for consideration with 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 Summary, Page 308)

Council also had before it, during consideration of Motion F(2), a report (April 12, 2006) from the Integrity Commissioner (See Attachment 3, Page 254).

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Shiner moved that consideration of this Motion be postponed to the next regular meeting of City Council, or to a special meeting of Council should one be called, and that it be considered as the first item of business.

Vote:

Adoption of the motion by Councillor Shiner:

Yes - 25	
Councillors:	Ainslie, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Giambrone, Grimes, Jenkins, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 8	
Councillors:	Augimeri, Bussin, Filion, Ford, Holyday, Mihevc, Moscoe, Silva

Carried by a majority of 17.

Disposition:

Council postponed consideration of this Motion to its special meeting on June 14, 2006, as the first item of business.

Mayor Miller in the Chair.

6.82 **F(4) Approval of Expressway Banner Installations for the International AIDS Conference 2006**

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

Moved by: Councillor Rae

Seconded by: Councillor McConnell

“WHEREAS the XVI International AIDS Conference (AIDS Conference) to be held in Toronto from August 13 to the 18, 2006, is the world’s largest, most comprehensive global health forum in the world, aimed at expanding public awareness of HIV/AIDS, sharing knowledge and learning from others in the field and charting a course for a stronger, more effective global response to this pandemic; and

WHEREAS the AIDS Conference will be among one the largest such international events the City has hosted, providing an optimum opportunity for the City to play a leadership role in HIV/AIDS issues at a local, national and international levels; and

WHEREAS the AIDS Conference is expected to attract over 20,000 delegates from around the world, 3,000 top-tier journalists and generate \$30 to \$40 million in direct spending, providing the City with an exceptional opportunity to capture substantial convention spending by attending delegates, as well as help support the positioning of Toronto as a world leader in the medical/pharmaceutical research industry, as identified in the City’s economic development strategy; and

WHEREAS the AIDS Conference local host organizing team is committed to delivering a successful conference experience for all the delegates and journalists to the AIDS Conference, recognizing the enormous tourism and economic benefits to be yielded from their attendance and the broad international exposure anticipated;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the installation of a maximum of three welcome banners over the expressways including, at a minimum, the F.G. Gardiner Expressway and Dufferin Street eastbound, and the Don Valley Parkway and Dundas Street East southbound, from August 1 to August 18, 2006, inclusive, subject to the City:

- (a) supplying, installing, maintaining and removing banners, including any repair of the bridges or utility poles required as a result of the banner installation;

- (b) meeting Transportation Division's banner manufacturing, installation and maintenance specifications and other required approvals; and
- (c) restricting corporate recognition to no more than twenty percent (20%) of the total area of the banner and incidental to the overall design;

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

Fiscal Impact Statement:

City Council had before it, for consideration with Motion F(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 308)

Vote:

Adoption of Motion F(4), without amendment:

Yes - 32	
Mayor:	Miller
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Shiner, Soknacki, Stintz, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 31.

6.83 F(5) Protection of Individuals at Toronto City Hall and Nathan Phillips Square

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

Moved by: Councillor Pitfield

Seconded by: Councillor Stintz

"WHEREAS Councillor Michael Thompson and his assistant were aggressively approached by a panhandler at Nathan Phillips Square on April 26, 2006, at

approximately 6:10 p.m.; and

WHEREAS Councillor Thompson was assaulted; and

WHEREAS panhandling is increasingly becoming a problem throughout the City;

NOW THEREFORE BE IT RESOLVED THAT City Council:

- (1) request the Chief Corporate Officer to report to the next meeting of City Council, through the Administration Committee, on measures that can be implemented to discourage panhandling at Toronto City Hall, Nathan Phillips Square and other Civic Centres;
- (2) request that the City Manager, in consultation with the Toronto Police Service, determine ways to ensure the safety and security of Toronto residents, businesses and tourists across the City and to discourage panhandling and report the findings, through the Policy and Finance Committee, to the next meeting of City Council; and
- (3) request the City Solicitor, in consultation with the appropriate staff, to report to next meeting of City Council, through the Policy and Finance Committee, on the possibility of a 'quality-of-life' by-law that would include a provision that 'no person can impede any other person's reasonable enjoyment of day-to-day activities through panhandling,' such report to also include a communications strategy to notify residents, businesses, tourists and panhandlers of such a by-law, as well as an enforcement strategy."

Deputy Mayor Bussin in the Chair.

Motion:

Councillor Pitfield moved that consideration of this Motion be postponed to the next regular meeting of City Council, or to a special meeting of Council should one be called, and that it be considered as the third item of business.

Vote:

Adoption of the motion by Councillor Pitfield:

Yes - 22
Councillors: Ainslie, Augimeri, Cho, Cowbourne, Del Grande, Feldman, Ford, Holyday, Jenkins, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Walker, Watson
No - 14

Councillors:	Ashton, Bussin, De Baeremaeker, Di Giorgio, Filion, Giambrone, Grimes, Kelly, Lindsay Luby, Mihevc, Moscoe, Pantalone, Rae, Silva
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Carried by a majority of 8.

Disposition:

Council postponed consideration of this Motion to its special meeting on June 14, 2006, as the third item of business at the next meeting of City Council.

Mayor Miller in the Chair.

6.84 I(1) Potential Ontario Municipal Board Hearing – 2 Traymore Crescent

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

Moved by: Councillor Saundercook

Seconded by: Councillor Grimes

“**WHEREAS** the Committee of Adjustment held a public meeting on April 6, 2006, to consider a request for the granting of a minor variance at 2 Traymore Crescent; and

WHEREAS the Committee heard from area residents opposed to the granting of this variance; and

WHEREAS the Committee of Adjustment refused to grant the requested variance, on the basis that the general intent and purpose of the Official Plan and Zoning By-law is not maintained and the variances were neither minor in nature nor were they considered desirable for the appropriate development of the land; and

WHEREAS the proposal would legalize three additional dwelling units currently existing in the dwelling at 2 Traymore Crescent, by reducing the required number of parking spaces; and

WHEREAS the three additional dwelling units were built in the absence of a building permit and may be in violation of the Building Code; and

WHEREAS the applicant is expected to appeal this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT in the event of an appeal of the Committee of Adjustment decision, the City Solicitor be directed to attend at the Ontario Municipal Board in defence of the City’s Committee of Adjustment

decision.”

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 Etobicoke York Community Council would have to be waived in order to now consider such Motion.

Council also had before it, during consideration of Motion I(1), a Notice of Decision (April 7, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Etobicoke York Panel, which is on file in the City Clerk’s Office.

Procedural Vote:

The vote to waive referral of Motion I(1) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Disposition:

As Council did not conclude its debate on Motion I(1) prior to the end of the meeting, consideration of this Motion was postponed to the special meeting of Council on June 14, 2006.

6.85 **J(1) Request for Report on Establishment of a Fund to Assist Families of Taxi Drivers Who Are Victims of Violence**

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 Carroll

“**WHEREAS** on Tuesday, May 3, 2006, taxi driver Mahmoud Bhatti was brutally murdered by a passenger during an attempted robbery; and

WHEREAS there have been four recent attacks against taxi drivers in rapid succession, two of these in Toronto; and

WHEREAS notwithstanding that, the City has done everything possible to make taxis secure, including:

- (1) making cameras mandatory in all taxis;
- (2) requiring the installation of flashing red lights to signal that a taxi driver is in

- trouble; and
- (3) amended its taxi by-law to provide for the installation of protective shields; and

WHEREAS driving a taxi is an extremely dangerous occupation; and

WHEREAS the tragic death of Mahmoud Bhatti has shocked and saddened all of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the Treasurer and the Executive Director, Municipal Licensing and Standards report to the Planning and Transportation Committee on the following:

- (1) the City establishing a fund to assist the families of taxi drivers who are the victims of violence;
- (2) if the new *City of Toronto Act* permits, the fund being created by way of a mandatory \$5.00 levy on the renewal of taxi drivers' licenses and a \$10.00 levy on the renewal of all taxi plates;
- (3) if it is not possible to make this levy mandatory, that it be voluntary; and
- (4) the fund being administered by a Board of Directors representing the taxi industry who will establish the terms of reference for the fund, assisted by the City, in terms of collecting and managing the financial aspects of the fund, and overseen by the Auditor General."

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(1), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Procedural Vote:

The vote to waive referral of Motion J(1) to the Planning and Transportation Committee lost, less than two-thirds of Members present having voted in the affirmative.

Disposition:

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

6.86 **J(2) Proposed Improvements for the Safety of Taxi Drivers**

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 Moscoe

“WHEREAS the job of driving a taxi is a dangerous one and drivers are faced with the prospect of being assaulted by passengers; and

WHEREAS the recent murder of Mr. Mahmoud Bhatti, in his taxi, on May 3, 2006, demonstrates the urgent need to improve taxi driver safety; and

WHEREAS ensuring the safety of taxi drivers is a priority for the City of Toronto; and

WHEREAS a previous survey of taxi drivers ranked protective shields highest amongst a range of options for improving taxi driver safety; and

WHEREAS protective shields for drivers reduce the incidence of crime against taxi drivers; and

WHEREAS support from taxi drivers for the mandatory installation of protective shields has been growing, as a result of recent and ongoing assaults on drivers;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto take urgent action to improve the safety of taxi drivers in Toronto and request the Executive Director of Municipal Licensing and Standards to report to the June 1, 2006 meeting of the Planning and Transportation Committee on a mandatory taxi driver protective shield program, such a report to include:

- (1) a consultation process with taxi drivers, including the possibility of conducting a poll; and
- (2) models for financing the installation of protective shields through a taxi fare surcharge or other viable financing options.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(2), a Fiscal Impact Statement from the 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 308)

Council also had before it, for consideration with Motion J(2), a petition (May 24, 2006) on safety shields in cabs, containing the signatures of approximately 181 individuals, which is on file in the City Clerk's Office.

Procedural Vote:

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

Yes - 30	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Fletcher, Giambrone, Grimes, Jenkins, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Silva, Stintz, Thompson, Watson
No - 10	
Councillors:	Augimeri, Del Grande, Ford, Hall, Holyday, Kelly, Ootes, Saundercook, Shiner, Soknacki

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

Motion:

Councillor Davis moved that Motion J(2) be amended by deleting the first Operative Paragraph and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto take urgent action to improve the safety of taxi drivers in Toronto and request the Executive Director of Municipal Licensing and Standards to report to the July 4, 2006 meeting of the Planning and Transportation Committee on a mandatory taxi driver protective shield program, such a report to include:

- (1) a consultation process with taxi drivers, including the possibility of conducting a poll; and
- (2) models for financing the installation of protective shields through a taxi fare surcharge or other viable financing options without direct cost to the City of Toronto”.

Votes:

Adoption of the motion by Councillor Davis:

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

Carried, without dissent.

Motion J(2), as amended, carried.

6.87 J(3) Donation of a Wheelchair Accessible Bronze Drinking Fountain at Bill Hancox Park by the Rotary Club of Scarborough

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Soknacki

“WHEREAS on September 13, 2005, the Rotary Club of Scarborough approached the City of Toronto with a proposal for a donation of a wheelchair accessible bronze drinking fountain, in celebration of Rotary’s 100th anniversary, to be installed in the Scarborough District; and

WHEREAS on January 31, 2006, the Board of Directors of the Rotary Club of Scarborough approved the donation of a wheelchair accessible bronze drinking fountain to the City of Toronto, to be installed by the City in part of Bill Hancox Park;

and

WHEREAS the additional annual maintenance costs for the wheelchair accessible bronze drinking fountain are nominal and the current Parks budget contains funds for such maintenance; and

WHEREAS the Rotary Club of Scarborough will be recognized for their generous donation by having their name cast on the wheelchair accessible bronze drinking fountain;

NOW THEREFORE BE IT RESOLVED THAT the City accept the donation of a wheelchair accessible bronze drinking fountain, to be installed by the City in part of Bill Hancox Park, from the Rotary Club of Scarborough, with thanks;

AND BE IT FURTHER RESOLVED THAT the City issue a tax receipt to the Rotary Club of Scarborough for the value of the donation, in accordance with CCRA guidelines, which will be approximately \$11,100.00 [\$9,500.00 (value of bronze drinking fountain), \$1,000.00 (shipping) and \$600.00 (to cover the cost of installation)];

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Procedural Vote:

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

Vote:

Motion J(3) was adopted, without amendment.

6.88 **J(4) Annual Report of the Integrity Commissioner for the Period September 1, 2004 to December 31, 2005**

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: Deputy Mayor Feldman

“**WHEREAS** City Council appointed David Mullan as the Integrity Commissioner for the City of Toronto to provide independent and consistent complaint prevention and resolution, advice, opinion and education respecting the application of the Code of Conduct for Members of Council, and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*; and

WHEREAS the Integrity Commissioner has submitted his annual report on the operations of the Integrity Commissioner’s Office for the period September 1, 2004, to December 31, 2005;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 8, 2006) from the Integrity Commissioner, and that the report be received for information.”

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 308)

Council also had before it, during consideration of Motion J(4), a report (May 8, 2006) from the Integrity Commissioner (See Attachment 4, Page 259).

Motion:

Councillor Shiner moved that Motion J(4) be amended by adding the following:

“That a copy of the Integrity Commissioner’s Annual Report be forwarded to the Bellamy Implementation Steering Committee with a request that the Committee consider, as part of its established mandate, expanding the jurisdiction of the Integrity Commissioner and Complaint Protocol to apply to citizen members of agencies, boards and commissions.”

Votes:

The motion by Councillor Shiner carried.

Motion J(4), as amended, carried.

6.89 **J(5) Affirm the Three-Year Term for Municipal Officials**

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 Pitfield

“**WHEREAS** Ontario Minister of Municipal Affairs and Housing, John Gerretsen indicated in late 2005 that ... ‘we will not be proceeding with amendments to the *Municipal Elections Act* ...we do not intend to proceed at this time with proposed change to the term of office for municipal officials’; and

WHEREAS in a contrary manner, Premier Dalton McGuinty announced on February 21, 2006 that his government intended to introduce amendments to the *Municipal Elections Act* replacing three-year terms with four-year terms for all municipal Mayors, Councillors and School Trustees; and

WHEREAS from 1837 to the late 1950s, the City of Toronto had one-year municipal terms; and

WHEREAS from the late 1950s to 1982, the City of Toronto had two-year municipal terms with a succession of five progressive Mayoral greats, namely Nathan Phillips, Philip Givens, David Crombie, John Sewell and Art Eggleton; and

WHEREAS from 1982 to present, the City of Toronto has had three-year municipal terms; and

WHEREAS the frequency of elections is one of the most valued means for ensuring the highest standard of public accountability and transparency in municipal government; and

WHEREAS this standard has suffered badly in recent years as a result of alleged wrongdoing associated with events such as the MFP scandal;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council petition the

provincial government (Minister of Municipal Affairs and Housing) to place a plebiscite question regarding extending the term of office for Mayor, City Councillor, and School Trustee on the ballot of the November 13, 2006 municipal election to gain public input on this issue;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be requested to take any necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 1, Page 314)

Procedural Vote:

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

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

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

Disposition:

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

6.90 J(6) Jones Auto Wreckers - 1 Thora Avenue

Councillor Altobello 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 Altobello

Seconded by: Councillor De Baeremaeker

“WHEREAS the rear yards of residential properties on Lucy Avenue are adjacent to Jones Auto Wreckers;

WHEREAS the cars in Jones Auto Wreckers are stacked higher than the fence between the residential properties and the auto wreckers; and

WHEREAS this creates a possible safety problem for the homeowners; and

WHEREAS cars are being crushed practically in the back yards of the homes on Lucy Avenue; and

WHEREAS the noise from the crushing disturbs the homeowners on Lucy Avenue; and

WHEREAS the crushing of the cars has gasoline, anti-freeze and oil being distributed into the soil, which in turn could migrate into the residential properties on Lucy Avenue; and

WHEREAS an auto wrecking yard and residential homes cannot co-exist in the same area;

NOW THEREFORE BE IT RESOLVED THAT Deputy City Manager Fareed Amin, in consultation with appropriate staff, report to the July 4, 2006, meeting of the Planning and Transportation Committee on ways to remove the auto wreckers from this area.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Procedural Vote:

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

Vote:

Motion J(6) was adopted, without amendment.

6.91 **J(7) Request for Review of Ontario's Workplace Safety and Insurance Act - Firefighters' Illness or Disease**

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: Deputy Mayor Bussin

"WHEREAS firefighters provide an invaluable service to the public and often risk their own personal safety in order to protect the lives of residents of the City of Toronto; and

WHEREAS studies have shown that firefighters suffer from an incidence of some cancers and other diseases that is significantly greater than the normal population, and that this may be due to firefighters' exposure to toxic chemicals and carcinogens during the course of fighting fires; and

WHEREAS in response to these studies, the Provinces of Manitoba, Alberta, Saskatchewan and Nova Scotia have amended their Workers' Compensation legislation to include a presumption that, for identified types of cancer in firefighters, the disease is attributable to work as a firefighter; and

WHEREAS the City of Toronto wishes to demonstrate our support for a comprehensive review of Ontario's Workers' Compensation scheme as it specifically relates to firefighters;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council call on the Government of Ontario to review Ontario's *Workplace Safety and Insurance Act* in order to ensure that firefighters and their families receive fair and timely compensation for illness or disease that is attributable to their work as firefighters; and that this motion be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities."

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(7), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Procedural Vote:

The vote to waive referral of Motion J(7) to the Policy and Finance Committee was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Bussin, Cowbourne, De Baeremaeker, Fletcher, Ford, Grimes, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Silva, Stintz, Watson
No - 13	
Councillors:	Ashton, Carroll, Del Grande, Feldman, Giambrone, Holyday, Kelly, Li Preti, Lindsay Luby, Saundercook, Shiner, Soknacki, Thompson

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

Disposition:

Motion J(7) was referred to the Policy and Finance Committee.

6.92 J(8) Request for Changes to the *Condominium Act* to Allow Access to Capital Reserve Funds for Energy Efficiency Upgrades

Councillor Del Grande 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 Del Grande**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the Province estimates that the City of Toronto currently faces an electrical supply shortage of 500 MW; and

WHEREAS the debate over the Minister of Environment’s recent decision to proceed with the development of the Portland Energy Centre highlighted the need to incorporate energy conservation and the pursuit of energy efficiencies to address part of this shortage; and

WHEREAS many condominium complexes, particularly those built in the early 1980s, employ technology that has since been vastly improved from an energy efficiency standpoint; and

WHEREAS the replacement technology, while more energy efficient, requires sizeable capital investment; and

WHEREAS condominium corporations are required to undertake a reserve fund study that establishes when expenditures are expected; and

WHEREAS the reserve fund can have an investment plan for that portion of the reserve for which expenditure is not anticipated in the near or mid term; and

WHEREAS the use of reserve funds to support energy efficiency retrofitting projects would result in an increased ability to finance energy efficiency initiatives, improved return on investment on reserve funds via the energy savings realized, and reduced building maintenance liabilities since energy efficiency upgrades are building improvements which increase asset values and often reduce future maintenance expenditures; and

WHEREAS the period over which the investment in energy efficiency retrofitting program would be recovered from energy savings could be within the timeframe for longer term investment of reserve funds; and

WHEREAS condominium complexes are currently prevented from accessing their capital reserves for energy efficiency-related upgrades;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council request the Province of Ontario to amend the *Condominium Act* to allow

condominium corporations to access capital reserves for specified, energy efficiency-related upgrades and investments.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(8) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(8), a communication (May 3, 2006) from Richard Lu, Chief Conservation Officer, Vice President, EHS, Toronto Hydro Corporation, which is on file in the City Clerk’s Office.

Procedural Vote:

The vote to waive referral of Motion J(8) to the Planning and Transportation Committee was taken as follows:

Yes - 31	
Councillors:	Ainslie, Altobello, Augimeri, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Grimes, Hall, Holyday, Jenkins, Li Preti, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 7	
Mayor:	Miller
Councillors:	Ashton, Bussin, Carroll, Giambrone, Kelly, Pantalone

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

Vote:

Adoption of Motion J(8), without amendment:

Yes - 38	
Mayor:	Miller

Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
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No - 0

Carried, without dissent.

6.93 **J(9) Toronto/Markham Liaison Advisory Committee**

Councillor Del Grande 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 Del Grande

Seconded by: Councillor Ainslie

“**WHEREAS** the City of Toronto and the Town of Markham share a long border along Steeles Avenue; and

WHEREAS there are numerous issues of mutual interest along Steeles Avenue where open lines of communication and co-operation at both the bureaucratic and political levels are likely to produce more favourable outcomes; and

WHEREAS issues dealt with in adjacent municipalities, such as planning, transportation planning and construction, impact Toronto residents; and

WHEREAS there currently exists limited safeguards to ensure that the City of Toronto and its residents are given the opportunity to provide input into important issues in the Town of Markham that impact our City and vice versa; and

WHEREAS an informal meeting was held on Tuesday, May 16, 2006, between several City of Toronto Councillors and several Town of Markham Councillors to discuss the challenges with the status quo and alternatives for improving it; and

WHEREAS elected representatives from both municipalities recognize the need to maintain and enhance communication between and across Steeles Avenue;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council approve the establishment of a Toronto/Markham Liaison Advisory Committee as per the attached Terms of Reference and in accordance with Section 108 of the Toronto

Municipal Code Council Procedural By-law.”*Advice by Mayor Miller:*

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(9), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Council also had before it, during consideration of Motion J(9), a document, headed “Toronto/Markham Liaison Advisory Committee, Terms of Reference” , which is on file in the City Clerk’s Office.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Policy and Finance Committee was taken as follows:

Yes - 16	
Councillors:	Altobello, Del Grande, Feldman, Ford, Holyday, Jenkins, Kelly, Li Preti, Mammoliti, Nunziata, Ootes, Palacio, Saundercook, Shiner, Stintz, Thompson
No - 26	
Mayor:	Miller
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Fillion, Fletcher, Giambrone, Grimes, Hall, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Watson

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

Disposition:

Motion J(9) was referred to the Policy and Finance Committee.

6.94 J(10) City of Toronto - Street Needs Assessment Results

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:

Moved by: **Councillor Ootes**

Seconded by: **Councillor Kelly**

“**WHEREAS** on April 19, 2006, the City of Toronto conducted its first ever Street Needs Assessment; and

WHEREAS the full findings of the Street Needs Assessment, along with an in-depth analysis of the data will be reported to City Council in July, 2006; and

WHEREAS it would be very straightforward and simple for City staff to prepare a report to City Council on just the actual number of homeless people who were surveyed on April 19, 2006; and

WHEREAS the Community Services Committee will next meet on June 8, 2006, and City Council will next meet on June 27, 28 and 29, 2006;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Shelter, Support and Housing Administration, be requested to prepare a preliminary report for the June 8, 2006 Community Services Committee, containing the number of homeless people who were surveyed on April 19, 2006, resulting in this preliminary report being considered by City Council at its meeting of June 27, 28, and 29, 2006;

AND BE IT FURTHER RESOLVED THAT the full report be considered by City Council at its July 25, 26 and 27, 2006 meeting.”

the vote upon which was taken as follows:

Yes - 27	
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Soknacki, Stintz, Thompson, Watson
No - 15	
Mayor:	Miller
Councillors:	Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Filion, Fletcher, Giambrone, McConnell, Mihevc, Moscoe, Pantalone, Rae, Silva

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

Fiscal Impact Statement:

City Council had before it, for consideration with 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 308)

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 27, 2006.

6.95 J(11) Section 37 Funds for Gwendolyn MacEwen Park Memorial

Councillor Silva 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 Silva**

Seconded by: **Councillor Soknacki**

“**WHEREAS** City of Toronto Planning Division received Section 37 money in the amount of \$200,000.00 in relation to the 35 Walmer Road development for ‘improvements to Walmer Road Circle, Gwendolyn MacEwen Park, Ecology Park and/or Sibelius Park’; and

WHEREAS the Gwendolyn MacEwen Park Memorial Group has the support of the Annex Ratepayers Association for their proposed installation of a memorial to the poet Gwendolyn MacEwen as an improvement to Gwendolyn MacEwen Park and no other improvements are planned at this site by the City of Toronto in the immediate future; and

WHEREAS the Gwendolyn MacEwen Park Memorial has the support of the Executor of the Estate of Gwendolyn MacEwen; and

WHEREAS this proposed memorial donation was approved, in principle, by the Council-appointed advisory group, the Public Art Commission, in November 2000; and

WHEREAS this proposal had the support of Toronto’s inaugural Poet Laureate, Dennis Lee, and has the continued support of the City of Toronto Legacy Project Committee, whose mandate is to celebrate Toronto’s great artists and thinkers by weaving their names into the fabric of the City; and

WHEREAS in 1970, Gwendolyn MacEwen won Canada's highest literary prize, the Governor General's Award, for her collection 'The Shadow-Maker', wrote highly praised novels and children's books and was considered one of the most vital and original presences on the Canadian literary scene; and

WHEREAS the Gwendolyn MacEwen Park Memorial Group has complied with the installation and maintenance requirements of City of Toronto Culture, who will be accepting the completed memorial into its Outdoor Art and Monuments Collection; and

WHEREAS Pteros Gallery has lead the fundraising efforts for this project and private donors have pledged funds for a memorial consisting of a bronze bust by noted sculptor John McCombe Reynolds, accompanied by biographical and poetry plaques, for installation at Gwendolyn MacEwen Park in consultation with staff from City of Toronto's Urban Design, Culture and Parks, Forestry and Recreation Divisions;

NOW THEREFORE BE IT RESOLVED THAT \$6,000.00 of the Section 37 benefits totalling \$200,000.00 received through the development at 35 Walmer Road, and secured for improvements to parks in Ward 20, be directed towards the Gwendolyn MacEwen Park Memorial project in Gwendolyn MacEwen Park and that the appropriate City officials be authorized to take whatever action is necessary to give effect to the foregoing."

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(11), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 2, Page 315)

Procedural Vote:

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

Vote:

Motion J(11) was adopted, without amendment.

6.96 **J(12) Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 - Etobicoke-Lakeshore**

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

Moved by: Deputy Mayor Bussin

Seconded by: Councillor Carroll

“WHEREAS the Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore) was before Council on April 25, 26 and 27, 2006; and

WHEREAS Dunpar Homes had consulted Etobicoke Planning staff and the local Councillor before acquiring the property; and

WHEREAS over \$1 million has been spent on site clean-up of the 1.7 acre contaminated industrial land; and

WHEREAS the property is surrounded on three sides by residential homes and has three homes currently on it; and

WHEREAS the community in the immediate neighbourhood are overwhelmingly in support of the application; and

WHEREAS the proposal meets the City of Toronto Official Plan guidelines with respect to housing intensification; and

WHEREAS the proposal is within walking distance to the Islington Subway station, a community centre, parks, schools and shopping; and

WHEREAS the Official Plan Amendment and Rezoning was approved by the Etobicoke York Community Council; and

WHEREAS at the Council meeting of April 25, 26 and 27, 2006, a motion was made that the application as recommended in the report (March 21, 2006) from the Director, Community Planning, Etobicoke York District be refused; and

WHEREAS there was some confusion about the impact of the motion and several Members of Council would have voted otherwise;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Etobicoke York Community

Council Report 3, Clause 57, headed 'Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)', be re-opened for further consideration, in order to allow the vote to be taken again.”,

the vote upon which was taken as follows:

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

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(12), a communication (May 23, 2006) from Glen E. Grunwald, President and Chief Executive Officer, The Toronto Board of Trade, which is on file in the City Clerk's Office.

Vote to Re-open:

Adoption of the first Operative Paragraph contained in Motion J(12):

Yes - 30	
Councillors:	Ainslie, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Palacio, Pantalone, Rae, Saundercook, Silva, Stintz, Thompson, Watson
No - 12	Miller

Mayor:
Councillors: Altobello, Davis, Del Grande, Feldman, Giambrone,
Holyday, Jenkins, Moscoe, Pitfield, Shiner, Soknacki

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

Disposition:

Council re-opened Etobicoke York Community Council Report 3, Clause 57, headed “Final Report - Official Plan Amendment, Rezoning and Site Plan Approval Application; Applicant: Tom Giancos on behalf of 1322104 Ontario Inc., 252, 270, 272 and 276 Bering Avenue (Ward 5 - Etobicoke-Lakeshore)”. As Council did not conclude its debate on the balance of Motion J(12) prior to the end of the meeting, consideration of the balance of the Motion was postponed to its special meeting on June 14, 2006.

6.97 J(13) Ontario Municipal Board Decision - 1625 Military Trail (Ward 44)

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

Moved by: Councillor Cowbourne

Seconded by: Councillor Soknacki

“**WHEREAS** the Ontario Municipal Board issued a Decision on April 27, 2006, granting approval to planning applications to allow a 66 housing unit proposal on a 1.08 ha parcel of land at 1625 Military Trail, at Kingston Road; and

WHEREAS the Board accepted the evidence from the applicant’s land-use planner that the applicable guidelines concerning townhouse development had been substantially met in this case; and

WHEREAS the only expert evidence on urban design matters, as opposed to land use opinion matters, was led by the City and that evidence was to the effect that the Highland Creek Village guidelines for urban design, along with the City’s Infill townhouse guidelines, were not at all being achieved through the layout of this townhouse project; and

WHEREAS the Decision will result in some of the lots having their back yards extending into a 10 metre buffer zone between the townhouse lots and the adjacent Highland Creek ravine sought by the Toronto and Region Conservation Authority; and

WHEREAS the Board accepted the testimony of the applicant’s witness on

transportation evidence over that of the City's witness, raising the possibility of there being a secondary access on to Kingston Road, at a point very close to the bridge structure spanning the Highland Creek ravine, and being a matter of public safety to City staff; and

WHEREAS the *Ontario Municipal Board Act*, under Section 43, allows the Board to review, change or vary any Decision made by the Board upon certain grounds involving material errors of facts or law being established; and

WHEREAS a Section 43 application is required to be filed with the Chair of the Board within 30 days of the date of the written Decision in accordance with the Board's Rules of Practice and Procedure, and there is therefore urgency to obtain the authorization of Council to file the application by May 26, 2006;

NOW THEREFORE BE IT RESOLVED THAT Council consider and adopt the staff recommendation contained in the Recommendation Section of the confidential report (May 18, 2006) from the City Solicitor."

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(13), a confidential report (May 18, 2006) from the City Solicitor.

Procedural Vote:

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

Vote:

Motion J(13) was adopted, without amendment.

Summary:

In adopting Motion J(13), without amendment, Council adopted, without amendment, the following staff recommendation contained in the Recommendation Section of the confidential report (May 18, 2006) from the City Solicitor. This recommendation is now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

“That the City Solicitor be authorized to make an application, supported by necessary affidavit evidence, to the Ontario Municipal Board under the authority of Section 43 of the *Ontario Municipal Board Act*, and to request a review and rehearing of the Board’s Decision of April 27, 2006, approving planning applications for a 66 unit housing development in mostly townhouse form, located at 1625 Military Trail.”

6.98 J(14) Request for City Legal Representation at the Ontario Municipal Board Appeal for 34 Canadine Road (Application File No. A309/05SC)

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 Altobello

“**WHEREAS** the Committee of Adjustment, Scarborough Panel, held a public meeting on May 3, 2006, to consider an application for minor variances at 34 Canadine Road; and

WHEREAS the owner of 34 Canadine Road made application to the Committee of Adjustment, Scarborough Panel for variances to permit an increased lot coverage for an existing dwelling with a second suite, an existing garage workshop, and an existing rear yard storage shed, to permit a rear yard storage shed to be located nearer to the rear property line than the By-law allows, and to permit one parking space instead of two parking spaces required by the Zoning By-law, and to permit the parking space in the street yard despite a prohibition of street yard parking spaces; and

WHEREAS City Planning staff provided a report to the Committee of Adjustment with a recommendation that the variances pertaining to the parking requirements be refused because the effect of these changes has been to create a negative impact on the character of the neighbourhood, and staff also recommended refusal of the variance pertaining to the location of the storage shed because the proposed setback does not allow for a visual and functional separation from neighbouring properties; and

WHEREAS the Committee of Adjustment, Scarborough Panel, refused to grant the requested variances because the general intent and purpose of the Zoning By-law were not maintained, and the variances were not minor and were not considered

desirable for the appropriate development of the land; and

WHEREAS the owner is expected to appeal this decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT, in the event of an appeal of the Committee of Adjustment decision, the City Solicitor and City Planning staff be directed to attend at the Ontario Municipal Board to defend the Committee of Adjustment's decision to refuse the variances pertaining to the requirements for the number and location of parking spaces on the property and the location of the rear yard storage shed."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(14) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(14), a Notice of Decision (May 3, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(14) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

6.99 J(15) Request for City Legal Representation at the Ontario Municipal Board Appeal for 173 Chesterton Shores (Application A259/05SC)

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

Moved by: **Councillor Cowbourne**

Seconded by: **Councillor Altobello**

“**WHEREAS** the owner of 173 Chesterton Shores has made application to the Committee of Adjustment for side yard building setback and rear yard building setback variances to permit a basement and first floor addition to the south and west sides of the existing building, built without benefit of a building permit, site plan agreement and variances; and

WHEREAS the Director of Community Planning, Scarborough District, prepared a staff report recommending refusal of the application; and

WHEREAS the Committee of Adjustment, Scarborough Panel, considered the test of appropriate development of the lands and building and were not satisfied due to issues such as slope stability, the dwelling’s location on hazardous lands, and development proceeding without any encroachment or limiting distance agreements with Toronto and Region Conservation Authority; and

WHEREAS the general intent and purpose of the Zoning By-law regulating side and rear yard building setbacks had not been satisfied; the general intent and purpose of the Official Plan has not been satisfied since this land is designated Open Space and an Environmental Impact Zone; and in the opinion of Committee, the variances are not minor in nature; and

WHEREAS the Committee of Adjustment, Scarborough Panel therefore refused the application; and

WHEREAS the owner has appealed the Committee of Adjustment Decision to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor, Planning staff and other City staff deemed appropriate, be directed to attend the hearing of the Ontario Municipal Board to support the Committee of Adjustment’s decision to refuse the application.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

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

from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Council also had before it, during consideration of Motion J(15), a Notice of Decision (April 13, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(15) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

6.100 J(16) Request for City Legal Representation of the Ontario Municipal Board Appeal for 300 Raleigh Avenue (Application A020/06SC)

Councillor Altobello 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 Altobello

Seconded by: Councillor Del Grande

“WHEREAS the owner of 300 Raleigh Avenue applied to the Committee of Adjustment for minor variances to: (1) permit 6 parking spaces to be partially located on City property, whereas the Zoning By-law requires parking spaces to be located on the same lot as the use they serve; and (2) permit 9 parking spaces in the flankage and front yards, whereas the Zoning By-law permits parking spaces in the side or rear yards only; and

WHEREAS the Committee of Adjustment Scarborough Panel refused the application to permit parking on City property and the flankage and front yards because the amount and location of the proposed parking spaces, and history of derelict cars parked adjacent to the building, is not congruent with the intent and purpose of the Official Plan and Zoning By-law to ensure compatibility between employment uses and adjacent residential areas; and

WHEREAS the owner is expected to appeal the Committee of Adjustment Decision to the Ontario Municipal Board and Community Planning staff did not take a position on this application;

NOW THEREFORE BE IT RESOLVED THAT, in the event of an appeal of the Committee of Adjustment decision, the City Solicitor be directed to attend the Ontario Municipal Board Hearing and be authorized to hire outside planning staff to support the Committee of Adjustment Decision.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(16), a Notice of Decision (May 3, 2006) from the Manager and Deputy Secretary Treasurer, Committee of Adjustment, Scarborough Panel, which is on file in the City Clerk’s Office.

Procedural Vote:

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

Vote:

Motion J(16) was adopted, without amendment.

6.101 J(17) Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – 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 (May 17, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 17, 2006) from the Integrity Commissioner, and that the staff recommendations contained in the Recommendations Section of the report be adopted.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(17), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, for consideration with Motion J(17), the following:

- Public report (May 17, 2006) from the Integrity Commissioner (See Attachment 5, Page 279); and
- Confidential Appendix A (May 16, 2006) from the Integrity Commissioner. This Appendix remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.

Motion:

Mayor Miller, with the permission of Council, moved that Motion J(17) be referred to the City Manager and the City Solicitor with a request that they provide advice to the Integrity Commissioner on employee issues, and the Integrity Commissioner be requested to submit a further report to City Council.

Vote on Referral:

The motion by Mayor Miller carried.

6.102 J(18) Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – 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 (May 17, 2006) forwarding a response to a complaint of Violation of the Councillor’s Code of Conduct;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report (May 17, 2006) from the Integrity Commissioner, and that the report be received for information.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(18), a confidential Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer.

Council also had before it, during consideration of Motion J(18), the following:

- Public report (May 17, 2006) from the Integrity Commissioner. (See Attachment 6, Page 282); and
- Confidential Appendix A (May 16, 2006) from the Integrity Commissioner. This Appendix remains confidential, in its entirety, in accordance with the provisions of the *Municipal Act, 2001*, as it contains personal information about an identifiable individual.

Vote:

Motion J(18) was adopted, without amendment.

Summary:

In adopting Motion J(18), without amendment, Council received the report (May 17, 2006) from the Integrity Commissioner, for information.

6.103 **J(19) Support for City of Toronto By-law Prohibiting Burning of Used Motor Oil for Space Heating**

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:

Moved by: Councillor Carroll

Seconded by: Councillor Hall

“**WHEREAS** burning waste motor oil releases a host of toxic substances into Toronto’s air, including heavy metals and carcinogens such as lead, cadmium, arsenic and trichlorethylene; and

WHEREAS re-refining used motor oil is an environmentally superior waste management option; and

WHEREAS the City of Toronto passed a by-law in 2000 prohibiting the burning of waste oil in space heaters; and

WHEREAS the federal government has categorized waste motor oil as ‘toxic’ under the Canadian *Environmental Assessment Act*; and

WHEREAS the Minister of the Environment in 2002 designated used motor oil as a waste for which a stewardship management plan focused on re-use and recycling be developed; and

WHEREAS the City of Toronto’s by-law prohibiting burning waste oil in space heaters may be superseded by a provincial certificate of approval; and

WHEREAS the Ministry of Environment lifted a six-year moratorium on new certificates of approval to burn used motor oil as fuel in 2003 and has awarded two new certificates of approval to facilities in Toronto; and

WHEREAS there are already over 40 facilities in Toronto that have historical permits from the 1990s to burn used motor oil in space heaters; and

WHEREAS Ontario Redimix Ltd. at 21 Goodmark Place, Suite 3, in Toronto has applied for a certificate of approval to burn waste motor oil for space heating; and

WHEREAS formal comments in writing regarding Redimix Ltd.’s application will be accepted by the Ministry of the Environment until June 1, 2006;

NOW THEREFORE BE IT RESOLVED that Toronto City Council direct the Medical Officer of Health and the City Manager to direct the appropriate staff to:

- (a) submit a formal objection to the Ministry of the Environment regarding Redimix Ltd.'s application to burn waste oil for space heating by June 1, 2006, on the grounds of protecting Toronto's already burdened air quality and respecting Toronto's by-law prohibiting the burning of waste oil in a heating device;
- (b) submit formal objections to any future proposals to burn waste motor oil in space heaters in Toronto whenever such a proposal is posted for comment on the Ontario Environmental Registry;
- (c) formally request the Ministry of the Environment to issue no new certificates of approval to burn waste motor oil and expire all existing certificates of approval in Toronto within the next two years; and
- (d) report back to City Council on whether wider jurisdictional authority exists under the new *City of Toronto Act* for the City to prohibit waste motor oil burning in a manner that would supersede provincial certificates of approval.”,

the vote upon which was taken as follows:

Yes - 38	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 4	
Councillors:	Davis, Ford, Holyday, Li Preti

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

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(19), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Procedural Vote:

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

Yes - 39	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 3	
Councillors:	Ford, Holyday, Ootes

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

Vote:

Adoption of Motion J(19), without amendment:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 38.

6.104 J(20) Authority to Enter into a Heritage Easement Agreement - 2205 Queen Street East (Ward 32 Beaches-East York)

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** the property located at 2205 Queen Street East is designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the owner wishes to alter this building to accommodate proposed renovations; and

WHEREAS the alterations to the designated heritage building have been reviewed by staff under the Delegation By-law 929-2005; and

WHEREAS the Committee of Adjustment approved minor variances on February 15, 2006 in order to accommodate the proposed alterations; and

WHEREAS one of the conditions of approval for the variances was that the owner enter into a Heritage Easement Agreement with the City; and

WHEREAS the owner wishes to enter into the Heritage Easement Agreement as quickly as possible; and

WHEREAS staff require authority from Council to enter into a Heritage Easement Agreement; and

WHEREAS the Toronto Preservation Board considered this matter at its meeting of May 18, 2006 and recommended that City Council grant authority to enter into a Heritage Easement Agreement;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 2205 Queen Street East, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be

authorized and directed to take the necessary action to give effect thereto.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(20) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(20), a communication (May 19, 2006) from the Toronto Preservation Board (See Attachment 7, Page 285).

Procedural Vote:

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

Vote:

Motion J(20) was adopted, without amendment.

6.105 J(21) 606 College Street (Pylon Theatre) – Intention to Designate under Part IV of the Ontario Heritage Act a Property Listed on the City of Toronto Inventory of Heritage Properties – Ward 19 - Trinity-Spadina

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Silva

“**WHEREAS** the property located at 606 College Street contains the Pylon Theatre, which has design or physical value as a representative example of a World War II era movie theatre designed in the Art Deco style, and has contextual value as a local landmark on College Street in the area west of Bathurst Street; and

WHEREAS the property at 606 College Street was listed on the City of Toronto

Inventory of Heritage Properties on October 26, 2005; and

WHEREAS the Toronto Official Plan states that heritage resources or properties listed on the City of Toronto Inventory of Heritage Properties will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition; and

WHEREAS the Toronto Preservation Board considered this matter at its meeting of May 18, 2006 and recommends that City Council state its intention to designate the property;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto give notice of its intention to designate the property at 606 College Street (Pylon Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(21) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(21), 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 308)

Council also had before it, during consideration of Motion J(21), a communication (May 19, 2006) from the Toronto Preservation Board (See Attachment 8, Page 287).

Procedural Vote:

The vote to waive referral of Motion J(21) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(21), without amendment:

Yes - 40	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Watson
No - 2	
Councillors:	Ford, Holyday

Carried by a majority of 38.

6.106 J(22) 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 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 Carroll

Seconded by: Councillor Palacio

“**WHEREAS** City Council at its meeting of January 31, February 1 and 2, 2006, in response to a staff report, introduced under Notice of Motion J(26), dated January 31, 2006, headed ‘Solid Waste Management Contractual Issues Supplementary Report’, approved recommendations, including Recommendations (4) and (5), that provided authority to the General Manager of Solid Waste Management Services to issue a procurement call for: (i) contingency disposal capacity to be utilized in the event of a closure of the U.S.-Canada border to imports of solid waste from Canada or the introduction of onerous taxes and fees; (ii) the re-direction of limited quantities of solid waste to Ontario disposal facilities; and (iii) options for disposal capacity beyond 2010; and

WHEREAS a need has been identified to expand the scope of the aforementioned procurement call to include by-products from the City's Water Filtration Plants and Wastewater treatment plants and associated collection systems (including, but not limited to, ash resulting from the incineration of sewage sludge, biosolids, catch basin and sewer cleaning debris, grit and screenings, contaminated/organic soils, spoils, sludges and slurries, and water residuals) and street sweepings, which are currently disposed at the Carleton Farms Landfill located in Michigan, U.S.A., in order to also provide contingency disposal capacity for these materials in the event of a border closure or the introduction of onerous taxes and fees;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(26) respecting Solid Waste Management Contractual Issues (All Wards), adopted by City Council on January 31, February 1 and 2, 2006, be re-opened, only as it pertains to Recommendations (4) and (5) contained in the report (January 31, 2006) from the General Manager of Solid Waste Management Services and the City Solicitor, and that such Recommendations be amended to read as follows:

- '(4) the General Manager of Solid Waste Management Services, in consultation with the General Manager of Toronto Water and the General Manager of Transportation Services, be authorized to issue a procurement call, in such manner and on such terms as he considers appropriate in the circumstances, for contingency disposal capacity to be utilized in the event of a closure of the U.S.-Canada border or conditions that adversely impact the flow of imports of solid waste, Water and Wastewater Treatment Plant and associated collection systems by-products (including, but not limited to ash resulting from the incineration of sewage sludge, biosolids, catch basin and sewer cleaning debris, grit and screenings, contaminated/organic soils, spoils, sludges and slurries, and water residuals) and street sweepings from Canada or the introduction of onerous taxes and fees; and
- (5) the General Manager, Solid Waste Management Services, in consultation with the General Manager of Toronto Water and the General Manager of Transportation Services, be authorized to issue a procurement call in such manner and on such terms as he considers appropriate in the circumstances, for solid waste disposal capacity in order to re-direct solid waste from the Republic-Wilson Contract in the amounts shown on the Republic Contract Term Sheet up to a maximum of 50,000 tonnes per year in 2010, and include options for disposal capacity beyond 2010 for solid waste and Water and Wastewater Treatment Plant and associated collection systems by-products (including, but not limited to ash resulting from the incineration of sewage sludge, biosolids, catch basin and sewer cleaning debris, grit and screenings, contaminated/organic soils,

spoils, sludges and slurries, and water residuals) and street sweepings’.”

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 308)

Vote to Re-open:

The first Operative Paragraph contained in Motion J(22) carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

The balance of Motion J(22) was adopted, without amendment.

6.107 J(23) Approval of Temporary Signage Permit for Annual Rotary Canada Day Ribfest Community Event

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

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“WHEREAS The Rotary Club of Etobicoke has held their annual Ribfest event for the past six years and direct 100 percent of the proceeds to local charities; and

WHEREAS Toronto Ribfest is one of the largest Canada Day celebrations and last year hosted over 150,000 during the four day event; and

WHEREAS promotion of this event has, each year since its inception, relied on and involved the placement of various temporary signs at key locations and intersections in Etobicoke, erected approximately two weeks before the event and removed diligently within hours of the Ribfest conclusion; and

WHEREAS this organization’s event has proven to be a success and previous signage erected during the past six years has generated no complaints to the office of the Councillor of Etobicoke-Lakeshore; and

WHEREAS the Municipal Code Chapter 693, Section 693-25, which outlines the requirements for signs being used to advertise charitable, non-profit and community events, does not permit any variance or appeal to the criteria which regulate temporary signage;

NOW THEREFORE BE IT RESOLVED THAT City Council approve a special permit to the Rotary Club for their 2006 Canada Day event and allow the placement of these signs, providing that they are removed within 12 hours of the events' closure and that locations are reviewed in advance with staff to ensure that any sightline issues are resolved."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(23) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Procedural Vote:

The vote to waive referral of Motion J(23) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(23) was adopted, without amendment.

6.108 J(24) Opposition to Application for Liquor Licence and Review of Business Licence - Club H2O Stereophonic - 82 Peter Street (Ward 20 - Trinity-Spadina)

Councillor Silva 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 Silva**

Seconded by: **Councillor Giambrone**

“WHEREAS 1614276 Ontario Ltd. is the corporate licensee which is intending to operate a licensed establishment called Club H2O Stereophonic (‘H2O’) in premises located at 82 Peter Street, situated in the area bounded by Queen Street West, Spadina Avenue, Front Street West and John Street and Simcoe Street, often referred to as the Entertainment District (‘Entertainment District’) which permits a variety of uses including residential and commercial; and

WHEREAS H2O was issued a City of Toronto business licence on January 12, 2006, which permits the operation of a restaurant on the premises, the licence number being B71-3500120, and at the time of issuance, H2O was advised by the City that an outdoor patio is not permitted by the applicable zoning By-law and therefore the licence indicates – ‘no patio permitted’; and

WHEREAS H2O has submitted an application for a new liquor sales licence to the Alcohol and Gaming Commission of Ontario (‘AGCO’) to permit the sale and service of liquor for an indoor area permitting a capacity of approximately 450 persons and an outdoor area, AGCO file number 811164; and

WHEREAS through telephone calls, e-mails, letters and meetings, local residents have expressed concerns to the Ward Councillor about the proposed operations of H2O as it will increase the already existing problems in the Entertainment District with increased noise, late night pedestrian and automobile traffic, littering, property damage and occurrences of violence from patrons of the Entertainment District businesses; and

WHEREAS the Superintendent and Detective Sergeant Plainclothes of 52 Division, Toronto Police Service, have also expressed to the Ward Councillor and City staff their concerns about any increase in the number of licensed establishments in the Entertainment District as there is already an extraordinary strain on their services and therefore they are not supportive of any additional licensed premises; and

WHEREAS the City of Toronto has taken measures to control and improve the compatibility of licensed establishments, in particular entertainment facilities/nightclubs and residential uses in the Entertainment District by enacting By-law 20-2006 on February 2, 2006, amending the Toronto Municipal Code Chapter 545, respecting the regulation of entertainment establishments and nightclubs, by creating a new type of licence specifically for these establishments which imposes a number of conditions on the licensee; and

WHEREAS the City of Toronto has also taken further steps to address the incompatibility of commercial and residential uses in the Entertainment District by imposing an Interim Control By-law [By-law 336-2005 which was further amended by By-laws 300-2006 and 301-2006] preventing any additional entertainment facilities, nightclubs or new patios in the Entertainment District until a planning study has been completed and considered by Council; and

WHEREAS the restrictions of the Interim Control By-law do not apply to H2O due to the timing of its applications to the City, however, the various actions of Council described above, the current applicable zoning restrictions, and the ongoing concerns of the residents and the Toronto Police Service support the position that the issuance of a liquor licence for an indoor capacity of 450 persons and/or an outdoor area is not in the public interest having regard to the needs and wishes of the municipality in which the premises are located; and

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and H2O that it opposes the issuance of a new liquor sales licence for indoor area and/or an outdoor area as it would not be in the public interest having regard to the needs and wishes of the municipality in which the premises are located;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with an opportunity to participate in any proceedings with respect to H2O to oppose the issuance of a liquor sales licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO as a party or otherwise, which relate to H2O;

AND BE IT FURTHER RESOLVED THAT Council request the Executive Director, Municipal Licensing and Standards to investigate the conformity of the proposed operations of the business in relation to the zoning by-law and in relation to new licensing requirements and any other legal requirements and to take any other action she may consider necessary and appropriate.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(24) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Council also had before it, during consideration of Motion J(24), a Municipal Licensing and Standards - Request for Zoning Clearance (September 27, 2005) for 82 Peter Street, Toronto, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(24) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

6.109 J(25) Appeal to the Ontario Municipal Board by the Canadian Broadcasting Corporation

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

Moved by: Councillor Rae

Seconded by: Councillor Silva

“WHEREAS the Canadian Media Guild appeared before the Mayor's Roundtable on Arts and Culture on May 17, 2006, to discuss the potential loss of the Canadian Broadcasting Corporation's design department and the proposed conversion of significant space in the Canadian Broadcasting Centre to commercial uses; and

WHEREAS Toronto is in the midst of a 'cultural renaissance', with the unprecedented building and architectural transformation of close to a dozen major arts and cultural institutions; and

WHEREAS the remarkable surge of dynamic cultural landmarks will dramatically enhance the cultural landscape of Toronto, and will position the City as a distinctive and competitive presence on the world stage; and

WHEREAS the Canadian Broadcasting Centre is the main production and broadcast centre for English-language public television in Canada and one of the most important cultural facilities in the City; and

WHEREAS the Canadian Broadcasting Centre is an important industrial centre for the creative sector and the proposed reduction of industrial space would have a negative impact on this sector; and

WHEREAS the media cluster is identified as a strategic economic cluster in the City's Economic Development Strategy, within which broadcasting is a growing sector providing high quality jobs;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto oppose the appeal to the Ontario Municipal Board by the Canadian Broadcasting Corporation regarding its variance application to allow more non-cultural uses in the Canadian Broadcasting Centre, on the grounds that the changes sought by the CBC are major and should be subject to a full rezoning process that allows for full public input and debate.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(25) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(25), a Fiscal Impact Statement from the 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 308)

Council also had before it, during consideration of Motion J(25) a Notice of Decision (March 30, 2006) from the Acting Manager and Deputy Secretary Treasurer, Committee of Adjustment, Toronto and East York Panel, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(25) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

6.110 J(26) Consideration of the Naming of the Public Lanes Between Lewis Street and Saulters Street, South of Queen Street East, in Honour of June Callwood

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 McConnell

“WHEREAS the Works Committee unanimously adopted the motion (June 2, 2004) moved by Councillor Fletcher, seconded by Deputy Mayor Bussin, reserving the name ‘June Callwood’ for future use on a street in the downtown area of Toronto, as set out in Works Committee Report 4, Clause 13(p), received by Council for information at its meeting of June 22, 23 and 24, 2004; and

WHEREAS June Callwood has given freely of her time to human rights causes, civil liberties concerns, and particularly to the battle against child poverty; and

WHEREAS June Callwood has also been a founding member of several human rights organizations including the Canadian Civil Liberties Association, Justice for Children and Youth, and Canadians for Choice; and

WHEREAS June Callwood has also been involved in over 70 service organizations and has founded a number of social action organizations including Digger House for Toronto’s street kids, Nellie’s Hostel for abused women, the world’s first AIDS hospice, Casey House, and Jessie’s Centre for Teenagers, a centre for pregnant teens; and

WHEREAS the public lanes between Lewis Street and Saulters Street, south of Queen Street East are in the immediate vicinity of Nellie’s Hostel;

NOW THEREFORE BE IT RESOLVED THAT the public lanes between Lewis Street and Saulters Street, south of Queen Street East (north of Eastern Avenue), as shown on the Map dated May 10, 2006, attached to this Notice of Motion, be named ‘June Callwood Way’;

AND BE IT FURTHER RESOLVED THAT City officials be authorized and directed to take any necessary action, including the introduction in Council of any bills that may be required.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(26) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(26), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Council also had before it, during consideration of Motion J(26), a Site Map (May 10, 2006) depicting the location between Lewis Street and Saulters Street, south of Queen Street East, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(26), without amendment:

Yes - 43	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

Carried, without dissent.

6.111 J(27) Change in Membership - 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 Sonia Chai was appointed to the Mayor’s Roundtable on Arts and Culture by City Council, as the representative of the Toronto Public Library; and

WHEREAS Sonia Chai is no longer with the Toronto Public Library; and

WHEREAS Linda Hazzan has succeeded Sonia Chai as the Director of Marketing and Communications for the Toronto Public Library;

NOW THEREFORE BE IT RESOLVED THAT City Council amend the membership of the Mayor’s Roundtable on Arts and Culture by deleting the name ‘Sonia Chai’, and inserting the name ‘Linda Hazzan’ as the Toronto Public Library representative on the Roundtable.”

Advice by Mayor Miller:

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(27), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Procedural Vote:

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

Vote:

Motion J(27) was adopted, without amendment.

6.112 J(28) Waiving of Park Fees - Habitat for Humanity

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

Moved by: Councillor Grimes

Seconded by: Councillor Saunderson

“**WHEREAS** Habitat for Humanity is a non-profit charitable organization which has had many successful years of experience in the development and construction of ownership housing for low-income families and their children; and

WHEREAS Habitat for Humanity constructs homes which are then sold to low-income families with zero-interest mortgages; and

WHEREAS Habitat for Humanity has previously requested and been granted dispensation from paying administrative fees to the Municipality; and

WHEREAS Habitat for Humanity relies primarily on volunteers to build Habitat homes; and

WHEREAS Habitat for Humanity engaged over 10,500 volunteers in 2005, and those volunteers donated 18,000 shifts of labour along side families contributing ‘sweat equity’ in the construction of over 40 homes in the City of Toronto; and

WHEREAS the Lakeshore Village build that is the site of one of Habitat for Humanity’s builds in 2006 is a partnered program on a Daniel’s project which is comprised of a high-rise tower, townhouses and an underground parking garage; and

WHEREAS the construction activity comprises all areas of the site and does not provide an area for Habitat for Humanity volunteers, who travel from all over the City to support this affordable housing project, to take rest and lunch breaks from time to time; and

WHEREAS Habitat for Humanity has applied to the Parks, Forestry and Recreation Division and received approval for the use of a portion of Garnett Janes Park, which is directly opposite the building site, during the period from June 1 to August 1, 2006, to be used as a rest area for Habitat for Humanity volunteers, subject to a \$4,000.00 permit fee, and will also require a permit to erect a tent in this area which is anticipated to attract additional fees; and

WHEREAS I anticipate that there may be additional fees and charges required by the City related to miscellaneous municipal approvals throughout the life of the

project; and

WHEREAS Habitat for Humanity has committed to apply for and obtain approvals in accordance with any municipal processes that may apply and it is only the waiving of fees that is being proposed; and

WHEREAS all payments of fees like this must be drawn directly from public donations to Habitat for Humanity and are therefore, re-directed from its core mission of building affordable homes for those in need in the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive the park permit fee and tent permit fee related to the use of Garnett Janes Park, and any other miscellaneous permit fees that may arise relative to the Habitat for Humanity housing project involving the development of 10 townhouses at 8 Elisnore Path, located at Lake Shore Boulevard West and Twelfth Street.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(28) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(28), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was a financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement 3, Page 316)

Procedural Vote:

The vote to waive referral of Motion J(28) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

6.113 J(29) TorontoBMX Riders’ Alliance - Agreement for Construction and Maintenance of an Extreme Sports Facility

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:

Moved by: Councillor Watson

Seconded by: Deputy Mayor Pantalone

“WHEREAS City Council, at its meeting on July 19, 20, 21 and 26, 2005, adopted, as amended, Policy and Finance Committee Report 7, Clause 51, headed ‘Authority for the City to Receive Donations of Cash for the Planning, Design and Development of a BMX Racetrack at Marilyn Bell Park (Ward 14 – Parkdale - High Park)’, whereby authority was given to Michael Heaton to seek private donations for the development of the BMX and extreme sports facility at Marilyn Bell Park, on behalf of the City; and

WHEREAS Michael Heaton and his fellow BMX enthusiasts formally organized and registered themselves as the charitable foundation known as the TorontoBMX Riders’ Alliance for the purpose of this fundraising initiative; and

WHEREAS the TorontoBMX Riders’ Alliance are now ready to commence construction of the BMX and extreme sports facility at Marilyn Bell Park; and

WHEREAS City Council, at its meeting on October 1, 2 and 3, 2002, adopted, as amended, Policy and Finance Committee Report 13, Clause 1, headed ‘Policy for City-Owned Space Provided at Below-Market Rent (All Wards)’, whereby the TorontoBMX Riders’ Alliance would be required to complete an eligibility review to determine whether or not it meets the criteria pursuant to the Policy;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the TorontoBMX Riders’ Alliance for the construction and ongoing maintenance of the BMX and extreme sports facility at Marilyn Bell Park only, for a period up to five years, with TorontoBMX Riders’ Alliance having the right to renew the agreement for an additional term of five years, under the same terms and conditions, save and except any further option to renew; as TorontoBMX Riders’ Alliance is a non-profit organization, the rent shall be a nominal sum of two dollars (\$2.00), net, per annum plus any and all applicable taxes, the agreement shall be a completely carefree net agreement to the City and in a form and content satisfactory to the City Solicitor;

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

the vote upon which was taken as follows:

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

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(29) to the Administration Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(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 308)

Procedural Vote:

The vote to waive referral of Motion J(29) to the Administration Committee was taken as follows:

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

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

Motion:

Councillor Watson moved that Motion J(29) be amended by deleting the first Operative Paragraph, and inserting instead the following:

“NOW THEREFORE BE IT RESOLVED THAT authority be granted to enter into an agreement with the TorontoBMX Riders’ Alliance for the construction and ongoing maintenance of the BMX and extreme sports facility at Marilyn Bell Park only, for a period up to five years, with TorontoBMX Riders’ Alliance having the right to renew the agreement for an additional term of five years, under the same terms and conditions, save and except any further option to renew; and should the TorontoBMX Riders’ Alliance meet all criteria of the Below-Market Rent Policy, the rent shall be a nominal sum of two dollars (\$2.00), net, per annum plus any and all applicable taxes. The agreement shall be a completely carefree net agreement to the City and in a form and content satisfactory to the City Solicitor;”.

Votes:

The motion by Councillor Watson carried.

Motion J(29), as amended, carried.

6.114 J(30) Toronto Youth Strategy 2006 Implementation Priorities

Councillor Carroll 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 Carroll

Seconded by: Councillor Hall

“WHEREAS City Council, at its meeting on February 14, 2006, adopted Policy and Finance Committee Report 1, Clause 21a, headed ‘Toronto Youth Strategy’; and

WHEREAS Council adopted the following recommendation of the Policy and Finance Committee:

‘That Deputy City Manager Sue Corke be requested to immediately begin work on all elements of the Toronto Youth Strategy 2006 priorities, including the Young Ambassadors Program, that can be implemented either within existing resources or with external funding; and that staff submit a report back to the April 11 meeting of the Policy and Finance Committee on implementation progress on these priorities;’ and

WHEREAS one of the Toronto Youth Strategy 2006 priorities is open to a variety of interpretations, some of which may not be feasible within the City’s existing policy framework;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report 1, Clause 21a, headed ‘Toronto Youth Strategy’, be re-opened for further consideration only as it pertains to Toronto Youth Strategy 2006 Priority 3(c), in order to clarify the work to be undertaken by staff in the implementation of the Toronto Youth Strategy 2006;

AND BE IT FURTHER RESOLVED THAT Toronto Youth Strategy 2006 Priority 3(c), which reads as follows:

‘Ensure all City agencies, boards and commissions have youth representatives on their boards, and that they are resourced to support these youth according to the best practices of youth engagement’

be deleted, and replaced with the words:

‘Use the City’s outreach and recruitment processes for representatives to the boards of agencies, boards, commissions and corporations, to ensure that youth aged 18 and over are aware that they may be eligible to serve as members of these boards, and that they are aware of the application process for participation on these boards’.”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(30), a Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer advising that there was no financial impact resulting from the adoption of this Motion. (See Fiscal Impact Statement Summary, Page 308)

Votes:

The first Operative Paragraph contained in Motion J(30) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(30) was adopted, without amendment.

Deputy Mayor Bussin in the Chair.

6.115 J(31) Permanent Acquisition of the Roseneath Gardens Parkette (“Langford Parkette”, Roseneath Gardens and Glenhurst Avenue) – 243 Alberta Avenue

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 Mihevc

“WHEREAS the Roseneath Gardens Parkette, located at Roseneath Gardens and Glenhurst Avenues has become an integral part of the local neighbourhood that serves local residents very well; and

WHEREAS the Langford Parkette was installed as part of a lease agreement between the City and a private land owner, and the lease is due to expire in September 2008; and

WHEREAS the property owner has recently advised the City that he is ‘exploring his options’ including proposing a housing development upon expiry of the lease, or selling the land to the City for Parks purposes; and

WHEREAS the local City Councillor and local community as a whole would strongly oppose any attempt to convert the Park and playground into a different land use; and

WHEREAS according to the City Council adopted Parkland Acquisition Strategy (2001), this area of Ward 17 has been identified as having the lowest provision of parkland in the entire City of Toronto, making any potential loss of this Parkette even more unacceptable;

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee on seeking a lease renewal or permanent acquisition from the Parks Acquisition funds of the current Roseneath Gardens Parkette, or a possible expansion, for parks purposes.”

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

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(31), a Fiscal Impact Statement from the 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 308)

Procedural Vote:

The vote to waive referral of Motion J(31) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

Mayor Miller in the Chair.

6.116 J(32) Issuance of Residential Building Permits that Cause Building Code Violations to Adjacent Residential Buildings

Councillor Stintz 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 Stintz

Seconded by: Deputy Mayor Feldman

“WHEREAS the City of Toronto is responsible for issuing residential Building Permits based on the conditions established in the Ontario Building Code (OBC); and

WHEREAS certain building permits allow construction of residential buildings that cause adverse impact on adjacent residential buildings; and

WHEREAS it has been suggested that Article 9.14.4.4. of the OBC requires chimney flues be positioned at least 600 mm (23.625 inches) higher than any portion of a building within 3 metres (9 feet, 10 inches) horizontal, should be considered relative to adjacent buildings; and

WHEREAS construction causes a financial burden on existing property owners who are required to retrofit or relocate their chimney away from their neighbour's new residential building; and

WHEREAS there is no policy within the Ontario Building Code that protects existing residential homeowners from the impact of these new buildings; and

WHEREAS a precedent was set from the Building Code Commission in 1994 (DECISION ON B.C.C. #94-36-414) upheld by the Courts in the decision of *Alaimo v. City of York*, 1995, which concluded that 'The Code does not address any adverse effect to adjacent properties in this matter of chimney flues such as the Code does in the matters of surface drainage and groundwater levels.'; and

WHEREAS the OBC obliges the City of Toronto to issue permits for the construction of buildings that may have an adverse impact on downdrafts, etc. of chimneys of adjacent buildings that can result in an unsafe situation under Fuel Safety requirements, resulting in the issuance of orders prohibiting occupancy, and/or remedial work; and

WHEREAS the OBC and the decision from the Building Code Commission, upheld in the Courts, have, in some cases, resulted in the City of Toronto being named in actions for damages caused by new construction; and

WHEREAS the Chief Building Official is aware of this problem;

NOW THEREFORE BE IT RESOLVED THAT Council urge the Province of Ontario to meet with the Chief Building Official in an effort to create a framework to resolve the issues that have been created;

AND BE IT FURTHER RESOLVED THAT the Chief Building Official report to the Planning and Transportation Committee with the results of the investigation and recommendations."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(32) to the Planning and Transportation Committee would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(32), a Fiscal Impact Statement from the 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 308)

Procedural Vote:

The vote to waive referral of Motion J(32) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

6.117 J(33) Appeal of Committee of Adjustment Decision – 399 Adelaide Street West

Councillor Silva 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 Silva

Seconded by: Councillor Mihevc

“WHEREAS an application to the Committee of Adjustment was submitted by 2026598 Ontario Limited requesting six variances to the Zoning By-law to permit the development of an 11-storey (167 unit) residential building at 399 Adelaide Street West (Committee of Adjustment File A0140/06/TEY); and

WHEREAS requested Variance #1 proposed a maximum building height of 38.45 metres, whereas the zoning by-law permits a maximum building height of 23 metres plus an additional five metres for rooftop mechanical equipment, and requested Variance #5 proposed a 0.0 metre building set back above a building height of 20 metres, whereas the zoning by-law requires a minimum 3.0 metre building setback above a building height of 20 metres; and

WHEREAS City Planning staff submitted a report to the Committee recommending that two of the requested variances, Variance #1 related to building height and Variance #5 related to upper level building setback, be refused advising that approval of these proposed variances would represent a departure from the built form approach consistently applied in the King-Spadina Plan area west of Spadina Avenue and would not meet the intent of the Zoning By-law and the Official Plan; and

WHEREAS at its hearing of May 3, 2006, the Committee of Adjustment approved the application on condition, the condition being refusal of requested Variance #5 related to upper level building setback; and

WHEREAS the Committee's approval of the requested variance for building height sets an unacceptable precedent for future applications in the area; and

WHEREAS in the opinion of the Director, Community Planning, Toronto and East York District, the variances sought would not meet the intent of the Zoning By-law or the Official Plan, are not appropriate for the development of the lands, and are not minor; and

WHEREAS pursuant to section 45(12) of the *Planning Act*, any public body who has an interest in a Committee of Adjustment decision may appeal to the Ontario Municipal Board against the decision within 20 days of the decision by filing with the Secretary-Treasurer of the Committee of Adjustment, a notice of appeal setting out the objection to the decision and reasons in support of the objection with payment of a prescribed fee;

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to submit a Notice of Appeal to the Committee of Adjustment objecting to the approval of Variance #1 for building height and supporting the refusal of Variance #5;

AND BE IT FURTHER RESOLVED THAT Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing seeking refusal of Variance #1 related to building height, with consideration for the potential to support additional building height to a maximum of 29.6 metres (with a 3.0 metre set back beginning at an elevation of 20.0 metres) including rooftop mechanical equipment and confirmation of no additional sun/shadow impact on public streets beyond that that would be permitted as of right."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(33) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(33), 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 308)

Council also had before it, during consideration of Motion J(33), the following, which are on file in the City Clerk's Office:

- Notice of Decision (May 10, 2006) from the Acting Manager and Deputy Secretary

Treasurer, Committee of Adjustment, Toronto and East York Panel; and

- Report (April 4, 2006) from the Director, Community Planning, Toronto and East York District, addressed to the Chairman and Members of the Committee of Adjustment, Toronto and East York Panel.

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.

Motion:

Councillor Silva move that Motion J(33) be amended by deleting the second Operative Paragraph and inserting instead the following:

“**AND BE IT FURTHER RESOLVED THAT** Council authorize the City Solicitor and Planning staff:

- (1) to try and negotiate with the developer the limitations set out in part (2); and
- (2) that failing to achieve such limitations by negotiation, to attend the Ontario Municipal Board hearing seeking refusal of Variance #1 related to building height, with consideration for the potential to support additional building height to a maximum of 29.6 metres (with a 3.0 metre set back beginning at an elevation of 20.0 metres) including rooftop mechanical equipment and confirmation of no additional sun/shadow impact on public streets beyond that that would be permitted as of right;”.

Votes:

The motion by Councillor Silva carried.

Motion J(33), as amended, carried.

6.118 J(34) Pandemic Planning and Emergency Preparedness Information Session

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 Stintz**

“**WHEREAS** pandemic influenza is of a growing concern to all levels of government because of its potential health, social and economic consequences; and

WHEREAS the City of Toronto and its agencies, boards and commissions, employ over 50,000 individuals that provide service to 2.5 million residents; and

WHEREAS there is no way to predict when the next pandemic will occur; and

WHEREAS Toronto City Councillors would benefit from as much information as possible regarding pandemic planning and emergency preparedness; and

WHEREAS the Ontario Hospital Association provides educational services to interested organizations that want to learn more about pandemic planning and emergency preparedness;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Clerk to write to Warren DiClemente, Vice President of Educational Services and Operations, Ontario Hospital Association (OHA), inviting the OHA to provide an information session to interested City Councillors on pandemic planning and emergency preparedness, and that the information session ideally be held prior to the June 27, 28 and 29, 2006, meeting of City Council.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(34) to the Board of Health would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(34), 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 308)

Procedural Vote:

The vote to waive referral of Motion J(34) to the Board of Health was taken as follows:

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

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

Permission to Withdraw Motion:

Councillor Pitfield, with the permission of Council, withdrew Motion J(34).

6.119 J(35) Draft Plan of Subdivision Approval – 725 Warden Avenue

Councillor Altobello 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 Altobello

Seconded by: Councillor Del Grande

“**WHEREAS** Mattamy (Warden) Limited has submitted a Subdivision Approval application for 725 Warden Avenue; and

WHEREAS City Council at its meeting of January 31, February 1 and 2, 2006, in adopting Scarborough Community Council Report 1, Clause 14, recommended that the Chief Planner and Executive Director, City Planning, approve the draft plan of subdivision, with draft plan approval not being issued until appropriate Official Plan land use designations and zoning implementing the Official Plan are in full force and effect; and

WHEREAS as a result of the withdrawal of the appeal by Mattamy (Warden) Limited, Official Plan Amendment No. 1145 (Warden Woods Community Secondary Plan) is in full force and effect for 725 Warden Avenue; and

WHEREAS City Council enacted Zoning By-law No. 152-2006 on February 2, 2006, which has been appealed to the Ontario Municipal Board, and is therefore not in full force and effect; and

WHEREAS in the event that there are any appeals of the Chief Planner's decision to approve the draft plan of subdivision, it would be desirable that they be dealt with by the Ontario Municipal Board concurrently with the appeals of Zoning By-law No. 152-2006;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report 1, Clause 14, headed 'Final Report Rezoning Application 04 175530 ESC 35 OZ Draft Plan of Subdivision Application 04 175559 ESC 35 SB Mattamy (Warden) Limited (Architect: Quadra Design Studios Inc.) 725 Warden Avenue - Golden Mile Employment District (Ward 35 - Scarborough Southwest)', be re-opened for further consideration as it pertains to the approval of the draft plan of subdivision;

AND BE IT FURTHER RESOLVED THAT the actions of Council be amended so that the Chief Planner and Executive Director, City Planning, be authorized to issue approval of the draft plan of subdivision for 725 Warden Avenue, subject to such conditions as he deems appropriate to ensure the orderly development of the lands."

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(35), 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 308)

Votes:

The first Operative Paragraph contained in Motion J(35) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(35) was adopted, without amendment.

6.120 J(36) Removal of One Privately-Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)

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

Moved by: Councillor De Baeremaeker

Seconded by: Councillor Thompson

“WHEREAS City Council, on April 25, 26 and 27, 2006 adopted, without amendment, Scarborough Community Council Report 3, Clause 6, headed ‘Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)’; and

WHEREAS, in adopting this Clause, City Council approved the removal of one privately-owned tree at 341 Friendship Avenue, subject to conditions; and

WHEREAS staff recommended, in the report (March 14, 2006) from the General Manager, Parks, Forestry and Recreation contained in the Clause, that the request for a permit to remove one (1) privately-owned Carolina poplar tree at 341 Friendship Avenue be denied; and

WHEREAS the vote was recorded during the Scarborough Community Council meeting as approving the permit, and Toronto City Council approved the Scarborough Community Council recommendations without debate; and

WHEREAS the intent of the Scarborough Community Council was to adopt the staff recommendations to deny the permit;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Scarborough Community Council Report 3, Clause 6, headed ‘Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council adopt the following staff recommendations contained in the Recommendations Section of the report (March 14, 2006) from the General Manager, Parks, Forestry and Recreation that:

- ‘(1) the request for a permit to remove one (1) privately-owned Carolina poplar tree at 341 Friendship Avenue be denied; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(36), 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 308)

Vote:

The first Operative Paragraph contained in Motion J(36) carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Thompson moved that the balance of Motion J(36) be referred to the Scarborough Community Council.

Vote:

The motion by Councillor Thompson carried.

Summary:

Council re-opened Scarborough Community Council Report 3, Clause 6, headed “Removal of One Privately Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)”, for further consideration, and referred the balance of this Motion to the Scarborough Community Council.

6.121 J(37) Request for Authorization to Install Traffic Calming on Fernalroy Boulevard

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

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“**WHEREAS** Toronto West Community Council Report 5, Clause 1, adopted by City Council on June 22, 23 and 24, 2004, approved the Community Council action, being: ‘The Toronto West Community Council recommends that the Director, Transportation Services, West District, be authorized to proceed with a formal poll of the residents on Fernalroy Boulevard, and the surrounding neighbourhood, for the implementation of traffic calming measures on Fernalroy Boulevard’; and

WHEREAS the results of the traffic calming poll were as follows:

- number of ballots sent out 43, response rate 74 percent and 78 percent in favour; and

WHEREAS the Bill for this matter was before City Council at its meeting of December 8, 9 and 12, 2005, and it was withdrawn by staff because it included traffic calming on The Kingsway, which had been referred to the Ministry of the Environment; and

WHEREAS the Notice of Completion under the Municipal Environmental Assessment appeal period ended with no formal objections;

NOW THEREFORE BE IT RESOLVED THAT the installation of speed humps and associated 30 km/h speed limit reduction on Fernalroy Boulevard be approved;

AND BE IT FURTHER RESOLVED THAT City officials be authorized and directed to take any necessary action, including the introduction in Council of any bills that may be required.”,

the vote upon which was taken as follows:

Yes - 33	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Fillion, Giambrone, Grimes, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Soknacki, Walker, Watson
No - 9	
Councillors:	Augimeri, Del Grande, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Stintz, Thompson

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(37) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(37), 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 308)

Procedural Vote:

The vote to waive referral of Motion J(37) to the Etobicoke York Community Council was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Bussin, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Feldman, Filion, Giambrone, Grimes, Hall, Jenkins, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Walker, Watson
No - 12	
Councillors:	Augimeri, Carroll, Del Grande, Ford, Holyday, Kelly, Li Preti, Lindsay Luby, Ootes, Pitfield, Stintz, Thompson

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

Deputy Mayor Bussin in the Chair.

Permission to Withdraw Motion:

Councillor Milczyn, with the permission of Council, withdrew Motion J(37).

Mayor Miller in the Chair.

6.122 J(38) Request for Authorization to Install Traffic Calming on Meadowvale Drive and Glenroy Avenue

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

Moved by: Councillor Milczyn

Seconded by: Councillor Grimes

“**WHEREAS** Toronto West Community Council Report 3, Clause 27a, adopted by City Council on May 18, 19 and 20, 2004, directed: ‘That staff proceed with the formal poll for traffic calming on Edgemore Drive, Glenroy Avenue and Meadowvale Drive’; and

WHEREAS the results of the traffic calming poll were as follows:

- (1) Meadowvale Drive, number of ballots sent out 52, response rate 79 percent and 68 percent in favour;

- (2) Glenroy Avenue, number of ballots sent out 43, response rate 81 percent and 89 percent in favour; and
- (3) Edgemore Drive, number of ballots sent out 54, response rate 72 percent and 49 percent in favour; and

WHEREAS less than 60 percent of the ballots returned were in favour of the installation of speed humps on Edgemore Drive, in accordance with the City's traffic calming policy, no speed humps should be installed on Edgemore Drive; and

WHEREAS the Bills for this matter were before City Council at its meeting of December 8, 9 and 12, 2005, and they were withdrawn by staff because they included traffic calming on The Kingsway, which had been referred to the Ministry of the Environment; and

WHEREAS the Notice of Completion under the Municipal Environmental Assessment appeal period ended with no formal objections with respect to Glenroy Avenue and Meadowvale Drive; and

NOW THEREFORE BE IT RESOLVED THAT the installation of speed humps and associated 30 km/h speed limit reduction on Glenroy Avenue and Meadowvale Drive be approved;

AND BE IT FURTHER RESOLVED THAT City officials be authorized and directed to take any necessary action, including the introduction in Council of any bills that may be required."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(38) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(38), 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 308)

Procedural Vote:

The vote to waive referral of Motion J(38) to the Etobicoke York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Bussin in the Chair.

Permission to Withdraw Motion:

Councillor Milczyn, with the permission of Council, withdrew Motion J(38).

Mayor Miller in the Chair.

6.123 J(39) Request for Report - Settlement Respecting an Application by the Mount Pleasant Group of Cemeteries to Construct a Visitation Centre

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

Moved by: Councillor Rae

Seconded by: Mayor Miller

“WHEREAS the Government of Ontario, through Bill 108, has amended the *Cemeteries Act* to allow cemeteries to own and operate funerary services; and

WHEREAS By-law 425-93 (Cityplan) amended the former City of Toronto’s Zoning By-law (438-86) to zone cemeteries in the former City of Toronto to ‘G’ (open space); and

WHEREAS the ‘G’ zoning designation has no height or density criteria; and

WHEREAS By-law 425-93 allowed for permissive exceptions, ‘notwithstanding anything herein before contained, none of the provisions of this by-law or of any restrictive by-law applies to prevent a cemetery, columbarium, crematorium or mausoleum as defined by the *Cemeteries Act* and associated uses’ within the ‘G’ zoned cemeteries; and

WHEREAS in April 2005, the Mount Pleasant Group of Cemeteries applied to construct a ‘visitation centre’ in Mount Pleasant Cemetery, which is not a defined term in By-law 438-86; and

WHEREAS the Chief Building Official indicated that the application did not comply with the requirements of Zoning By-law 438-86 as a funeral chapel is not permitted in a 'G' district; and

WHEREAS the Mount Pleasant Group of Cemeteries requested a review of this decision and provided additional information about their proposal to the Chief Building Official; and

WHEREAS on August 12, 2005, the Chief Building Official upheld the original decision of the Buildings Division that a 'visitation centre' is not a permitted use in a 'G' zone; and

WHEREAS the Mount Pleasant Group of Cemeteries filed a judicial review of the refusal of the Chief Building Official; and

WHEREAS prior to Court date in December 2005, an offer to settle was proposed by the Chief Building Official based on confidential advice from the City Solicitor; and

WHEREAS based on this settlement, the Mount Pleasant Group of Cemeteries filed an application for site plan approval in January 26, 2006; and

WHEREAS the delegated authority of this site plan has been withdrawn and the matter will be before the Toronto and East York Community Council as early as June 13, 2006;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to report directly to an in-camera session of City Council on the legal advice and the settlement that was provided to the Chief Building Official; and

AND BE IT FURTHER RESOLVED THAT the Chief Building Official and the City Solicitor report on the process of settling such matters without instruction from Council and without notification of the Ward Councillor; and

AND BE IT FURTHER RESOLVED THAT any consideration of the release or amendment of the two easements which traverse the site be reported to the Toronto and East York Community Council for a decision by City Council of any release of or changes to the easement agreements;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, report on the planning merits of the subject application and the provisions of By-law 425-93 as it applies to cemeteries."

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(39) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Fiscal Impact Statement:

City Council had before it, during consideration of Motion J(39), a Fiscal Impact Statement from the 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 308)

Procedural Vote:

The vote to waive referral of Motion J(39) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(39) was adopted, without amendment.

6.124 J(40) Hiring of Relatives of Members of Council in Council Offices

Councillor Del Grande 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 Del Grande

Seconded by: Councillor Altobello

“WHEREAS in June 2000, City Council adopted the policy that states ‘no employment of relatives of Members of Council shall be permitted within Councillors’ offices and the Mayor’s offices’; and

WHEREAS during the current meeting of City Council, we will consider Policy and Finance Committee Report 4, Clause 1, headed ‘The Hiring and Appointment of Relatives of Members of Council to City of Toronto Staff and Agencies, Boards and Commissions’; and

WHEREAS the report currently before Council contemplates an exemption of presently held positions for the list of job titles included in the Integrity Commissioner’s report; and

WHEREAS in June 2000, Council appears to have overlooked the fact that an

Ontario Human Rights Code violation may be forced if the policy adopted at that time requires the termination of a long-term employee solely on the grounds that their spouse exercised their democratic right to run for elected office and was successful;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto Council amend the June 2000 policy to allow Council Office staff, whose relative as defined in the June 2000 Council policy, becomes a member of Council, be grandparented and permitted to continue their employment with their existing Councillor (to the end of the Council term).”,

the vote upon which was taken as follows:

Yes - 21	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Davis, Del Grande, Di Giorgio, Ford, Hall, Jenkins, Lindsay Luby, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Stintz, Thompson, Walker, Watson
No - 16	
Mayor:	Miller
Councillors:	Augimeri, Cowbourne, De Baeremaeker, Feldman, Filion, Giambrone, Grimes, Holyday, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Silva, Soknacki

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

Disposition:

Notice of this Motion was given to permit consideration at the next regular meeting of City Council on June 27, 2006.

6.125 J(41) Opposition to Application for Liquor License at Aftermath Café, 536 Manning Avenue (Ward 19)

Deputy Mayor Feldman in the Chair.

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, the vote upon which was taken as follows:

Yes - 29
Councillors: Ainslie, Altobello, Augimeri, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Feldman, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Stintz, Watson
No - 0

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

Mayor Miller in the Chair.

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

Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Silva

“**WHEREAS** the operators of Aftermath Café have submitted an application for a new liquor sales licence to the Alcohol and Gaming Commission of Ontario (‘AGCO’) for their premises located at 536 Manning Avenue, which is a location where Liquor Licenses have been denied repeatedly and justifiably in the past; and

WHEREAS in response to objections from the public to the application to permit the sale and service of liquor for an indoor area, AGCO file number 802023, the AGCO has called an evening public hearing in the community for May 25th, 2006 making this motion an urgent item; and

WHEREAS through telephone calls, e-mails, letters and meetings, local residents, Harbord Collegiate Institute and Palmerston Area Residents’ Association, have expressed concerns to the Ward Councillor about the proposed operations of Aftermath Café as a Liquor Licensed establishment directly across from Harbord Collegiate Institute and in a quiet residential neighbourhood; and

WHEREAS the granting of the application would destabilize both the residential nature and night time activity of a quiet area, and potentially cater to clientele of minors, and therefore, is not in the public interest; and

WHEREAS no liquor licences have been issued on Harbord Street between Bathurst Street to Grace Street (Bickford Park) as the neighbourhood is well served by two nearby vibrant commercial areas that hosts many liquor licensed premises on College Street (Little Italy) and Bloor Street West (Korea Town);

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to advise the AGCO and Aftermath Café that it opposes the issuance of a new liquor sales licence for indoor area as it would not be in the public interest having regard to the needs and wishes of the municipality in which the premises are located;

AND BE IT FURTHER RESOLVED THAT the AGCO be requested to provide the City with a future opportunity to participate in any proceedings with respect to Aftermath Café to oppose the issuance of a liquor sales licence and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO as a party or otherwise, which relate to Aftermath.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(41) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(41) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(41) was adopted, without amendment.

6.126 J(42) Scarborough Summer Festival – Declaration of Municipal Significance for Liquor Licensing Purposes

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

Moved by: Councillor De Baeremaeker

Seconded by: Councillor Thompson

“WHEREAS the Midweek Cycling Club Inc. has organized the ‘Scarborough Summer Festival’ to take place on Saturday, August 12 and Sunday, August 13, 2006, at the Scarborough Civic Centre, including Borough Drive and Ellesmere Road;

NOW THEREFORE BE IT RESOLVED THAT for liquor licensing purposes, City Council declare the Scarborough Summer Festival, on Saturday, August 12 and Sunday, August 13, 2006, from 12:00 noon to 10:00 p.m. each day, to be an event of municipal and/or community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to it taking place.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(42) to the Scarborough Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(42) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(42) was adopted, without amendment.

6.127 J(43) Official Plan Amendment and Rezoning Application 04 104605 STE 20 OZ, and Site Plan Approval 04 104611 STE 20 SA. - 100, 112, 120 and 128 Howland Avenue – Royal St. George’s College - Ward 20 - Trinity Spadina

Deputy Mayor Feldman in the Chair.

Councillor Silva, 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, the vote upon which was taken as follows:

Yes - 29	
Councillors:	Ainslie, Altobello, Augimeri, Carroll, Cho, Cowbourne, Del Grande, Di Giorgio, Feldman, Filion, Ford, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Stintz, Watson
No - 0	

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

Deputy Mayor Bussin in the Chair.

Councillor Silva 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: Councillor Silva

Seconded by: Deputy Mayor Pantalone

“WHEREAS City Council on April 25, 26 and 27, 2006, considered Toronto and East York Community Council Report 3, Clause 30; and

WHEREAS City Council refused the application for ‘demolition’ at 100 and 112 Howland Avenue (Royal St. George’s College) under Section 34 of the *Ontario Heritage Act* on the grounds that it is, in fact, an alteration and not a demolition and has already been dealt with by Council as an alteration; and

WHEREAS City Council requested the City Solicitor to meet with the local residents and the proponents, and report directly to the next regular meeting of City Council on May 23, 2006, on the outcome; and

WHEREAS the City Solicitor’s office has met with the solicitor and representatives of the neighbours of St. Alban’s Park, several residents and proponents; and

WHEREAS the City Solicitor has prepared an in-camera report on the outcome of these meetings;

WHEREAS the Royal St. George’s College has applied for an expansion that is opposed by a large segment of the surrounding community; and

WHEREAS the OMB has scheduled mediation for the middle of June to try and achieve consensus on this issues; and

WHEREAS the residents have brought forward a set of conditions that if agreed to by the College, could possibly lead to a resolution of the issue; and

WHEREAS it appears that a recent traffic survey by Royal St. George’s College shows that for every four boys enrolled three cars travel on local streets to the school every morning; and

WHEREAS traffic and parking problems have persisted since residents first brought them to the attention of Royal St. George’s College in 1996;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the staff recommendations contained in the Recommendations Section of the confidential report (May 24, 2006) from the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed to go to the mediation sessions to determine whether the following revisions are feasible, and if so, try to achieve the following:

- (1) that any new construction on the east side of Albany Avenue be adjusted to comply with the residential setback there;
- (2) that any mechanical garage door and ramp be located within the site and not face houses on Albany or Howland Avenues;
- (3) that the applicant seek an alternative to the bus and parking lay-by located in front of the historic See House and the Cathedral;
- (4) that enrolment at the College be capped at 426 students; and
- (5) that Royal St. George's College be urged to seek out funding from donors for a joint project with the Toronto Transit Commission and the Board of Health, to design and implement policies to make Royal St. George's College a model downtown public transit school, and that such policies be circulated for use by other downtown private institutions where appropriate."

Council also had before it, during consideration of Motion J(43), the following:

- Confidential report (May 24, 2006) from the City Solicitor; and
- Communication (May 24, 2006) from John Sewell, which is on file in the City Clerk's Office.

Vote:

Adoption of Motion J(43), without amendment:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Ootes, Palacio, Silva, Soknacki, Thompson
No - 6	
Councillors:	Davis, Fletcher, Ford, McConnell, Saundercook, Stintz

Carried by a majority of 20.

Summary:

In adopting Motion J(43), without amendment, Council adopted, without amendment, the following staff recommendations contained in the Recommendations Section of the report (May 24, 2006) from the City Solicitor. These recommendations are now public, and the balance of the report remains confidential, in accordance with the provisions of the *Municipal Act, 2001*, as it contains information that is subject to solicitor-client privilege:

“It is recommended that:

- (1) City Council direct the City Solicitor to appear at the Ontario Municipal Board in support of:
 - (a) the Recommendations set out in the report (November 1, 2005) from the Director, Community Planning, Toronto and East York District and the report (May 26, 2005) from the Director, Policy and Research, City Planning Division wherein City staff recommended that the Official Plan Amendment, Rezoning and Site Plan applications and the proposed alterations to the heritage structures at the Ontario Municipal Board be supported and that certain matters be secured, including:
 - (i) Section 37 benefits, as outlined in the report (November 1, 2005);
 - (ii) a Heritage Easement Agreement to permanently protect three significant heritage buildings on site; and
 - (iii) Designation of the building at 120 Howland Avenue (St. Alban’s Chapel) under Part IV of the *Ontario Heritage Act*; and
 - (b) the following additional conditions and requirements:
 - (i) an amendment to the draft Zoning By-law to provide that the school grounds and buildings shall be used only for school purposes and accessory uses to the school use and that the rental of facilities for cultural, arts and sport events will be limited to events which are non-profit in nature or for the purposes of resident and ratepayer groups;

- (ii) an amendment to the draft Zoning By-law to provide that the Parking Maximization Plan for Special Events (using portions of the grounds where parking would otherwise not be permitted) be limited to School Events; and
- (iii) the inclusion of obligations under the Traffic Demand Management Plan required by the Section 37 Agreement requiring the Owner to implement policies:
 - encouraging parents to use nearby Toronto Parking Authority lots when attending school events;
 - encouraging parents and students to use public transportation to attend on-site events and for daily attendance at school; and
 - implementing a Metropass program offering free or significantly subsidized Metropasses to members of the faculty which shall be in effect by September 1, 2006.”

Mayor Miller in the Chair.

6.128 J(44) 400 Roncesvalles Avenue (Revue Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 14 (Parkdale- High Park)

Councillor Watson, 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 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 Rae

“**WHEREAS** the property located at 400 Roncesvalles Avenue contains the Revue Theatre (more recently known as the Revue Cinema), which has design or physical value as a representative example of a World War I era theatre with features of Edwardian Classicism, and has contextual value as a local landmark on Roncesvalles Avenue; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 400 Roncesvalles Avenue (Revue Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(44) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(44) to the Toronto and East York Community Council was taken as follows:

Yes - 41	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Ford, 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, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(44) was adopted, without amendment.

6.129 J(45) Railway Lands East - Amendment to Agreements - 25 York Street

Councillor McConnell, 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 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 Davis

“**WHEREAS** 5,000 square feet of community services and facilities space and daycare space at 185 Bremner Boulevard and daycare space at 15 York Street have been secured for Railway Lands East; and

WHEREAS the Revised Precinct B Precinct Agreement for the Railway Lands East requires the provision of an additional 15,000 square feet of community services and facilities space for the first site plan application approved after 1,000,000 square feet of development is site plan approved within the larger area; and

WHEREAS the City Planning Division has site plan applications submitted to the City but not yet approved for 15 York Street and 25 York Street; and

WHEREAS City Planning Division is anticipating a site plan application for 18 York Street and 25 Lower Simcoe Street by the end of 2006; and

WHEREAS the site plan application for 25 York Street may or may not be the application that is required to provide the 15,000 square feet of community services and facilities space; and

WHEREAS the existing Revised Precinct B Precinct Agreement already requires the owner of 25 York Street to build, operate and maintain a public building (the ‘Union Station South Public Building’) on the property in conjunction with the development; and

WHEREAS the urban design guidelines for this public building are listed in Schedule M-1 of the Revised Precinct B Precinct Agreement and include:

- the creation of a building which will function as the main south entrance to Union Station;
- the character of the building should be reflective of a public entrance into Union Station through use of architectural elements, scale, geometry,

materials, and other appropriate elements compatible with Union Station;

- the quality and design of the building should clearly signify it as part of the public realm;
- the building be designed as a major public space, with a generous floor to ceiling height; and
- the public space should be organized to integrate the geometry of the Union Plaza open space to the south with the classical, central axial plan of Union Station, and should also provide a clear entrance to the Galleria on Block 3; and

WHEREAS the site plan application provides the opportunity to enhance public features in access of the Revised Precinct B Precinct Agreement in terms of a Union Station South Public Building and an enlarged Union Plaza in return for the modification of the obligations to provide community services and facilities space in accordance with the existing agreements;

NOW THEREFORE BE IT RESOLVED THAT Council has elected to modify the 15,000 square feet of community services and facilities space requirement with the approval of the 25 York Street site plan application which will provide an interior south entrance to Union Station which provides 24-hour emergency fire access/egress and public access during the hours that Union Station is open, and an expanded exterior space on the property functioning as an expanded Union Plaza beyond that from what is required in the Revised Precinct B Agreement in full satisfaction of all remaining community services and facility space requirements; the public use of the Union Station South Public Building shall be at the discretion of the City; and the development at 25 York Street shall respect:

- a minimum 20-metre setback from the existing most westerly corner wall of the Air Canada Centre to the south wall of the Union Station South Public Building;
- a minimum 29-metre setback from the existing most westerly corner wall of the Air Canada Centre for the ground floor of the podium;
- a minimum 24-metre setback from the existing most westerly wall of the Air Canada Centre for the second to fourth floors of the podium; and
- a minimum 40-metre setback from the existing most westerly wall of the Air Canada Centre for the fifth floor and above to protect the view corridor between the Royal York Hotel and Central Bayfront;

AND BE IT FURTHER RESOLVED THAT the City's agreement to these

amendments is also based on a financial contribution from the owner of 25 York Street for community services and facilities purposes to be used at the discretion of the City in the amount of \$1 million, to be applied to the area of Railway Lands East between York Street and Bay Street, and to be paid prior to the issuance of the first above-grade building permit for 25 York Street, in full satisfaction of all remaining community services and facility space requirements;

AND BE IT FURTHER RESOLVED THAT the Chief Planner and Executive Director, City Planning, be directed to amend the Revised Precinct B Precinct Agreement to address the revision to the community services and facilities space.”

Advice by Mayor Miller:

Mayor Miller advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(45) to the Toronto and East York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(45) to the Toronto and East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(45) was adopted, without amendment.

6.130 J(46) Ontario Municipal Board Hearing - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control - 1 Botham Road (Ward 23-Willowdale)

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, the vote upon which was taken as follows:

Yes - 25	
Mayor:	Miller
Councillors:	Altobello, Ashton, Bussin, Carroll, Cho, Davis, De Baeremaeker, Di Giorgio, Filion, Ford, Giambrone, Grimes, Holyday, Jenkins, Li Preti, McConnell, Mihevc, Milczyn, Moscoe, Pantalone, Silva, Soknacki, Walker, Watson
No - 17	
Councillors:	Ainslie, Augimeri, Cowbourne, Del Grande, Feldman, Hall, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Pitfield, Saundercook, Shiner, Stintz, Thompson

Carried by a majority of 8.

Deputy Mayor Bussin in the Chair.

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

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** in April 2005, the applicant appealed the City’s refusal to respond to the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control application for the property at 1 Botham Road, to the Ontario Municipal Board; and

WHEREAS revised plans for the proposal were received on January 27, 2006; and

WHEREAS an Ontario Municipal Board hearing has been scheduled for June 5, 2006; and

WHEREAS it is urgent that City Council take a position on the applications for the proposed redevelopment in advance of the June 5, 2006, Ontario Municipal Board hearing and provide direction to the City Solicitor; and

WHEREAS the Chief Planner and Executive Director, City Planning, has also submitted a memorandum (May 25, 2006) advising of the importance of dealing with this matter at this meeting in order for Council to have a position for the hearing;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached report (May 23, 2006) from the Chief Planner and Executive Director, City Planning.”

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(46) to the North York Community Council would have to be waived, in order to now consider this Motion.

Council also had before it, during consideration of Motion J(46), the following:

- Report (May 23, 2006) from the Chief Planner and Executive Director, City Planning (See Attachment 9, Page 288);
- Memorandum (May 25, 2006) from the Chief Planner and Executive Director, City Planning (See Attachment 10, Page 307);
- communication (May 23, 2006) from Adam J. Brown, Sherman Brown Dryer Karol, Barristers and Solicitors, which is on file in the City Clerk's Office;
- communication (May 16, 2006) from Peter D. Lauwers, Miller Thompson, Barristers and Solicitors, addressed to Chris Tzekas, Weir & Foulds, submitted by Councillor Giorgio Mammoliti, Ward 7, York West, which is on file in the City Clerk's Office; and
- document, headed "Development Application for 1 Botham Road", submitted by Councillor Giorgio Mammoliti, Ward 7, York West, which is on file in the City Clerk's Office.

Procedural Vote:

The vote to waive referral of Motion J(46) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Extension to Question:

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

Yes - 22	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Del Grande, Filion, Fletcher, Grimes, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Saundercook, Silva, Stintz, Thompson, Walker
No - 4	
Councillors:	Davis, Ford, Holyday, Jenkins

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

Motions:

- (a) Councillor Mammoliti moved that Motion J(46) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be received.”

- (b) Councillor Filion moved that Motion J(46) be amended by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the staff recommendations contained in the Recommendations Section of the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be adopted, subject to amending Recommendation (3) by adding the words ‘so that it substantially conforms with either the existing North York Official Plan or the new City of Toronto Official Plan.’”

Votes:

Adoption of motion (a) by Councillor Mammoliti:

Yes - 6	
Councillors:	Del Grande, Kelly, Mammoliti, Milczyn, Nunziata, Saundercook
No - 22	
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Ootes, Rae, Silva, Stintz, Thompson, Walker

Lost by a majority of 16.

Adoption of motion (b) by Councillor Filion:

Yes - 15	
Councillors:	Bussin, Cho, Cowbourne, Davis, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Silva, Walker
No - 13	
Councillors:	Augimeri, Carroll, Del Grande, Di Giorgio, Kelly, Mammoliti, Milczyn, Nunziata, Ootes, Rae, Saundercook, Stintz, Thompson

Carried by a majority of 2.

Adoption of Motion J(46), as amended:

Yes - 19	
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Silva, Stintz, Walker
No - 9	
Councillors:	Del Grande, Kelly, Mammoliti, Milczyn, Nunziata, Ootes, Rae, Saundercook, Thompson

Carried by a majority of 10.

Summary:

Council amended this Motion by adding the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the staff recommendations contained in the Recommendations Section of the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, be adopted, subject to amending Recommendation (3) by adding the words ‘so that it substantially conforms with either the existing North York Official Plan or the new City of Toronto Official Plan.’”

In adopting Motion J(46), as amended, Council adopted, as amended, the following staff recommendations contained in the Recommendations Section of the report (May 23, 2006) from the Chief Planner and Executive Director, City Planning:

“It is recommended that:

- (1) Council refuse the proposed Official Plan, Zoning By-law Amendment and Site Plan Control applications in its current form;

- (2) the City Solicitor and City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal; and
- (3) City staff be authorized to continue discussions with the applicant and residents, towards a revised application to resolve any issues or improve the application as necessary, so that it substantially conforms with either the existing North York Official Plan or the new City of Toronto Official Plan."

6.131 J(47) Ontario Ministry of Transportation's Controlled Access Encroachment Permit for the Widening of Port Union Road between Lawrence Avenue East and Kingston Road and for Modifications to the Intersection of Kingston Road and Port Union Road

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

Moved by: Councillor Cowbourne

Seconded by: Councillor De Baeremaeker

"WHEREAS at its meeting held on May 18, 19 and 20, 2004, Council adopted Works Committee Report 3, Clause 10, thereby endorsing the plan for widening Port Union Road between Lawrence Avenue East and Kingston Road and for making certain modifications to the intersection of Kingston Road and Port Union Road; and

WHEREAS in order to carry out such work, it is necessary for the City to acquire certain land from the Province of Ontario, as represented by the Ministry of Transportation; and

WHEREAS City staff has negotiated with Ministry of Transportation staff to purchase Parts 3, 4, 5 and 6 on Plan 66R-22148 from the Province, which acquisition has been approved by the City Manager pursuant to the delegated approval process; and

WHEREAS Ministry of Transportation staff recently advised the City that the remaining land required by the City to carry out the road improvements, designated as Parts 1 and 2 on Plan 66R-22148 (the 'Permit Lands'), is not available for sale, but can be used by the City pursuant to the terms of the Ministry of Transportation's standard Controlled Access Encroachment Permit, for a term of ten (10) years, at a fee of \$450.00; and

WHEREAS the Ministry of Transportation's standard Controlled Access Encroachment Permit contains a number of conditions, including the following:

- (1) upon the expiry of the initial ten (10) year term, an application to renew the permit must be submitted by the City, which application may be approved or denied by the Ministry;
- (2) if the permit expires and is not renewed, the City must, if requested by the Ministry, remove all works constructed, maintained or operated on the Permit Lands;
- (3) at any time, upon receiving sixty (60) days' notice from the Ministry, the City must suspend operations, remove, alter or relocate any or all of its works from the Permit Lands;
- (4) the permit may be cancelled at any time for breach of the conditions of the permit or for such other reasons as the Ministry in its sole discretion deems proper; and
- (5) the Ministry may charge an annual fee which may be adjusted from time to time by the Ministry; and

WHEREAS the City must agree to accept the conditions in the Ministry of Transportation's standard Controlled Access Encroachment Permit in order for the improvements to Port Union Road and the intersection of Kingston Road and Port Union Road to proceed;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the City to accept the Ministry of Transportation's standard Controlled Access Encroachment Permit, for a term of ten (10) years, at a fee of \$450.00, in respect of the lands shown as Parts 1 and 2 on Plan 66R-22148, for the widening of Port Union Road between Lawrence Avenue East and Kingston Road and for modifications to the intersection of Kingston Road and Port Union Road."

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(47) to the Works Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(47) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(47) was adopted, without amendment.

6.132 J(48) Northlea Public Elementary School – School Yard Re-development Project

Mayor Miller in the Chair.

Councillor Pitfield, 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 in the Chair.

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 Li Preti

“**WHEREAS** funds have been secured and received by the City under a Section 37 Agreement with Daniels Midtown Corporation, in the amount of \$300,000.00 for the construction or improvement of Community Services and Facilities; and

WHEREAS the Toronto District School Board (TDSB) has an approved plan for the re-development of the Northlea Public Elementary School yard; and

WHEREAS the TDSB has allocated \$218,364.00 in Capital Funding to the project; and

WHEREAS the local community has raised approximately \$100,000.00 additional

funds for the project; and

WHEREAS the combined amount of \$318,364.00 available to date is not sufficient to fully realize the redevelopment plans for the project; and

WHEREAS it has been determined, in consultation with the local community and with staff, that redevelopment of the Northlea Public Elementary School yard is a desirable and appropriate use of the Section 37 funds and is in keeping with the definition of Community Services and Facilities; and

WHEREAS the TDSB must carry out the proposed work during the months of July and August during the summer break when children are not attending school, and time is of the essence in order to retain a contractor for that period; and

WHEREAS the Development Agreement and Section 37 Agreement have been approved and registered and there are no outstanding conditions with respect to allocation of the funds;

NOW THEREFORE BE IT RESOLVED THAT \$240,000.00 of the Section 37 funds secured for Community Services and Facilities be made payable to the Toronto District School Board for their use in completing the redevelopment plans for the Northlea Public Elementary School, and request the City and Toronto District School Board enter into a community access agreement for public use of the facilities at no additional cost to the City or public;

AND BE IT FURTHER RESOLVED THAT the General Manager, Parks, Forestry and Recreation, be requested to report to the Economic Development and Parks Committee, for submission to Council at its meeting on June 27, 2006, on an appropriate allocation for the remaining \$60,000.00 of Section 37 funds.”

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

Procedural Vote:

The vote to waive referral of Motion J(48) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Soknacki moved that Motion J(48) be amended by adding to the second Operative Paragraph, the words “this report to include confirmation of the total project cost and the contributions from all of the parties involved”, so that the second Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT the General Manager, Parks, Forestry and Recreation be requested to report to the Economic Development and Parks Committee, for submission to Council at its meeting on June 27 2006, on an appropriate allocation for the remaining \$60,000.00 of Section 37 funds, this report to include confirmation of the total project cost and the contributions from all of the parties involved.”

Votes:

The motion by Councillor Soknacki carried.

Motion J(48), as amended, carried.

6.133 J(49) Approval of Architect for the Child Care Component of Jenner-Jean Marie Community Centre Renovation

Mayor Miller in the Chair.

Councillor Pitfield, 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 in the Chair.

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

Moved by: Councillor Pitfield

Seconded by: Councillor Davis

“WHEREAS City Council approved Thorncliffe Park Child Care Centre as a project under the Children’s Services 2006 Capital Budget at its meeting of April 25, 26 and 27, 2006; and

WHEREAS the renovation of the child care centre is included in the Jenner-Jean

Marie Community Centre reconstruction; and

WHEREAS Levitt Goodman Architects Ltd. was selected as the architectural firm for the Jenner-Jean Marie Community Centre expansion through a call;

NOW THEREFORE BE IT RESOLVED THAT authority be granted to the General Manager of Children's Services to enter into an agreement with Levitt Goodman Architects Ltd. for \$127,500.00 for architectural services related to the development of a child care centre at Jenner-Jean Marie Community Centre and Library."

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(49) to the Community Services Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(49) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(49) was adopted, without amendment.

6.134 **J(50) Streetscape Improvements - Wilson Avenue and Dufferin Street Area**

Mayor Miller in the Chair.

Councillor Augimeri, 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, the vote upon which was taken as follows:

Yes - 42	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Ford, Giambrone, Grimes, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Soknacki, Stintz, Thompson, Walker, Watson
No - 0	

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

Deputy Mayor Bussin in the Chair.

Councillor Augimeri 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 Augimeri**

Seconded by: **Councillor Soknacki**

“**WHEREAS** First Long Weekend Development Ltd., by way of Committee of Adjustment decisions A293/04NY & A0845/05NY, has contributed \$30,000.00 to the City of Toronto; and

WHEREAS the Committee of Adjustment decisions include the following conditions:

Decision A293/04NY

‘First Long Weekend Development Ltd. agrees to contribute \$20,000.00 to the City of Toronto to be applied to streetscape improvements in the Wilson Avenue/Dufferin Street area in Ward 9; furthermore, the local Councillor in consultation with City staff shall determine such improvements’; and

Decision 0845/05NY

‘First Long Weekend Development Ltd. agrees to contribute \$10,000.00 to the City of Toronto to be applied to streetscape improvements in the Wilson Avenue area in Ward 9, and that the local Councillor in consultation with City staff shall determine such improvements’; and

WHEREAS the City of Toronto is in receipt of \$30,000.00 from First Long Weekend Developments Ltd. ; and

WHEREAS the local Councillor and staff have agreed to redevelop the Winston Park parkette; and

WHEREAS the Clean and Beautiful City Secretariat has developed, with the local Councillor, a plan for the Winston Park parkette redevelopment; and

WHEREAS the development of this parkette improves and creates a significant public space on Wilson Avenue;

NOW THEREFORE BE IT RESOLVED that up to \$30,000.00 received through Committee of Adjustment decisions A0845/05NY and A293/04NY be used for

streetscape improvements in the Wilson Avenue/Dufferin Street area;

AND BE IT FURTHER RESOLVED that the Clean and Beautiful City Secretariat's 2006 Operating Budget be amended by \$30,000.00 gross, \$0 net, to reflect this expenditure and any other streetscape improvements in the Wilson Avenue area in Ward 9."

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(50) to the Policy and Finance Committee would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(50) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(50) was adopted, without amendment.

6.135 J(51) 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the Ontario Heritage Act – Ward 5 (Etobicoke - Lakeshore)

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

Moved by: Councillor Milczyn

Seconded by: Councillor Lindsay Luby

"WHEREAS the property located at 3030 Bloor Street West contains the Kingsway Theatre, which has design or physical value as a representative example of a movie theatre built between World Wars I and II with features of Art Deco styling, and has contextual value as a local landmark on Bloor Street West in the Kingsway neighbourhood; and

WHEREAS the Toronto Official Plan states that significant heritage resources will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT following consultation with the Toronto Preservation Board at its meeting scheduled for June 22, 2006, Council of the City of Toronto give notice of its intention to designate the property at 3030 Bloor Street West (Kingsway Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

the vote upon which was taken as follows:

Yes - 32	
Councillors:	Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker
No - 2	
Councillors:	Ford, Holyday

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

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(51) to the Etobicoke York Community Council would have to be waived, in order to now consider this Motion.

Procedural Vote:

The vote to waive referral of Motion J(51) to the Etobicoke York Community Council was taken as follows:

Yes - 30

Councillors: Altobello, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker

No - 3

Councillors: Del Grande, Ford, Holyday

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

Disposition:

As Council did not conclude its debate on Motion J(51) prior to the end of the meeting, consideration of this Motion was postponed to the special meeting of Council on June 14, 2006.

- 6.136 Consideration of the following matters was postponed to the special meeting of City Council on June 14, 2006, as they remained on the Order Paper at the conclusion of this meeting of Council:

Administration Committee Report 2

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

Audit Committee Report 1

Clause 4a - “2006 Audit Work Plan”.

Planning and Transportation Committee Report 2

Clause 10a - “Harmonization of the Sign By-law Concerning Posters on Public Property”.

Works Committee Report 2

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

Clause 21a - “Solid Waste Requirements for Lands at Ingram Transfer Station”.

Etobicoke York Community Council Report 3

- Clause 2a - “Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)”.
- Clause 3a - “Final Report - Local Area Review for the lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)”.
- Clause 8a - “Sign Variance Application Report - Applicant: Gabe Faraone 2160 Weston Road (Ward 11 - York South-Weston)”.
- Clause 10a - “Application for an Exemption to Toronto Municipal Code Chapter 447, Fences - 59 Westhampton Drive (Ward 2 - Etobicoke North)”.

Policy and Finance Committee Report 4

- Clause 3 - “City of Toronto Program Review Framework”.
- Clause 5 - “City of Toronto 2005 Investment Report”.
- Clause 22 - “2005 Final Year-end Operating Variance Report”.
- Clause 29 - “Harmonization of Sick Leave Plans for Management and Non-Union Employees”.
- Clause 32 - “Surplus School Board Sites and Review of the Inventory of City-Owned Properties (All Wards)”.

Community Services Committee Report 3

- Clause 6 - “Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto”.

Economic Development and Parks Committee Report 3

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

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

Planning and Transportation Committee Report 3

- Clause 7 - “Operation of Construction Equipment in Residential Neighbourhoods on Sundays and Statutory Holidays”.

Works Committee Report 3

- Clause 1 - “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”.
- Clause 10 - “Water and Sewer Services Connection and Disconnection Rates to December 31, 2006 (All Wards)”.
- Clause 12 - “Community Program for Stormwater Management - Recommendations for Selection of Applications”.
- Clause 21 - “Other Items Considered by the Committee”.
- Item (n) “The Wet Weather Flow Master Plan Implementation 2004-2005 (City-wide)”.*

Etobicoke York Community Council Report 4

- Clause 6 - “Front Yard Parking - Request for an Exemption to the former City of Toronto Municipal Code - 94 Morningside Avenue (Ward 13 - Parkdale-High Park)”.
- Clause 12 - “Request for Approval of Variances from Chapter 215, Signs, of the former City of Etobicoke Municipal Code 3379 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)”.
- Clause 13 - “Status Report - Rezoning Application - Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11 - York South-Weston)”.

North York Community Council Report 4

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

Toronto and East York Community Council Report 4

- Clause 4 - “Permanent Closing of part of the public lane known as Glenholme Place, at the rear of 185 Gerrard Street East and flanking 117 Pembroke Street (Ward 27 - Toronto Centre-Rosedale)”.
- Clause 35 - “Request for the Installation of Speed Humps - Fairleigh Crescent, between Eglinton Avenue West and the W. R. Allen Bridge (Ward 21 - St. Paul's)”.

NOTICES OF MOTION

- I(1) Moved by Councillor Saundercook, seconded by Councillor Grimes, regarding a potential Ontario Municipal Board Hearing - 2 Traymore Crescent.
- J(12) Moved by Deputy Mayor Bussin, seconded by Councillor Carroll, regarding an Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 - Etobicoke-Lakeshore
- J(51) Moved by Councillor Milczyn, seconded by Councillor Lindsay Luby, regarding 3030 Bloor Street West (Kingsway Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* – Ward 5 (Etobicoke - Lakeshore).

BILLS AND BY-LAWS

- 6.137 On May 23, 2006, at 7:28 p.m., Councillor Ootes, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 473	By-law No. 352-2006	To confirm the proceedings of the Council at its meeting held on the 23rd day of May, 2006,
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the vote upon which was taken as follows:

Yes - 29	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Fletcher, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Silva, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 28.

- 6.138 On May 24, 2006, at 7:37 p.m., Councillor Altobello, seconded by Councillor Watson, 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. 474	By-law No. 353-2006	To confirm the proceedings of the Council at its meeting held on the 23rd and 24th days of May, 2006,
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the vote upon which was taken as follows:

Yes - 30	
Mayor:	Miller
Councillors:	Altobello, Ashton, Carroll, Cowbourne, Davis, De Baeremaeker, Feldman, Filion, Giambrone, Hall, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Thompson, Watson
No - 1	
Councillor:	Ford

Carried by a majority of 29.

- 6.139 On May 25, 2006, at 6:26 p.m., Councillor Saundercook, seconded by Councillor Stintz, 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. 345	By-law No. 354-2006	To repeal By-law No. 243-2006 being a by-law "To designate the properties at 6 and 8 St. Thomas Street (University Apartments) as being of cultural heritage value or interest".
Bill No. 346	By-law No. 355-2006	To repeal By-law No. 244-2006 being a by-law "To designate the property at 110 Charles Street West (McKinsey and Company Building) as being of cultural heritage value or interest".

Bill No. 347	By-law No. 356-2006	To designate the property at 51 Bathurst Street (International Harvester Building) as being of cultural heritage value or interest.
Bill No. 348	By-law No. 357-2006	To designate the property at 548 Gerrard Street East (St. Matthews Lawn Bowling Club) as being of cultural heritage value or interest.
Bill No. 349	By-law No. 358-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 460 Huntingwood Drive from the maximum height requirements.
Bill No. 352	By-law No. 359-2006	To amend City of Toronto Municipal Code Chapter 880, Fire Routes.
Bill No. 353	By-law No. 360-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 53 Tenth Street from the maximum height requirements.
Bill No. 354	By-law No. 361-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property municipally known as 50 Bonnyview Drive from the maximum height requirements.
Bill No. 355	By-law No. 362-2006	To designate the property at 81 St. Nicholas Street (Robert Barron Stables) as being of cultural heritage value or interest.

Bill No. 356	By-law No. 363-2006	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. 357	By-law No. 364-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Kenaston Gardens.
Bill No. 358	By-law No. 365-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Donino Court.
Bill No. 359	By-law No. 366-2006	To amend By-law No. 31770, as amended, of the former City of North York, regarding Champagne Drive.
Bill No. 360	By-law No. 367-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Fisherville Road.
Bill No. 361	By-law No. 368-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding St. Germain Avenue.
Bill No. 362	By-law No. 369-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Brookbanks Drive.
Bill No. 363	By-law No. 370-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road.
Bill No. 364	By-law No. 371-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Beecroft Road.

Bill No. 365	By-law No. 372-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Everson Drive, Humberstone Drive and Harrison Garden Boulevard.
Bill No. 366	By-law No. 373-2006	To amend By-law No. 31878, as amended, of the former City of North York, regarding Clyde Avenue.
Bill No. 367	By-law No. 374-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Equestrian Court and Mallaby Road.
Bill No. 368	By-law No. 375-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Hollywood Avenue.
Bill No. 369	By-law No. 376-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Hollywood Avenue.
Bill No. 370	By-law No. 377-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Covington Road.
Bill No. 371	By-law No. 378-2006	To exempt certain lands found on Staines Road and Seasons Drive from Part Lot Control.
Bill No. 372	By-law No. 379-2006	To exempt certain lands municipally known as 3336, 3338, 3340A, 3340C and 3340D Bayview Avenue from Part Lot Control.
Bill No. 373	By-law No. 380-2006	To exempt certain lands municipally known as 5-13 McGee Street from Part Lot Control.

Bill No. 374	By-law No. 381-2006	To provide for the entering into of a Heritage Easement Agreement under Section 37 of the <i>Ontario Heritage Act</i> for the conservation of a portion of a building on lands known as 347 Bay Street.
Bill No. 375	By-law No. 382-2006	To permanently close parts of the public highways Bayview Avenue, Eastern Avenue, Cypress Street, Front Street East, Overend Street, Mill Street and Water Street within the West Don Lands Precinct.
Bill No. 377	By-law No. 383-2006	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting Professional Holistic Associations.
Bill No. 378	By-law No. 384-2006	To adopt a new City of Toronto Municipal Code Chapter 480, Garage Sales.
Bill No. 380	By-law No. 385-2006	To establish certain lands as a municipal highway.
Bill No. 381	By-law No. 386-2006	To remove a Site Plan Control Area.
Bill No. 382	By-law No. 387-2006	To remove a Site Plan Control Area.
Bill No. 383	By-law No. 388-2006	To designate an area along Danforth Avenue between Victoria Park Avenue and just west of Westlake Avenue, as an improvement area.
Bill No. 384	By-law No. 389-2006	To exempt lands municipally known as 77 Janda Court from Part Lot Control.
Bill No. 385	By-law No. 390-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 386	By-law No. 391-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and

		Parking, respecting Appleton Avenue, Davenport Road and Woodside Avenue.
Bill No. 387	By-law No. 392-2006	To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting towing rates.
Bill No. 388	By-law No. 393-2006	To exempt lands municipally known as 120 Eringate Drive from Part Lot Control.
Bill No. 389	By-law No. 394-2006	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1639 Yonge Street.
Bill No. 390	By-law No. 395-2006	To amend former City of Scarborough Zoning By-law No. 10327, as amended, with respect to lands municipally known as 4331 Lawrence Avenue East (southeast of Hainford Street terminus).
Bill No. 391	By-law No. 396-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Argyle Street, Carlaw Avenue, Hanna Avenue, King Street West, Musgrave Street, Snooker Street and Wellington Street West.
Bill No. 392	By-law No. 397-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bay Street, Chestnut Street and Rusholme Drive.
Bill No. 393	By-law No. 398-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Duart Park Road, Forest Hill Road, Lewis Street and Ritchie Avenue.
Bill No. 394	By-law No. 399-2006	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. 395	By-law No. 400-2006	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. 396	By-law No. 401-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road, Glendonwynne Road, Townsley Street and Union Street.
Bill No. 397	By-law No. 402-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Avenue Road and Sheppard Avenue East.
Bill No. 398	By-law No. 403-2006	To amend further By-law No. 34-93, a by-law “To provide for disabled person parking permit holders”, being a by-law of the former Borough of East York, regarding Sammon Avenue.
Bill No. 399	By-law No. 404-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Arlington Avenue, Benson Avenue, Burnside Drive, Hendrick Avenue, Hillcrest Drive, Tyrrel Avenue and Wychwood Avenue.
Bill No. 400	By-law No. 405-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Eglinton Avenue East and Bermondsey Road/Sloane Avenue.
Bill No. 401	By-law No. 406-2006	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt the rear yard fence on the property

		municipally known as 132 Inglewood Drive from the maximum height requirements.
Bill No. 402	By-law No. 407-2006	To adopt Amendment No. 1153 to the Official Plan for the former City of Scarborough with respect to lands located at the south-east corner of Steeles Avenue East and Markham Road, municipally known as 3351 Markham Road.
Bill No. 403	By-law No. 408-2006	To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended, with respect to lands located at the south-east corner of Steeles Avenue East and Markham Road, municipally known as 3351 Markham Road.
Bill No. 404	By-law No. 409-2006	To authorize the exemption from taxation for municipal and school purposes and from development charges for the municipal capital facility for affordable housing located on land municipally known as 111 Kendleton Drive.
Bill No. 405	By-law No. 410-2006	To authorize the entering into of an agreement for the provision of a municipal capital facility by Toronto Community Housing Corporation.
Bill No. 406	By-law No. 411-2006	To layout and dedicate certain land on the south side of Hayden Street, east of Church Street, for public highway purposes to form part of the public highway Hayden Street.
Bill No. 407	By-law No. 412-2006	To layout and dedicate certain land east of Kelfield Street for public highway purposes to form part of the public highway Dixon Road.

Bill No. 408	By-law No. 413-2006	To layout and dedicate certain land for public lane purposes to form part of the public lane at the rear of premises 20 Cumberland Street.
Bill No. 409	By-law No. 414-2006	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Caledonia Road extending southerly from Norman Avenue, then westerly.
Bill No. 410	By-law No. 415-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Subway Crescent, Aberfoyle Crescent, First laneway north of Bloor Street West and Old Mill Trail.
Bill No. 411	By-law No. 416-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Glengarry Avenue.
Bill No. 412	By-law No. 417-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding Markland Drive and Mill Road.
Bill No. 413	By-law No. 418-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II, regarding the Community to the southwest of the intersection of Islington Avenue and Bywood Drive.
Bill No. 414	By-law No. 419-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Robin Hood Road.
Bill No. 415	By-law No. 420-2006	To amend By-law No. 31770, as amended, of the former City of North York, regarding Starview Drive.

Bill No. 416	By-law No. 421-2006	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I, regarding Renault Crescent.
Bill No. 417	By-law No. 422-2006	To amend City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Wellington Street West.
Bill No. 418	By-law No. 423-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Morningside Avenue and Windermere Avenue.
Bill No. 419	By-law No. 424-2006	To amend former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended with respect to lands municipally known as 3195 Sheppard Avenue East.
Bill No. 420	By-law No. 425-2006	To adopt Amendment No. 1156 to the Official Plan for the former City of Scarborough with respect to lands municipally known as 3250-3300 Midland Avenue and 50-70 Silver Star Boulevard.
Bill No. 421	By-law No. 426-2006	To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Milliken Employment District), as amended, with respect to lands municipally known as 3250-3300 Midland Avenue and 50-70 Silver Star Boulevard.
Bill No. 422	By-law No. 427-2006	To amend former City of Scarborough Malvern West Community Zoning By-law No. 12181, as amended with respect to the lands municipally known as 30 Massie Street.
Bill No. 423	By-law No. 428-2006	To adopt Amendment No. 142-2006 to the Official Plan for the former City of Etobicoke with respect to lands

		municipally known as 3857-3867 Lake Shore Boulevard West and 96 Forty First Street.
Bill No. 424	By-law No. 429-2006	To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended, and Zoning By law No. 1055-2004 with respect to lands municipally known as 3857-3867 Lake Shore Boulevard West and 96 Forty First Street.
Bill No. 425	By-law No. 430-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Bermondsey Road.
Bill No. 426	By-law No. 431-2006	To amend further By-law No. 23505 of the former City of Scarborough respecting the speed limits on Toronto Roads.
Bill No. 427	By-law No. 432-2006	To amend further By-law No. 23503 of the former City of Scarborough respecting the regulation of traffic on Toronto Roads.
Bill No. 428	By-law No. 433-2006	To layout and dedicate certain land on the north side of St. Clair Avenue West, east side of Weston Road, for public highway purposes to form part of the public highway St. Clair Avenue West.
Bill No. 429	By-law No. 434-2006	To dedicate for public highway purposes certain land north of St. Clair Avenue West, extending easterly from Weston Road and name the proposed public highway as “Birdstone Crescent”, to name the proposed private lane as “Brickworks Lane”, and to rename part of the public highway Keele Street north of St. Clair Avenue West as “Weston Road”.

Bill No. 430	By-law No. 435-2006	To dedicate certain land for public lane purposes to form part of the public lane south east of Annette Street extending south westerly from Dundas Street West.
Bill No. 431	By-law No. 436-2006	To authorize the alteration of Humewood Drive, between Valewood Avenue and Vaughan Road, by the installation of three speed humps.
Bill No. 432	By-law No. 437-2006	To rename the public highway East Avenue as "Grieves Avenue".
Bill No. 433	By-law No. 438-2006	To dedicate certain land east of Kennedy Road, south of Lawrence Avenue East for public highway purposes and to name that highway as "Mike Myers Drive".
Bill No. 434	By-law No. 439-2006	To dedicate certain land for public lane purposes to form part of the public lane south of Queen Street East extending easterly from St. Paul Street.
Bill No. 435	By-law No. 440-2006	To dedicate certain land on the east side of Morningside Avenue, south of Casebridge Court, for public highway purposes to form part of the public highway Morningside Avenue.
Bill No. 436	By-law No. 441-2006	To dedicate certain lands on the east and west sides of Tapscott Road, south of McNicoll Avenue, for public highway purposes to form part of the public highway Tapscott Road.
Bill No. 437	By-law No. 442-2006	To dedicate certain land for public highway purposes to form part of the public highway Norris Place.
Bill No. 438	By-law No. 443-2006	To authorize the alteration of Fernalroy Boulevard, from Spring Garden Road to Norseman Street, by the installation of speed humps.

Bill No. 439	By-law No. 444-2006	To authorize the alteration of Meadowvale Drive, from Prince Edward Drive to Royal York Road, by the installation of speed humps.
Bill No. 440	By-law No. 445-2006	To authorize the alteration of Glenroy Avenue, from Prince Edward Drive to Royal York Road, by the installation of speed humps.
Bill No. 441	By-law No. 446-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Erskine Avenue.
Bill No. 442	By-law No. 447-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Elm Road.
Bill No. 443	By-law No. 448-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Glencairn Avenue.
Bill No. 444	By-law No. 449-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Park Home Avenue.
Bill No. 445	By-law No. 450-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting High Park Avenue.
Bill No. 446	By-law No. 451-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Lawrence Avenue West.
Bill No. 447	By-law No. 452-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street East.
Bill No. 448	By-law No. 453-2006	To amend former City of Toronto Municipal Code Chapter 910, Parking

		Machines, regarding parking machines Adelaide Street East.
Bill No. 449	By-law No. 454-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Yorkville Avenue.
Bill No. 451	By-law No. 455-2006	To amend former City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines on Scollard Street.
Bill No. 452	By-law No. 456-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Hazelton Avenue and Scollard Street.
Bill No. 453	By-law No. 457-2006	To amend former City of Toronto Municipal Code Chapter 910, Parking Machines, regarding parking machines Charles Street East.
Bill No. 454	By-law No. 458-2006	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Charles Street East.
Bill No. 455	By-law No. 459-2006	To adopt Amendment No. 368 to the Official Plan for the former City of Toronto with respect to lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West.
Bill No. 456	By-law No. 460-2006	To amend Zoning By-law No. 998-88 (as amended by By-law No. 74-93 and by By-law No. 1994-0605) of the former City of Toronto, being a By-law to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West.
Bill No. 457	By-law No. 461-2006	To amend the General Zoning By law No. 438-86 of the former City of

		Toronto with respect to lands generally bounded by King Street West, Bathurst Street, CN rail line and Stanley Terrace.
Bill No. 458	By-law No. 462-2006	To amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to provide for Municipal Road Damage Deposits.
Bill No. 459	By-law No. 463-2006	To authorize the alteration of roadway by removing the southbound right-turn channel, relocating the north side median to allow for a pedestrian crosswalk, and extending the median to the north, at the intersection of Yonge Street and Lake Shore Boulevard.
Bill No. 460	By-law No. 464-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Adelaide Street East and Adelaide Street West.
Bill No. 461	By-law No. 465-2006	To amend the former City of Toronto Municipal Code Ch. 400 Traffic and Parking, respecting Bay Street and Temperance Street.
Bill No. 462	By-law No. 466-2006	To amend further Metropolitan By law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads, regarding Victoria Park Avenue.
Bill No. 463	By-law No. 467-2006	To provide for the entering into of a Heritage Easement Agreement under Section 37 of the <i>Ontario Heritage Act</i> for the conservation of a portion of a building on lands known as 192-194 Adelaide Street West.
Bill No. 464	By-law No. 468-2006	To adopt Amendment No. 364 to the Official Plan for the former City of Toronto with respect to lands municipally known as

		180-188 University Avenue and 192 and 194 Adelaide Street West.
Bill No. 465	By-law No. 469-2006	To amend the General Zoning By law No. 438-86 of the former City of Toronto with respect to lands municipally known as 180-188 University Avenue and 192 and 194 Adelaide Street West.
Bill No. 466	By-law No. 470-2006	To amend By-law No. 31001 of the former City of North York, as amended, regarding Sloane Avenue.
Bill No. 467	By-law No. 471-2006	To layout and dedicate certain land for public lane purposes to form part of the public lane east of Main Street extending southerly from Doncaster Avenue.
Bill No. 468	By-law No. 472-2006	To authorize the alteration of Arlington Avenue, between St. Clair Avenue West and Tyrrel Avenue, by the installation of five speed humps.
Bill No. 469	By-law No. 473-2006	To authorize the alteration of Winona Drive, between St. Clair Avenue West and Tyrrel Avenue, by the installation of four speed humps.
Bill No. 470	By-law No. 474-2006	To authorize the alteration of a roadway by widening the pavement on the west side of Yonge Street, from a point 30.0 metres south of Chaplin Crescent to a point 24 metres further south, by the construction of a lay-by.
Bill No. 471	By-law No. 475-2006	To authorize the alteration of the roadway by narrowing St. Enoch's Square at Shuter Street by means of the installation of metal bollards and a modular traffic island.

Bill No. 472	By-law No. 476-2006	To establish a maximum special charge for the Danforth and Main Business Improvement Area,
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the vote upon which was taken as follows:

Yes - 29	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Saundercook, Silva, Walker
No - 3	
Councillors:	Ford, Stintz, Thompson

Carried by a majority of 26.

- 6.140 On May 25, 2006, at 7:15 p.m., Councillor Nunziata, seconded by Councillor Mammoliti, 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. 475	By-law No. 477-2006	To confirm the proceedings of the Council at its meeting held on the 23rd, 24th and 25th days of May, 2006,
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the vote upon which was taken as follows:

Yes - 26	
Councillors:	Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, Del Grande, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, Kelly, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Ootes, Rae, Saundercook, Silva, Thompson, Walker
No - 2	
Councillors:	Nunziata, Stintz

Carried by a majority of 24.

The following Bills were withdrawn:

Bill No. 350	To adopt Amendment No. 573 to the Official Plan for the former City of North York with respect to lands municipally known as
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2277-2295 Sheppard Avenue West, 100 Mainshep Road, 2973 Weston Road and 3035 Weston Road.

- | | |
|--------------|--|
| Bill No. 351 | To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 2277-2295 Sheppard Avenue West and 100 Mainshep Road. |
| Bill No. 376 | To permanently close part of the public lane known as Glenholme Place, at the rear of Premises No. 185 Gerrard Street East and flanking Premises No. 117 Pembroke Street. |
| Bill No. 379 | To amend City of Toronto Municipal Code Chapter 591, Noise, respecting construction noise in residential low-rise areas. |
| Bill No. 450 | To establish the Innovation Reserve Fund Account and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this account to the Corporate Discretionary Reserve Fund. |

OFFICIAL RECOGNITIONS:

6.141 Condolence Motions

May 23, 2006:

Mayor Miller in the Chair.

Deputy Mayor Feldman, seconded by Councillor Moscoe, moved that:

“WHEREAS the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Mr. Robert Yuill, on Wednesday, May 17th, 2006; and

WHEREAS Bob owned and operated a successful business which continues today and is run within the family; and

WHEREAS Bob was a Member of North York Council and Metropolitan Toronto Council over a 25-year period; and

WHEREAS Mr. Yuill continued his public service as Chairman of the North York Parking Authority for 9 years; and

WHEREAS Bob retired in 1993 to enjoy his cottage in Bluewater Beach, which he built himself in 1950; and

WHEREAS Bob loved the outdoors so much, he built two more cottages for his

children and grandchildren nearby, so that they could enjoy their summers together;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Dorothy and all surviving members of the Yuill family.”

Councillor Davis, seconded by Councillor Fletcher, moved that:

“**WHEREAS** Mahmood Ahmed Bahatti was killed tragically on the morning of Tuesday, May 2, 2006, while driving his taxi; and

WHEREAS Mr. Bahatti came from Pakistan to Toronto in 1993 and had been employed as a taxi-driver since his arrival; and

WHEREAS Mr. Bahatti was a very active member of Ahmadyya Mosque in East York, where he was Secretary of Education, and Assistant Secretary for Hospitality; and

WHEREAS Mr. Bahatti gave generously of his time teaching religious and cultural classes to youth and assisting with many activities in the community; and

WHEREAS Mr. Bahatti will be remembered by his brothers, friends and fellow drivers as a friendly, hardworking and helpful man who loved his family and his community; and

WHEREAS in the words of a friend, ‘We wish his soul is resting in peace and his good values stay alive among us so we can make this world a happy paradise and peaceful place’;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Nusrat Rana, his daughters Kinza Mahmood and Tamseela Mahmood, his sons Furqan Ahmed Bahatti and Irshan Ahmed Bahatti; his father Nawab Din Bahatti; his brothers Naseer Ahmed Bahatti, Jameel Ahmed Bahatti; and Maqsood Ahmed Bahatti; his sisters Khadeeja Kishwar, Sajida Afzal, and Zahida Kalsoom.”

Councillor Walker, seconded by Councillor Thompson, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Bradley Dillabough in his 42nd year, on May 1, 2006, after a courageous battle against cancer; and

WHEREAS Brad was an employee of the City of Toronto for over 20 years who truly loved his work, his City and all the friendships that resulted; and

WHEREAS Brad was a close friend and confidant to many and was well regarded by all who knew him; and

WHEREAS Brad was also a longtime coach and member of Ted Reeves Arena; and

WHEREAS Brad is survived by his loving wife Darlene Jeannette Toole, children Ryan Mitchell, Brittany Michelle, Trent Dearing and stepson Lee, siblings Stasia, George, Beverly and her husband Carl, nieces Danielle, D'Arcy and husband Cameron, nephews Lucas, George Jr., Michael and aunt Margaret Oulds; and

WHEREAS Brad was the dearest son of the late Rose Jane and grandson of the late Sophie and Stanley Rame;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the members of the Dillabough family.”

Leave to introduce the Motions was granted and the Motions carried unanimously.

Mayor Miller requested Members of Council to remember Captain Nichola Goddard of the Canadian Armed Forces, during their moment of silence.

Council rose and observed a moment of silence in memory of the late Robert Yuill, Mahmood Ahmed Bahatti, Bradley Dillabough and Captain Nichola Goddard.

May 24, 2006:

Councillor Grimes, seconded by Councillor Jenkins, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Pat Marsden on Thursday, April 27, 2006, at the age of 69, after being diagnosed with lung cancer in January; and

WHEREAS Mr. Marsden was a fixture in Canadian sports broadcasting, having started his radio broadcasting career at CKOY-Radio in Ottawa then moving on to the television media in Toronto with CFTO-TV, later returning to radio at CFRB and The Fan 590; and

WHEREAS Pat's style of reporting got him into hot water from time to time but also captured the admiration of the listening and viewing audience and from within the industry; and

WHEREAS he will be best remembered for his play-by-play coverage of the CFL broadcasts during the 1970s and 1980s; and

WHEREAS he was a person who enjoyed life by looking at the positive side of things; and

WHEREAS Pat will be missed by his loving family and his many friends in the industry;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife Terry Anne and his children Taylor, Connor, Mike, Patti-Lee and Ruth Mary.”

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 Pat Marsden.

May 25, 2006:

Councillor Cho, seconded by Councillor Davis, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the tragic death of Professor Chan-Ung Park; and

WHEREAS Chan-Ung Park dedicated his life to fight for human rights and justice and advocated for the poor; and

WHEREAS Chan-Ung Park served as a Professor at the Inha University in South Korea; and

WHEREAS Professor Chan-Ung Park’s passion for human rights and justice led him to organize active resistance to military dictatorship in South Korea; and

WHEREAS Professor Chan-Ung Park immigrated to Toronto, Canada in 1975 to escape inevitable persecution from the military regime for his human rights activism; and

WHEREAS Professor Chan-Ung Park has been the most outstanding leader in the Korean Community in Toronto, as the President of the Korean-Canadian Cultural Association in 1987 and 1988, and challenging the violation of human rights in North Korea; and

WHEREAS Professor Chan-Ung Park and his wife have been regular members of the Toronto Korean United Church for over 25 years where he has been a respected leader for his honesty and integrity; and

WHEREAS Professor Chan-Ung Park continued to be an icon in the Korean Community for his endless pursuit of human rights and justice and has been regarded as an expert on these issues, having written six books and numerous articles; and

WHEREAS Professor Chan-Ung Park was in the midst of writing his seventh book at the time of his death on May 17, 2006, during his walk home from the library through Dentonia Park;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to his wife, Yung-Sun Park, his son, Hyon-Woo, his daughter, Uhn-Kyung Park, his younger brother, Chan-Do Park, and his grandchildren and extended family.”

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 Chan-Ung Park.

Councillor Fillion, seconded by Councillor Mihevc, moved that:

“**WHEREAS** the Mayor and Members of Toronto City Council are deeply saddened to learn of the passing of Heather Crowe on Monday, May 22, 2006, in her 61st year; and

WHEREAS Heather Crowe was exposed to second hand tobacco smoke as a waitress for 40 years, but never smoked herself; and

WHEREAS Heather Crowe was diagnosed with inoperable lung cancer in 2002, as a result of exposure to second hand smoke; and

WHEREAS Heather Crowe won a ground-breaking workers compensation award for her illness; and

WHEREAS Heather Crowe, despite her serious illness, spent the last years of her life traveling across Canada advocating for measures to protect workers and members of the public from the health hazards of second hand smoke; and

WHEREAS Heather Crowe told her story in Health Canada television campaigns and before municipal councils, provincial committees and at public meetings across Canada; and

WHEREAS Ontario will implement, on May 31, province-wide anti-smoking legislation to protect workers and members of the public from second hand smoke;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to

convey, on behalf of the Mayor and Members of Toronto City Council, our sincere sympathy to the family of Heather Crowe.”

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 Heather Crowe.

6.142 Presentations/Introductions/Announcements:

May 23, 2006:

Deputy Mayor Pantalone, with the permission of Council, during the morning session of the meeting, on behalf of Mayor David Miller and Toronto City Council, proclaimed May 2006 as “Community Living Month”, in the City of Toronto, and commended the staff and volunteers at Community Living Toronto for their ongoing commitment to promote inclusion and ensure that adults and children with an intellectual disability live with dignity and respect.

Councillor Ford, with the permission of Council, during the morning session of the meeting, extended his apologies to the Members of Council, the citizens of the City of Toronto and his family for his behaviour during a recent hockey game at the Air Canada Centre.

Councillor Giambrone, with the permission of Council, during the morning session of the meeting, introduced the members of the Sport Club Angrense and a delegation of a soccer team from Terçeira, present at the meeting.

Councillor Davis, with the permission of Council, during the morning session of the meeting, introduced a group of taxi drivers present at the meeting to honour the memory of Mahmood Ahmed Bahatti, the taxi driver who was tragically killed during his shift in the early morning hours of Tuesday, May 2, 2006.

Mayor Miller, during the morning session of the meeting, introduced the students from the Center for Information and Community Services, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced Emergency Medical Services Chief Bruce Farr, representatives from Toronto Emergency Medical Services and Toronto Fire Services, and emergency physicians and researchers from the Sunnybrook Osler Centre for Pre-hospital Care and Sunnybrook Health Sciences Centre, present at the meeting. Mayor Miller advised the Council that in January, the National Association of Emergency Physicians held their annual meeting, which included scientific presentations, and prizes were awarded in seven major categories. The City of Toronto had won three awards.

Mayor Miller invited Chief Farr to the podium to assist him in presenting mementos to the following individuals to mark the occasion:

Best EMS Professional Research Award:

- Deputy Chief Alan Craig, Toronto Emergency Medical Services; and
- Dr. Brian Schwartz, Dr. Richard Verbeek and Dr. Michael Feldman, Sunnybrook Osler Centre for Pre-hospital Care.

Best Scientific Award:

- Dr. Laurie Morrison, Sunnybrook Women's College Health Sciences Centre; and
- Dr. Richard Verbeek, Sunnybrook Osler Centre for Pre-hospital Care.

Best Student/Fellow Research Award:

- Dr. Richard Verbeek, Sunnybrook Osler Centre for Pre-hospital Care;
- Dr. Leah Watson – Fellow, Sunnybrook Osler Centre for Pre-hospital Care;
- William Sault, Toronto Fire Services; and
- Randy Gywn, Toronto Fire Services.

Mayor Miller, on behalf of Toronto City Council and the citizens of the City of Toronto, thanked the award recipients for their excellent leadership.

May 24, 2006:

Mayor Miller, during the morning session of the meeting, advised the Council that Parks, Forestry and Recreation staff are again working hard to contribute to Council's Clean and Beautiful City initiative and have begun planting almost a million flowers to beautify the parks, gardens and public spaces of the City of Toronto. Several initiatives are underway to update the current horticulture in neighbourhood parks and to eliminate "Orphan Spaces", such as the Front Street median, the Jarvis and Richmond traffic island and the Ellesmere Road median, by dramatically improving these spaces with enhanced landscaping and horticultural displays.

Councillor Giambrone, with the permission of Council, during the morning session of the meeting, introduced the Mayor of Madeira, Emanuel Gomes, who is visiting Toronto with Mrs. Gomes and representatives of the banking and legal communities of Madeira, present at the meeting.

Mayor Miller, during the morning session of the meeting, introduced the Grade 5 students of Keele Public School, present at the meeting.

Deputy Mayor Feldman, during the morning session of the meeting, introduced the students of Martin Grove Collegiate, present at the meeting.

May 25, 2006:

Councillor Stintz, with the permission of Council, during the morning session of the meeting, introduced the students of Patrick Fogerty School, which is located in Orillia, Ontario, present at the meeting.

Deputy Mayor Bussin, during the morning session of the meeting, introduced the Grade 11 students of Emery Collegiate and Westview Centennial Second School who are part of the Ace Program, present at the meeting. Deputy Mayor Bussin advised the Council that the Ace program is a program offered in conjunction with York University, Seneca @ York, Emery Collegiate and Westview Centennial Secondary School, wherein students earn a university/college credit while earning four high school credits.

Mayor Miller, during the afternoon session of the meeting, invited Councillor Cho to the podium to address the Council respecting the re-naming of Empringham Park, located at Morningside Avenue and Finch Avenue, to Shawn “Blu” Rose Park. Councillor Cho addressed the meeting and presented a memento to Ms. Janet Rose, the mother of Shawn “Blu” Rose, to commemorate the re-naming of the park. Ms. Rose addressed the Council and extended the appreciation of her family to the City of Toronto for their recognition of Shawn “Blu” Rose.

Mayor Miller, during the afternoon session of the meeting, addressed the Council in regard to “Toronto Public Service Week” which is taking place from May 29 to June 2, 2006. Mayor Miller advised the Council that the City of Toronto is presenting Toronto Public Service Week, in keeping with its priority to increase public involvement in civic affairs, to raise public awareness of the vital services provided by the City of Toronto and the role that the Toronto Public Service plays in delivering those services to Toronto’s residents, businesses and visitors. The calendar of events is available on the City’s website and, throughout the week, the City will host a series of events, presentations, demonstrations, tours and displays at public sites across the City with lots of natural traffic, including some of the busiest Toronto Transit Commission stations, as well as community centres, the Toronto Zoo, the Toronto Ferry Docks, Dundas Square and Riverdale Farm.

Deputy Mayor Bussin, during the afternoon session of the meeting, introduced City Idol, a volunteer-run, non-profit organization which is interested in recruiting people who are passionate about Toronto and about the City’s issues, present at the meeting.

Councillor Ootes, with the permission of Council, during the afternoon session of the meeting, introduced the Grades 4 and 5 students of Jackman Avenue School, present at the meeting.

6.143 MOTIONS TO VARY ORDER OR WAIVE PROCEDURE

Vary the order of proceedings of Council:

May 23, 2006:

Councillor Stintz, at 10:15 a.m., moved that Council vary the order of its proceedings to consider Planning and Transportation Committee Report 3, Clause 7, headed “Operation of Construction Equipment in Residential Neighbourhoods on Sundays and Statutory Holidays”, as a ‘time sensitive’ matter, which carried.

Councillor Mihevc, at 6:35 p.m., moved that Council vary the order of its proceedings to vote on Audit Committee Report 1, Deferred Clause 4a, headed “2006 Audit Work Plan”, on May 24, 2006, the vote upon which was taken as follows:

Yes - 20	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Cho, Cowbourne, Davis, De Baeremaeker, Fletcher, Holyday, Jenkins, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moscoe, Pitfield, Rae, Silva, Watson
No - 9	
Councillors:	Carroll, Del Grande, Ford, Nunziata, Palacio, Pantalone, Saundercook, Shiner, Thompson

Carried by a majority of 11.

May 24, 2006:

Mayor Miller, at 9:57 a.m., with the permission of Council, moved that Council vary the order of its proceedings to consider the following matters on the Order Paper for this meeting of Council, in the following order:

- (1) Economic Development and Parks Committee Report 3, Clause 4, headed “Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)”;
- (2) Etobicoke York Community Council Report 3, Deferred Clause 2a, headed “Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application, Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)”;
- (3) Etobicoke York Community Council Report 3, Deferred Clause 3a, headed “Final Report - Local Area Review for the Lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman, 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)”;

- (4) Scarborough Community Council Report 4, Clause 14, headed “Final Report (Refusal) - OPA and Rezoning Application 05 211770 ESC 39 OZ, St. John’s McNicoll Centre - Architect: CXT Architects Inc., 1030 McNicoll Avenue, Steeles Employment District (Ward 39 - Scarborough-Agincourt)”; and
- (5) Works Committee Report 3, Clause 1, headed “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”, immediately following Council’s consideration of Notices of Motions.

Vote:

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

Yes - 25	
Mayor:	Miller
Councillors:	Ainslie, Altobello, Ashton, Augimeri, Bussin, Carroll, Del Grande, Di Giorgio, Fletcher, Giambrone, Holyday, Jenkins, McConnell, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Saundercook, Silva, Stintz, Thompson, Walker, Watson
No - 14	
Councillors:	Cowbourne, De Baeremaeker, Feldman, Ford, Grimes, Hall, Kelly, Li Preti, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Shiner

Carried by a majority of 11.

The balance of the motion by Mayor Miller carried.

May 25, 2006:

Councillor Mammoliti, at 5:34 p.m., moved that Council vary the order of its proceedings to consider the following matters on the Order Paper for this meeting of Council, if not completed at this meeting, at 2:00 p.m. on the first day of the next Council meeting:

- Economic Development and Parks Committee Report 3, Clause 4, headed “Long-Term Strategy for Retaining Employment Lands and Stimulating New Investment and Job Creation (All Wards)”;
- Etobicoke York Community Council Report 3, Deferred Clause 2a, headed “Refusal Report - 829, 833, 839 Oxford Street and 156, 160 Evans Avenue; OPA and Rezoning Application, Applicant: CIC Millwork Ltd. (Ward 6 - Etobicoke-Lakeshore)”;

- Etobicoke York Community Council Report 3, Deferred Clause 3a, headed “Final Report - Local Area Review for the lands located Between Sheppard Avenue West, CPR Rail Line, Starview Lane and rear property lines of the Residential Properties along Weston Road and Official Plan and Rezoning Application, Subdivision Application; Applicant: Robert Truman, 2277-2295 Sheppard Avenue West and 100 Mainshep Road (Ward 7 - York West)”;
- Notice of Motion J(12), moved by Deputy Mayor Bussin, seconded by Councillor Carroll, respecting an Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 – Etobicoke Lakeshore,

the vote upon which was taken as follows:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Carroll, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Giambrone, Grimes, Hall, Jenkins, Kelly, Li Preti, Lindsay Luby, Mammoliti, McConnell, Milczyn, Nunziata, Ootes, Palacio, Saundercook, Silva, Stintz
No - 8	
Councillors:	Cho, Filion, Ford, Holyday, Mihevc, Moscoe, Soknacki, Walker

Carried by a majority of 18.

Councillor Filion at 6:11 p.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(46), moved by Councillor Filion, seconded by Councillor Moscoe, respecting an Ontario Municipal Board Hearing - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control - 1 Botham Road (Ward 23-Willowdale), the vote upon which was taken as follows:

Yes - 20	
Councillors:	Ashton, Bussin, Cho, Cowbourne, Davis, Di Giorgio, Filion, Fletcher, Ford, Giambrone, Grimes, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Silva, Soknacki, Walker
No - 12	
Councillors:	Altobello, Augimeri, Del Grande, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes, Palacio, Saundercook, Stintz, Thompson

Carried by a majority of 8.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

May 23, 2006:

Mayor Miller, at 12:29 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, and that Council continue in session, in order to conclude the presentation of the National Association of EMS Physicians (NAEMSP) Awards, which carried, more than two-thirds of Members present having voted in the affirmative.

May 24, 2006:

Mayor Miller, with the permission of Council, 7:30 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session until 7:45 p.m., in order to vote in public session on matters discussed in-camera, and to confirm the proceedings of Council for this portion of the meeting, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Giambrone, at 7:36 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 7:30 p.m. recess, and that Council continue in session until 9:00 p.m., the vote upon which was taken as follows:

Yes - 12	
Mayor:	Miller
Councillors:	Carroll, Davis, De Baeremaeker, Giambrone, Hall, Holyday, Jenkins, Mihevc, Milczyn, Nunziata, Silva
No - 20	
Councillors:	Altobello, Ashton, Cowbourne, Feldman, Filion, Ford, Kelly, Li Preti, Lindsay Luby, Mammoliti, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Thompson, Watson

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

May 25, 2006:

Mayor Miller, with the permission of Council, at 12:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 12:30 p.m. recess, in order to conclude consideration of any items which could be dealt with quickly, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Rae, at 3:50 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session until 7:30 p.m., the vote upon which was taken as follows:

Yes - 18	
Councillors:	Carroll, Davis, De Baeremaeker, Del Grande, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Nunziata, Palacio, Rae, Saundercook, Silva, Thompson
No - 14	
Councillors:	Ainslie, Altobello, Ashton, Bussin, Cho, Di Giorgio, Hall, Holyday, Jenkins, Li Preti, Pantalone, Shiner, Stintz, Watson

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

Councillor Lindsay Luby, at 5:25 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session until 7:00 p.m., the vote upon which was taken as follows:

Yes - 23	
Councillors:	Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Giambrone, Grimes, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Silva, Soknacki, Thompson, Walker
No - 14	
Councillors:	Ainslie, Altobello, Bussin, Cho, Feldman, Ford, Hall, Holyday, Jenkins, Mammoliti, Ootes, Palacio, Saundercook, Stintz

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

Councillor Mammoliti, at 5:32 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. adjournment, and that Council continue in session until 6:30 p.m., the vote upon which was taken as follows:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Carroll, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Fletcher, Giambrone, Grimes, Hall, Kelly, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Saundercook, Silva, Soknacki,

Thompson, Walker	
No - 10	
Councillors:	Bussin, Cho, Feldman, Filion, Ford, Holyday, Jenkins, Li Preti, Ootes, Stintz

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

Councillor Filion at 6:27 p.m., moved that, in accordance with the provisions of §27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:30 p.m. adjournment, and that Council continue in session, in order to conclude consideration of Motion J(46), moved by Councillor Filion, seconded by Councillor Moscoe, respecting an Ontario Municipal Board Hearing - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control - 1 Botham Road (Ward 23-Willowdale), the vote upon which was taken as follows:

Yes - 25	
Councillors:	Ashton, Augimeri, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Di Giorgio, Filion, Fletcher, Ford, Grimes, Holyday, Jenkins, McConnell, Mihevc, Milczyn, Moscoe, Palacio, Saundercook, Silva, Stintz, Thompson, Walker
No - 7	
Councillors:	Altobello, Del Grande, Kelly, Lindsay Luby, Mammoliti, Nunziata, Ootes

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

6.144 ATTENDANCE

Councillor Kelly, seconded by Councillor Del Grande, moved that the absence of Councillor Minnan-Wong from the regular meeting of Council on May 23, 24 and 25, 2006, be excused, which carried.

May 23, 2006	9:37 a.m. to 12:35 p.m.*	Roll Call 10:58 a.m.	2:10 p.m. to 7:30 p.m.*
Miller	x	x	x
Ainslie	x	x	x
Altobello	x	x	x
Ashton	x	-	x
Augimeri	x	-	x
Bussin	x	-	x

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May 23, 2006	9:37 a.m. to 12:35 p.m.*	Roll Call 10:58 a.m.	2:10 p.m. to 7:30 p.m.*
Carroll	x	-	x
Cho	x	x	x
Cowbourne	x	x	x
Davis	x	x	x
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
Ford	x	x	x
Giambrone	x	-	x
Grimes	x	x	-
Hall	x	-	x
Holyday	x	-	x
Jenkins	x	-	x
Kelly	x	x	x
Li Preti	x	-	x
Lindsay Luby	x	-	x
Mammoliti	-	-	x
McConnell	x	x	x
Mihevc	x	x	x
Milczyn	x	x	x
Minnan-Wong	-	-	-
Moscoe	x	x	x
Nunziata	x	-	x
Ootes	x	x	x
Palacio	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Rae	x	-	x

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May 23, 2006	9:37 a.m. to 12:35 p.m.*	Roll Call 10:58 a.m.	2:10 p.m. to 7:30 p.m.*
Saunderscook	x	x	x
Shiner	x	x	x
Silva	x	x	x
Soknacki	x	x	x
Stintz	x	-	x
Thompson	x	x	x
Walker	x	-	x
Watson	x	x	x
Total	43	27	43

* Members were present for some or all of the time period indicated.

May 24, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:10 p.m.	Roll Call 3:50 p.m.*	Ctte. of the Whole In-Camera 5:17 p.m.	7:30 p.m. to 7:38 p.m.*
Miller	x	x	-	x	x
Ainslie	x	x	-	-	-
Altobello	x	x	x	x	x
Ashton	x	x	-	x	x
Augimeri	x	x	-	x	-
Bussin	x	x	x	-	-
Carroll	x	x	x	x	x
Cho	x	x	-	x	-
Cowbourne	x	x	x	x	x
Davis	x	x	x	x	x
De Baeremaeker	x	x	x	x	x
Del Grande	x	x	x	x	-
Di Giorgio	x	x	-	-	-
Feldman	x	x	-	x	x
Filion	x	x	-	x	x
Fletcher	x	x	x	x	-
Ford	x	x	x	x	x
Giambrone	x	x	x	-	x

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May 24, 2006	9:40 a.m. to 12:30 p.m.*	2:10 p.m. to 5:10 p.m.	Roll Call 3:50 p.m.*	Ctte. of the Whole In-Camera 5:17 p.m.	7:30 p.m. to 7:38 p.m.*
Grimes	x	x	x	-	-
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Jenkins	x	x	-	x	x
Kelly	x	x	x	x	x
Li Preti	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	x	-
McConnell	x	x	x	x	-
Mihevc	x	x	x	x	x
Milczyn	x	x	-	x	x
Minnan-Wong	-	-	-	-	-
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	-	x	x
Palacio	x	x	-	x	x
Pantalone	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	x
Silva	x	x	-	x	x
Soknacki	x	x	-	x	-
Stintz	x	x	x	x	-
Thompson	x	x	x	x	x
Walker	x	x	-	x	-
Watson	x	x	x	x	x
Total	44	44	27	39	31

* Members were present for some or all of the time period indicated.

Minutes of the Council of the City of Toronto
May 23, 24 and 25, 2006

May 25, 2006	9:40 a.m. to 12:38 p.m.*	2:10 p.m. to 4:05 p.m.*	Roll Call 3:30 p.m.	Roll Call 3:50 p.m.	Ctte. of the Whole In-Camera 4:15 p.m.	5:05 p.m. to 7:16 p.m.*
Miller	x	x	-	-	-	-
Ainslie	x	x	-	x	x	x
Altobello	x	x	x	x	x	x
Ashton	x	x	x	x	x	x
Augimeri	x	x	-	-	x	x
Bussin	x	x	x	x	x	x
Carroll	x	x	x	x	-	x
Cho	x	x	x	x	x	x
Cowbourne	x	x	-	-	x	x
Davis	x	x	x	-	x	x
De Baeremaeker	x	x	-	x	x	x
Del Grande	x	x	-	x	x	x
Di Giorgio	x	x	x	x	x	x
Feldman	x	x	x	-	x	x
Filion	x	x	-	-	x	x
Fletcher	x	x	x	x	x	x
Ford	x	x	-	-	x	x
Giambrone	x	x	x	x	x	x
Grimes	x	x	-	-	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jenkins	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Li Preti	x	x	x	x	x	x
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	-	x	x
McConnell	x	x	-	-	x	x
Mihevc	x	x	-	-	x	x
Milczyn	x	x	-	-	x	x
Minnan-Wong	-	-	-	-	-	-

Minutes of the Council of the City of Toronto
May 23, 24 and 25, 2006

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May 25, 2006	9:40 a.m. to 12:38 p.m.*	2:10 p.m. to 4:05 p.m.*	Roll Call 3:30 p.m.	Roll Call 3:50 p.m.	Ctte. of the Whole In-Camera 4:15 p.m.	5:05 p.m. to 7:16 p.m.*
Moscoe	x	x	-	x	x	x
Nunziata	x	x	x	x	-	x
Ootes	x	x	x	-	x	x
Palacio	x	x	x	x	-	x
Pantalone	x	x	-	x	x	-
Pitfield	x	x	x	-	x	-
Rae	x	x	x	x	x	-
Saundercook	x	x	-	x	x	x
Shiner	x	x	-	-	x	-
Silva	x	x	-	x	x	x
Soknacki	x	x	x	x	x	x
Stintz	x	x	x	x	x	x
Thompson	x	x	x	x	x	x
Walker	x	x	-	-	x	x
Watson	x	x	x	x	-	-
Total	44	44	25	28	39	38

* Members were present for some or all of the time period indicated.

Council adjourned on May 25, 2006, at 7:16 p.m.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT 1 [Notice of Motion F(3)]

Public report (April 13, 2006) from the Auditor General, entitled “Auditor General’s Review of Certain Applications Before the North York Committee of Adjustment on September 22, 2005” (See Minute 6.78, Page 96):

Purpose:

At the meeting of October 28, 2005 City Council adopted a motion to provide for the Auditor General to conduct a review “respecting the processing and hearing of certain applications to the Committee of Adjustment”.

The motion adopted by Council also stated, “the Auditor General provide findings to Council for consideration with the report from the City Solicitor”. The Auditor General was requested to investigate the manner in which this matter was brought before the North York Community Council.

This report responds to City Council's request, summarizes issues identified in our audit and provides recommendations for improvements to Committee of Adjustment processes, procedures and deliberations.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the following recommendations in the Auditor General’s confidential report, entitled “Review of Certain Applications Before the North York Committee of Adjustment on September 22, 2005 – In Camera”, be adopted:
 - “1. The Deputy Secretary-Treasurer of the Committee of Adjustment and other Committee of Adjustment staff refrain from offering advice or guidance in a manner that could be construed as an attempt to influence decisions of the Committee of Adjustment.
 2. The Deputy Secretary-Treasurer of the Committee of Adjustment ensure that Committee of Adjustment Pre-Briefing meetings in North York are open to the public. In addition, advance notification to the public of such meetings be communicated in an appropriate manner.

3. The Chair of the Committee of Adjustment ensure that the actions of any individual including Council members and staff attending Committee meetings are consistent with the arm's-length, quasi-judicial nature of the Committee. Any actions compromising this position should be immediately dealt with by the Committee Chair.
4. The Chair of the Committee of Adjustment should clearly indicate during the meeting when a decision on an application is reserved. In addition, information relating to when reserved decisions will be addressed should be communicated to the public.
5. The Chair of the Committee of Adjustment should follow generally accepted rules of procedure and in all cases, clearly and officially signify to all of those in attendance at the meeting when the meeting is adjourned.
6. The Committee of Adjustment, in clarifying its roles and responsibilities, should seek advice from legal staff. The Committee of Adjustment, as a quasi-judicial tribunal operating at arm's-length from City Council, should refrain from seeking advice on its roles and responsibilities from City Council members. In this context and in order to ensure that the Committee of Adjustment clearly understand their roles and responsibilities, the development of a mandatory training program be considered.
7. Committee of Adjustment staff should establish a protocol whereby all appropriate parties, including the public, are notified of Committee decisions in writing at the same time.
8. Committee of Adjustment staff should ensure that the communication of Committee of Adjustment decisions to interested parties and the public is consistent and timely.
9. All Committee of Adjustment meetings should be held in public with proper advance notification. In the event a special meeting to deliberate on a reserved application is required, minutes should be taken, and at least one Committee of Adjustment staff member should be present.
10. The Committee of Adjustment should ensure that once applications are approved and decisions communicated to third parties, revisions should only be considered for typographical errors, errors of calculations or similar errors made in its decision or order.
11. The Chair of the Committee of Adjustment should ensure all applications before the Committee are appropriately tabled, considered and voted on in a manner consistent with the Rules of Procedure established for the Committee.

12. The Committee of Adjustment, as a quasi-judicial tribunal that is required by law to operate at arm's-length from and independently of City Council should not request Community Councils or other legislative bodies to intervene on applications considered by the Committee.
13. The Chief Planner and Executive Director (in consultation with the City Solicitor and the Integrity Commissioner) should develop proposals for Council on a protocol for the handling of complaints against Committees of Adjustment and their members (including identification of the appropriate legislative body or official for the receipt and investigation of complaints).
14. The Chair of the Committee of Adjustment, Committee of Adjustment members and appropriate support staff should ensure that only issues discussed at regular Committee meetings be included in the minutes prior to their adoption. Once prepared, with the exception of minor revisions allowed under the Rules of Procedure, minutes should not be amended.
15. The Chief Planner and Executive Director be requested to report back to City Council on a policy related to financial conditions attached to applications considered by the Committee of Adjustment. Such a policy to address:
 - the appropriateness of current practice;
 - the adoption of a consistent process across the City;
 - the adequacy of controls relating to accounting for financial contributions; and
 - the criteria, including the approval process, relating to the use of such funds."

Background:

At its meeting held on October 26, 27, 28 and 31, 2005, City Council adopted Clause 29 of North York Community Council Report 8 requesting the Auditor General to conduct a review "respecting the conduct of the processing and hearing of certain applications to the Committee of Adjustment." The motion further requested that the Auditor General provide his findings to the City Solicitor and that the City Solicitor report, in consultation with the Integrity Commissioner, directly to City Council as to whether there may be reasons to consider this matter further and, if so, the appropriate procedures under which that further consideration should be carried out.

The motion adopted by Council also stated, "the Auditor General provide findings to Council for consideration with the report from the City Solicitor." The Auditor General was requested to investigate the manner in which this matter was brought before the North York Community Council.

Comments:

This confidential report outlines the results of our review of the processing and hearing of certain applications presented to the Committee of Adjustment. In accordance with Council direction, we have consulted with both the City Solicitor and the Integrity Commissioner in relation to information provided in our report. The City Solicitor and Integrity Commissioner intend to submit reports under separate cover to City Council in relation to their respective findings.

Conclusions:

The objective of this review was to determine whether the Committee of Adjustment and related City staff complied with relevant legislation and City policies, and whether or not opportunities exist to strengthen how the Committee of Adjustment conducts its work.

Our review focused on the North York Committee of Adjustment process related to the three applications in question and did not include a review of the content, reasonableness or technical aspects of the three applications in question.

The confidential report identified certain procedural irregularities relating to the way the Committee of Adjustment dealt with three specific applications. We have discussed these procedural irregularities with the City Solicitor who is reporting separately on the significance of these issues.

Our confidential report also contains specific recommendations in relation to Committee of Adjustment processes, procedures and deliberations.

Our review identified a number of areas requiring improvement. Addressing the recommendations in this report will provide for more effective processing of applications brought before the Toronto Committees of Adjustment.

Contact:

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ATTACHMENT 2 [Notice of Motion F(1)]

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 6.80, Page 99)

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 \$400,000.00 for 2006. This represents an upset limit and it may not all be spent. In any event, because the price was under \$500,000.00, 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 \$500,000.00. In the event that a significant percentage of the \$400,000.00 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 12 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 32 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 \$4,000.00. 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 \$400,000.00 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 \$400,000.00 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 32 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 \$400,000.00 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 co-operation 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 re-election 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:

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ATTACHMENT 3 [Notice of Motion F(2)]

Report (April 12, 2006) from the Integrity Commissioner, entitled “Report on a Complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press”. (See Minute 6.81, Page 100)

Purpose:

To report on a complaint by Councillor David Shiner that Councillor Howard Moscoe violated Clause III of the Code of Conduct for Members of Council (“Code of Conduct”) by providing to a newspaper reporter confidential material from and information about a closed meeting of the North York Community Council.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that Council receive this report.

Background:

On October 19, 2005, Councillor David Shiner submitted a motion to the North York Community Council. He was of the view that the subject matter of this motion involved “personal matters about an identifiable individual”. Before distributing the motion, Councillor Shiner alerted the members of North York Community Council to his belief and asked that the matter be dealt with *in-camera*. The lawyer servicing the Committee, who had seen the motion, confirmed Councillor Shiner’s position that the matter should be dealt with *in-camera* and the Chair of the Committee indicated that that was her view as well. At that juncture, North York Community Council went *in-camera* for the purpose of dealing with Councillor Shiner’s motion. He then distributed the motion. It did not have the words “*in-camera*” on it nor was it on purple paper.

The item in question was controversial and Councillor Moscoe questioned vigorously the propriety of it. Eventually, he left the meeting and, in the course of doing so, warned the Councillors as to the consequences of passing the Shiner motion.

By his own admission, Councillor Moscoe then phoned Paul Maloney, a reporter with the “Toronto Star”, provided information as to what was going on at the meeting, and sent him a copy of Councillor Shiner’s motion. Paul Maloney then contacted Councillor Shiner while the *in-camera* meeting was still in progress and basically sought Councillor Shiner’s version of events. Councillor Shiner declined to be interviewed. However, he then informed the members of the Community Council that Councillor Moscoe had provided the Press with a copy of the notice of motion. Subsequently, at the end of the day, Councillor Shiner himself

was interviewed by Alicia Kay Markson, a reporter from CFTO, who had also learned of the matter. This interview, in which he provided his version of events, was aired that evening. Councillor John Filion was also part of that interview. The next day, October 20, there was an article under Paul Maloney's byline in the Toronto Star with the headline "Councillors spar over adjustment committee", in which he outlines the nature of the Shiner motion and Councillor Moscoe's reaction to it as well as the information that Councillor Shiner would not speak to him the previous afternoon as it was a "personnel" matter that was being dealt with in secret.

On November 8, 2005, Councillor Shiner lodged a formal complaint with my office alleging that Councillor Moscoe had violated Clause III ("Confidential Information") of the Code of Conduct. I commenced an investigation into his complaint.

In responding to Councillor Shiner's complaint, Councillor Moscoe advanced a number of justifications for his actions in going to the Press:

- (1) that the matter should never have been dealt with *in-camera* in the first place as it concerned not a specific individual but a group of individuals with collective responsibilities;
- (2) that the motion was not marked *in-camera* nor was it on purple paper;
- (3) that Councillor Shiner had in effect manipulated Community Council into going *in-camera* to consider a motion that was totally out of order, a position that was confirmed when the Mayor ruled the motion (which had ultimately passed at Community Council) out of order at the November meeting of Council; and
- (4) that the real culprit was Councillor Shiner since the public first became aware of the matter through the Alicia Kay Markson interview, an interview that aired on CFTO on the evening of October 19, before the Maloney article appeared in the "Toronto Star" the next morning.

(These were also arguments that he put forward at City Council in the context of a motion to censure him and to refer the matter to my office, a motion that currently stands adjourned until the Auditor General completes an investigation and reports to Council on related aspects of this whole matter.)

Relevant Provisions:

Section 239 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that meetings of Council (including Community Council)

...may be closed to the public if the subject matter being considered is,....

- (b) personal matters about an identifiable individual, including municipal or local board employees.

This is reiterated in the City's Procedural By-law, §27-10.

Clause III of the Code of Conduct provides:

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by Council to do so.

It further states:

Under the Procedural By-law (authorized by s. 55 of the *Municipal Act*), where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting.

Analysis:

When Councillor Shiner formally distributed and introduced the controversial motion, North York Community Council was *in-camera*. As a result of Councillor Shiner's warning, the lawyer's advice, and the Chair's expressed opinion, the Community Council had resolved to close this part of the meeting. No one called for a reconsideration of this decision once the Councillor distributed the motion. Moreover, Community Council was still *in-camera* on this item when Councillor Moscoe left the meeting and contacted Paul Maloney. This was a clear breach of Clause III of the Code of Conduct.

Councillor Moscoe argues that the matter was *in-camera* improperly. However, I doubt that since the motion arose out of concerns about the conduct of a group of individuals. The fact that it involved the collective conduct of five individuals rather than just one cannot change the fact that the matters in issue involved personal matters (in the sense of possible wrongdoing or incompetence) on the part of individuals. (By virtue of the *Interpretation Act*, R.S.O. 1990, c. I-11, section 28(j), the singular ("individual") in a statute also includes the plural.)

Ultimately, Councillor Moscoe placed little reliance on the strained argument that the document was a public one because it was not on purple paper or marked *in-camera*. These are administrative safeguards, not mandatory requirements. They cannot be urged in defence of the release of a document that was formally introduced as an integral part of a meeting that the Councillor was fully aware was *in-camera*. Indeed, it is clear from the relevant newspaper report that Councillor Moscoe also revealed to Paul Maloney at least some of the substance of what had occurred at the *in-camera* meeting prior to his departure.

In any event, all of that is beside the point. Councillors cannot find justification for releasing confidential information to the Press in their own conviction that their colleagues have erred

in going *in-camera*. This is particularly so when Council or one of its committees, acting on legal advice, has determined by resolution that a matter can justifiably be dealt with *in-camera* by reason of one of the exceptions to open meetings created by the relevant legislation.

The same is true of the claim (said to be justified by the Mayor's subsequent ruling in Council itself) that the motion in question was beyond the authority of the North York Community Council. Just because a motion may formally be out of order does not permit the disclosure of its contents and details of any discussion of it *in-camera*. The harm that the legislation seeks to avoid can be just as likely to occur in the case of an out of order motion, as for example in this very case – public revelation of questions about the conduct of identifiable individuals in both a motion and the debate at a Community Council's *in-camera* meeting.

Councillor Moscoe justified his actions in part on his wish to save the individuals concerned from exposure to an out-of-order motion. However, what his actions did ensure was that the concerns about the conduct of those individuals in fact became known publicly. Without the breach of the confidentiality provisions, that might never have happened.

I have also rejected the contention that Councillor Moscoe's actions were excused by the fact that Councillor Shiner appeared on television discussing aspects of the matter before Paul Maloney's article appeared next morning in the "Toronto Star". It was Councillor Moscoe's release of information and the motion to Paul Maloney that set this whole course of events in motion. Moreover, the offence lies in the release of information to any unauthorized person. It is not excused by virtue of the fact that the recipient of that information may not have disseminated the news more broadly until after aspects of it were otherwise in the public domain.

I also want to record that I found no evidence to support any possible claim that Councillor Shiner was acting in bad faith in raising this matter. Indeed, there is no doubt that he was genuine in his sense that the legislation justified an *in-camera* meeting in order to protect at that stage the reputational interests of the individuals who were the subject of the motion. That is in no way undercut by the fact that the motion itself was not within the capacity of the North York Community Council. Indeed, it is clear that, on the facts available to him at the time, Councillor Shiner was not acting unreasonably in having concerns about the events that had given rise to the motion that he introduced.

Conclusions:

Councillor Moscoe violated the Code of Conduct by contacting a newspaper reporter about an *in-camera* meeting of North York Community Council and in supplying that same reporter with a copy of the motion that was before that closed meeting. Just because (with justification) he felt that the motion was out of order was not a basis for taking the law into his own hands. As subsequent events proved, there was ample opportunity for making that very point in a proper forum (City Council itself). It did not call for a breach of confidentiality

and the public revelation that Community Council was dealing with a motion that raised concerns about the conduct and competence of five individuals.

Subsequently, Councillor Moscoe was quite unrepentant about what he had done and perhaps this might indicate a recommendation for formal censure by Council. However, I suspect that Councillor Shiner, the other aggrieved members of North York Community Council, and the five individuals would be content with a formal apology from the Councillor and I would hope that he would offer that.

Whether to observe the obligations of confidentiality should not generally be a matter of choice. While the law and conscience might on rare occasions dictate otherwise, this was not such a situation.

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ATTACHMENT 4 [Notice of Motion J(4)]

Report (May 8, 2006) from the Integrity Commissioner, entitled “Annual Report”.
(See Minute 6.88, Page 113):

Purpose:

To report on the operations of the Integrity Commissioner’s Office for the period September 1, 2004 to December 31, 2005.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report.

Introduction

This is my first annual report. It covers the period September 1, 2004 to December 31, 2005. This reflects the decision that it made sense for the period covered by the Integrity Commissioner’s Reports to correspond to the office’s fiscal year.

The Creation of the Office and the Appointment of an Integrity Commissioner

At its meeting on March 1, 2 and 3, 2004, City Council adopted a Report from the Policy and Finance Committee authorizing the recruitment and appointment of a City Integrity Commissioner. At the conclusion of the recruitment process, City Council appointed me as its first Integrity Commissioner. I assumed my responsibilities on September 1, 2004 (though, as I noted in an April 2004 interim report to City Council, it was some time before I entered into a formal contract with the City).

At the same time, City Council requested the Budget Committee to provide funds for the office for the balance of 2004 in the amount of \$90,000.00, based on an annualized budget of \$200,000.00. This request was met and, subsequently, City Council allocated \$200,000.00 to the office for the fiscal year 2005. One of the assumptions behind the setting of this budget was that the office would at least initially be a part-time one, and that is reflected in my contract with the City.

My initial contract was for one year. However, at its meeting of July 19, 20, 21 and 26, 2005, City Council authorized the City Manager to enter into a further contract with me for a period up to the end of August 2007. As a consequence, I currently am operating under a two-year contract with the City that expires on August 31, 2007. Under that contract, the City may terminate me for cause or by giving me six months notice or salary in lieu.

The motion authorizing the appointment of an Integrity Commissioner spells out the mandate of the office. The Integrity Commissioner is

...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 (“Code of Conduct”) and other by-laws/policies governing the ethical behaviour of members, including general interpretation of the *Municipal Conflict of Interest Act*.

It is under that mandate that I operated during the first 16 months, and, indeed, still do today. However, City Council did contemplate an extension in the functions of the Integrity Commissioner. It also passed a motion recommending that the City

...continue to seek enabling legislation necessary for Council to enact by-laws implementing full Integrity Commissioner and Lobbyist Registry functions based on the provincial model.

That has not yet taken place though the passage of Bill 53, the *Stronger City of Toronto for a Stronger Ontario Act* (“Bill 53”) will presumably result in City Council possessing the capacity to achieve many, if not all of those objectives.

Critical to the successful functioning of the office and, in particular, maintenance of stakeholder confidence in its integrity is the concept of independence, a concept explicitly embodied in the Council motion authorizing the creation of the office. One of the ways that this objective is achieved is through the reporting process. I do not report to or through either the Mayor or the City Manager but to Council itself. In the case of reports on complaints and my annual and other interim reports, I report directly to Council while, in the instance of policy reports, I report to Council through the Policy and Finance Committee. It should also go on the public record that, during the period covered by this report (and to this day), I have had nothing but the utmost regard for the independence of my position from all at City Hall with whom I have had contact.

Getting the Office Started

Much of my time during the first four months was spent setting up the office both physically and operationally. In this, I was very capably advised and assisted by the City Manager’s Office and the City Clerk’s Office with briefings from many other members of Staff with whom I could expect to interact given the nature of my responsibilities. I also benefited from discussions with the Honourable Coulter Osborne, the Integrity Commissioner for the Province of Ontario and the City’s Auditor General, Jeffrey Griffiths.

I was given an office on the 15th Floor of the West Tower of City Hall and continue to operate out of there today. Since late November, 2005, Zorida Ali, my part-time, Administrative Assistant has been an essential and highly valued part of my office. With the help of Staff, I was also able very quickly to establish a website; <http://www.toronto.ca/integrity/index.htm>. As well as describing my functions and providing biographical details, the website contains information about commencing complaints against Members of Council including the text of the Code of Conduct, the Complaint Protocol under which I operate, and the form required for lodging a formal complaint. All my public reports appear on the website and there is a segment containing frequently-asked questions.

During the first few months of my appointment, I also met with all Members of Council both to introduce myself and the facilities of my office and to benefit from their perspectives on my role. That has proved invaluable.

Events Affecting the Work of the Office

Two events occurred in 2005, which will have a long-term impact on the nature and workings of the Integrity Commissioner's Office. The first was the release in September 2005 of the Report of the Commission of Inquiry into the Leasing of Computers at the City of Toronto ("the Bellamy Commission Report") and the second was the introduction into the provincial legislature on December 15, 2005, of Bill 53.

Much of the overall thrust of the Bellamy Commission Report as well as a whole slew of its detailed recommendations underscore the centrality of ethical behaviour and integrity in the functioning of this Municipality. In its endorsement of the office of Integrity Commissioner and its calls for the enhancement of the powers of that office as well as the setting of higher standards for the conduct of Members of Council, it called on the City to reexamine the foundations of my Office and what it does. That process is ongoing and I am playing some role in the re-evaluation. It is also important to note that, should City Council accept the bulk of the recommendations of the Bellamy Commission Report on the role of the Integrity Commissioner, it is inevitable that the position would have to become a full-time one with a significant increase in the level of support.

If enacted in its present form, Bill 53 will provide the office of Integrity Commissioner with a statutory basis and confer on City Council much, if not all of the legal capacity it requires to establish a permanent office along the lines of that of the provincial Integrity Commissioner. It also makes specific provision for sanctions against Members of Council for Code of Conduct violations. In its mandating the office of an Ombudsman, it opens the door to the creation of a parallel mechanism for the making and resolution of complaints against Staff. As well, it requires a much closer monitoring of lobbying.

Having said that, I should also make it clear that I am concerned about some of the provisions in Bill 53 affecting the office of the Integrity Commissioner and made that clear to City Council Staff charged with representing the City's interests as this Bill proceeds through the legislative process. In particular, I think it is regrettable that the Act itself does not set the terms of office of the Integrity Commissioner and make provision that the Council must have cause to dismiss the Commissioner during her or his term of office. That is left to Council's discretion. If independence is a critical aspect of the office of Integrity Commissioner (and I have no doubt that it is), then, even in a Bill that has at its principal objective the devolution of far greater autonomy to the City, there should be specific provision for the customary guarantees of independence.

The Regular Work of the Office

The three principal components of my work are Advisory, Complaint Investigation and Adjudication, and Educational.

Advisory

The Advisory function has two formal dimensions as well as an informal element. I am formally responsible for providing advice to individual Members of Council who seek it. I also respond to references from City Council (including its Committees) requesting my guidance on policy issues involving ethics and integrity. Informally, I also interact with Staff in the development or assessment of policies and functions that raise ethics and integrity concerns or that affect the functioning of my office.

Giving advice to individual Members of Council is the least visible of my functions but it is a critical one. It is the least visible because, in most instances, advice is sought and given on a confidential basis (though I do provide examples later in this report of advice that I have given). It is critical because, as I pointed out in my April 2004 interim report, "it is far better to pre-empt potential violations of the Code of Conduct than to have to deal with such matters after the event by way of a complaint". Indeed, the more frequently Members of Council seek advice, the more justification there is for the claim that they are becoming much more attuned to the demands of the Code of Conduct and have developed confidence in the probity of my office.

Requests for advice come in a variety of ways from email and phone calls to formal letters seeking a written opinion. Often in the case of email and phone inquiries, there will be a quick or obvious answer. However, that is not always the case and I will need time to research and reflect. I have no problem at all putting any advice that I provide in writing and, indeed, will sometimes suggest that even where the request for advice is made verbally. I also do not have any concerns generally with the use to which a Member of Council puts any written advice that I have given and I make that clear in providing the advice. However, I am now insisting, if a Member of Council releases my advice publicly, that any such release be of the entire text of the opinion. To this point, I have not been put in the position of receiving a complaint against a Member of Council for engaging in a course of conduct that I advised would not violate the Code of Conduct!

In the period covered by this report, Council referred two matters to me for consideration: the possible leak of the name of the nominee to a civilian position on the Police Services Board and the issue whether Members of Council should be able to intervene on a Ward matter arising in another Councillor's Ward. On the first, I was not able to find the source of the leak but did make some general recommendations on the whole issue of confidentiality. My report on the second matter is described in greater detail later in this report in the context of a discussion of the Code of Conduct.

Council also implicated the Integrity Commissioner in two other matters during 2005. It set up an Advisory Task Force, of which I was a member, to consider improvements to the Code of Conduct Complaint Protocol and in particular to provide greater protection to Members of Council from complaints that were trivial, vexatious, not made in good faith, or without any substance. The Task Force completed its work and forwarded a report to the Policy and Finance Committee in December 2005. As well, City Council made a reference to the Auditor General that involved the functioning of a panel of the Committee of Adjustment. In that matter, the Integrity Commissioner (along with the City Solicitor) was required to review the Auditor General's conclusions and report to Council.

In addition, the Mayor asked me to report to Council on the propriety of Members of Council providing references for those seeking positions with the City of Toronto, and the Administration Committee reiterated that request a few days later. The Committee also asked me to report to Council on the issue of City hiring of the relatives of Members of Council. As of December 31, 2005, I had not completed that work.

At a more informal level, I was involved with Staff in a range of issues including aspects of the operation of the Corporate Access and Security office, the conflict of interest policy applicable to Staff, negotiation of community benefits as part of the planning process, and the development of strategies and technologies for protecting confidential information.

Complaint Investigation and Adjudication

My complaint investigation and adjudication function is confined to allegations of misconduct against Members of Council. It does not extend to the conduct of Staff. Other Members of Council, Staff, and the general public may bring a complaint.

During the first 16 months, I received 21 formal complaints. Four of those complaints were from Staff or former Staff and only three from Members of Council, including a self-complaint. In fact, it was not until October 2005 that I received a formal complaint by a Member of Council against another. The other 14 complaints came from members of the public.

By December 31, 2005, 15 of those complaints had been finalized, including eight in which I made a report to Council on the merits of the complaint. In only one of those eight instances did I make a finding that a Member of Council had violated the Code of Conduct. (Subsequently, however, on another of the complaints brought in 2005 and still outstanding at the end of that year, I did determine that the respondent Councillor had violated the Code of Conduct.) In two of the five instances in which I rejected a formal complaint for lack of jurisdiction, I made a report to Council on my findings. Of the other two complaints, one was settled before my investigation got under way and the other was rejected without for lack of substance.

Below, I comment and make suggestions on a number of issues that arose about the Code of Conduct and the Complaint Protocol during the course of my first 16 months. Many of those issues emerged in the course of my complaint investigation and adjudication work. Those matters aside, I encountered few difficulties in carrying out my investigative and adjudicative responsibilities.

With one exception, Members of Council who were the subject of complaints co-operated fully during the course of my investigations. They answered my questions, provided documentation, and allowed me access to their Staff. Given that I have no power to compel them to do any of these things, this was a relief.¹

The one exception occurred in the context of an allegation of inappropriate behaviour towards a deputant at a Community Council meeting and came about as a result of the Member of Council objecting in principle to the investigation of the particular complaint and the procedures laid down in the Complaint Protocol. Given the public nature of the events in question, my ability to complete the investigation was not compromised by the Member's failure to co-operate fully. However, as a result of the Member's expression of concern at Council about my processes, as noted above, Council referred the whole matter of greater protection for Members of Council from frivolous, vexatious, bad faith, or without substance complaints to a Task Force. Ultimately, this was a beneficial side effect of the whole controversy, albeit that it was disconcerting to have these matters aired while the investigation was ongoing.

In fact, issues of behaviour towards members of the public arise frequently both in formal complaints and informal communications to my office. I take these complaints under Clause XI of the Code of Conduct. It requires Members of Council to "treat members of the public, one another and Staff fairly and to ensure that their work environment is free from discrimination and harassment". Almost invariably, these kinds of complaint surface in the wake of a decision-making process in which the member of the public has not obtained what he or she wanted or where the Member of Council has decided not to work on behalf of that person's interests. Without more, neither of these situations gives rise to any basis for a complaint under the Code of Conduct. I do not have nor should I have any general jurisdiction

¹ Upon enactment, Bill 53 will confer coercive powers that will enable (at least in some contexts), the Integrity Commissioner to require production of documents.

over the choices made by Members of Council as to the causes to which they will lend their energies and political support. Nonetheless, when the allegation is that the Member of Council not only made a choice against the complainant but, in doing so, was abusive, otherwise harassing, or discriminatory, it clearly comes within the realm of Clause XI and I must investigate if there is a credible foundation for the allegations in the formal complaint documentation.

With the exception of three linked complaints, my investigations during the first 16 months were not particularly complex. I was readily able to conduct them within the existing framework and resources of my office. This also enabled me to do a passable job in keeping my workload under control. However, what has been clear to me all along is that that situation could change quickly and dramatically were I to receive more than one or two complaints that raised complex factual and legal issues and involved the pursuit and interviewing of many witnesses and the gathering and analysis of extensive documentation. Were that to occur, the current resources of the office and my part-time capacity would not be adequate to the task.

Educational

My job description requires that I provide “outreach programs to members of Council and Staff on legislation, protocols, and office procedures emphasizing the importance of ethics for public confidence in municipal government”. That did not happen in 2004-05, though I did engage in a number of discussions with Staff about the mounting of such a program for Members of Council. The matter remains under active consideration with the target now being a program in late 2006 or early 2007 following the swearing-in of the new Council after the November 2006 municipal election.

To this point, the extent of my work on the educational element of my mandate has come indirectly through my other roles – reporting to Council and giving advice to Members of Council as well as in the creation of the frequently-asked questions segment of my website.

Other Aspects of My Work

In the course of the first 16 months of the office, the media approached me on a number of occasions for information about the nature and workings of my office and I have always been willing to respond to such requests. I was also asked to speak to a variety of groups about the functions of the Integrity Commissioner. Once again, where feasible, I accepted those invitations. A list follows:

- Toronto Board of Trade Municipal Affairs Committee
- Queen’s University Alumni Association, Toronto Branch
- City Solicitor’s Solicitors’ Meeting
- Ontario Bar Association Municipal Law Section/MLDAO Joint Program
- Two delegations of Chinese Public Servants
- Governing Toronto Panel

In addition, I made linkages with the York University Centre for Practical Ethics, the University of Toronto Centre for Ethics, and Professor Greg Levine, instructor in Government Ethics Law in Canada at the University of Western Ontario. I also accepted an invitation to join the organization of Canadian Conflict of Interest Commissioners.

Many of the calls and emails to my office from members of the public were about matters over which I have no jurisdiction or authority. In most of those instances, the person had misconceived the nature of what I do, been given inaccurate advice, or simply did not know where else to go. Both my Assistant and I try where possible to direct the person to the office in City Hall that is best suited to deal with the particular concerns. We both assume, however, that the number of these calls will diminish with the advent of the 3-1-1 system.

Statistics for the Period September 1, 2004 to December 31, 2005

Formal Complaints

Received:	21	
Settled or Withdrawn:	2	(Report to Council on 1 – issue of jurisdiction)
Rejected as Beyond Jurisdiction:	4	(Report to Council on 1)
Rejected as Frivolous or Vexatious, Made in Bad Faith or Without Substance:	1	
Rejected after an Investigation:	8	
Justified:	1	
Still under Investigation (as of December 31, 2005)	6 ²	
Complaints by Staff	4	
Complaints by Public	14	
Complaints by Members	3	(including 1 self-complaint)
Members Complained Against	16	(including 1 self-complaint and 1 complaint against 5)

² As of the date of this Report, I have completed one more investigation and reported to Council. Final reports are pending in three more (a linked group), one is still being investigated, and one is suspended pending other developments.

References

By Council	2
By Committee	1
By Mayor	1
Otherwise involving IC	2

Advice to Councillors

Advice Sought	42
Members Seeking Advice	24

Citizen and Staff Inquiries

Citizen	139
Staff	8

Code of Conduct and Complaint Protocol

The foundations of my complaint resolution authority are the Code of Conduct for Members of Council ("Code of Conduct") and the Council Code of Conduct Complaint Protocol ("Complaint Protocol").

In the period covered by this Report, a number of issues arose in relation to each of these instruments. Those issues can be classified into four categories: (1) Jurisdiction; (2) Substance; (3) Sanctions; and (4) Procedure.

(1) Jurisdiction

Agencies, Boards and Commissions

Clause XII of the Code of Conduct makes it clear that it applies to non-Members of Council who are members of Agencies, Boards, and Commissions and other emanations of Council, with the exception of purely advisory bodies. However, the terms of the Complaint Protocol are expressed solely in terms of Members of Council. When an issue arose as to whether I could entertain a complaint against a civilian member of a City Agency, I sought a legal opinion from the City Solicitor. That opinion was to the effect that I did not have jurisdiction over such persons.

The impact of this is that, while civilian members of Agencies, Boards and Commissions are bound by the Code of Conduct, there is no formal mechanism in place for anyone to complain that a civilian member of an Agency, Board or Commission has violated that Code. This is an anomaly that should be rectified.

Complaints against Staff

At present, I clearly do not have any jurisdiction over complaints against Staff. The Bellamy Report recommends that I should have. Indeed, I receive more phone and email preliminary complaints about the conduct of Staff than I do about the conduct of Members of Council. The lack of any jurisdiction over Staff also causes problems in situations where a member of Staff may be implicated in conduct by a Member of Council that has given rise to a complaint or where a complaint against a Member of Council gives rise to a counter-complaint against a member of Staff.

This is a complex issue given the existence already of a number of Protocols regulating Staff conduct and the fact that the employment relations between the City and many of its Staff are the subject of collective bargains under the province's labour relations legislation. The matter is also further complicated by the creation in Bill 53 of the office of City Ombudsman. At this stage, I am of the view that any movement on this issue should await the enactment and proclamation into force of that legislation and the appointment of the City's first Ombudsman. There could then be some more informed consideration of whether (and, if so, to what extent) the Integrity Commissioner should have any jurisdiction over allegations of Staff misconduct.

Behaviour of Councillors at City Council

One of the first complaints that I received involved allegations by a member of the public of inappropriate conduct on the part of a Member of Council during the proceedings of City Council. I declined jurisdiction on the basis that the City's procedural by-law placed responsibility on the Chair for maintaining order and preserving the decorum of meetings of Council and its Committees. Despite the fact that Clause VIII of the Code of Conduct obliges Members of Council to conduct themselves with decorum at Council meetings, I determined that this was an area where Council and its Committees were responsible for self-policing. I also indicated that I did not see members of the public as having the right or status to complain about how Members behaved in Council or in Committee. However, I did express concern that the matter needed further attention and made a recommendation to that effect in my report to Council.

Subsequently, I received complaints concerning the behaviour of Councillors towards deputants at Community Council and Council Committee meetings. In each of those instances, I assumed jurisdiction to deal with the complaints of those deputing. My position was that, where the alleged conduct was aimed at someone who was appearing before Council to make representations, I should be prepared to assume jurisdiction to investigate a complaint that the conduct of the Member of Council in question amounted to discreditable conduct in terms of Clause XI of the Code.

Notwithstanding my assumption of jurisdiction in those cases, there is still a lack of clarity on this matter and I would reiterate my recommendation in the report on the original case declining jurisdiction. Indeed, I am still expecting that this will be done as part of the ongoing review of the City's procedural by-law. Once that process is completed, it may become necessary to include, in either the Complaint Protocol or the Code of Conduct, an express provision on the capacity of the Integrity Commissioner to deal with complaints about the behaviour of Members of Council at meetings of City Council and its Committees.

Preamble to the Code of Conduct

The Code of Conduct contains a number of key statements of principle:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- no 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 public scrutiny; and
- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, or the City Council.

I received a complaint that a Member of Council, in the conduct of his private affairs, had misled a Committee of Council and improperly used the influence of his office. I was immediately concerned as to whether I had jurisdiction over these matters and sought independent legal advice. That legal opinion was to the effect that the key statements of principle in the Preamble did not create free-standing Code of Conduct offences. Unless I could find a basis for proceeding to deal with the complaint in one of the specific provisions of the Code of Conduct, I had no jurisdiction to investigate. As there is no provision in the Code of Conduct dealing specifically with the improper use of influence or inappropriate behaviour in the conduct of a Member of Council's private affairs, I declined jurisdiction over the complaint and reported that to Council.

In that report, I did however make it clear that I regarded the lack of a specific provision covering the improper use of influence as a serious gap in the Code of Conduct and recommended that that gap be filled. I also called for consideration whether the Code should deal with misconduct on the part of Councillors in the conduct of their private affairs, particularly in the instance of interactions with the Council of which they are Members.

More generally, this raises the question whether the Code of Conduct should be amended to convert the key statements of principle into stand-alone Code of Conduct offences. While I

am certainly of the view that that should happen in the case of improper use of influence, I am equally firm in my view that the principle that calls upon Councillors to serve their constituents in a conscientious and diligent manner should not become a stand alone substantive provision of the Code of Conduct.

As noted already, among the more controversial (with Members of Council) aspects of my jurisdiction has been my investigation of complaints under Clause XI (“Discreditable Conduct”) that Members of Council have engaged in harassing, discriminatory and otherwise intemperate behaviour in their interactions with their constituents. Members of Council have complained (in some instances with justification) that the complaint involved no more than a rearguard action by constituents who did not get their way in the political process. While that is certainly no reason for removing Clause XI, what it does illustrate is that a provision making it a Code of Conduct offence for a Councillor not to serve constituents in a conscientious and diligent manner would invite all manner of complaints about the way in which Councillors are performing and the choices that they have made (often from among competing constituent interests) on various issues. While that might sometimes raise integrity concerns in a broader sense, issues of performance (unless they give rise to the more specific concerns identified in Clause XI) should be left to the ballot box. For the Integrity Commissioner to become embroiled as a referee of the way in which Members of Council are fulfilling their responsibilities would risk the credibility of the office. It is not generally appropriate for the Integrity Commissioner to descend into the political fray. I would therefore certainly not recommend converting that key statement of principle into a free-standing ground of complaint.

As for the obligation to obey the laws of the land, that too raises the question whether the Code of Conduct should reach Members of Council in the conduct of their private affairs. In so far as a member of Council violates the law of the land in the course of her or his official duties, that will normally engage the *Criminal Code* or various provincial offences legislation. In that instance, the Integrity Commissioner would normally defer (as required by the Complaint Protocol) to the criminal or *quasi*-criminal processes. At this stage, I therefore have no recommendation to make on including observance of the law of the land as a free-standing Code of Conduct offence.

However, this part of the Preamble also makes reference to Council policies. My sense is that there are many City of Toronto policies that apply to Members of Council. Failure to adhere to those policies should be a Code of Conduct offence. I would therefore recommend an additional clause in the Code of Conduct making that clear. An alternative way of proceeding would be to try to identify all Council policies that bind Members of Council and list them in the Code of Conduct. However, it is my view that this would lead to an excessively complex Code of Conduct. A general or catchall provision should be perfectly adequate.

Withdrawal of a Complaint

My position has been that I have no jurisdiction to proceed once a complaint is withdrawn. Moreover, I think that, in general, this is how it should be. However, there may be rare

occasions on which there are serious concerns as to the reasons for the withdrawal of the complaint such as where it may have occurred because of threats or intimidation. In one of my reports, I therefore recommended that the Integrity Commissioner should have an exceptional discretion to continue to investigate a complaint despite its withdrawal.

This also raises two subsidiary issues: whether the Integrity Commissioner should be able to initiate an investigation on her or his own initiative or whether there should be a place for anonymous complaints. The Bellamy Commission Report recommendations speak to the latter. Recommendation 41 would permit the making of anonymous complaints without a supporting affidavit. It is also the case that, at the moment, the Auditor General may initiate an investigation on his own initiative and does take anonymous complaints particularly through the fraud and waste hotline. This is clearly a matter that should be evaluated by the Bellamy Recommendations Steering Committee.

(2) Substance

In the previous section on Jurisdiction, I have noted the recommendation that Council expand the Code of Conduct to include a provision dealing with the Improper Use of Influence and a general catchall clause on adherence to Council policies. Over the course of my first 16 months, I detected other deficiencies with the existing Code of Conduct.

Gifts and Benefits

Just over a year ago, I filed an interim report with Council recounting my experiences over the first six months of my tenure of the position of Integrity Commissioner. In that report, I identified what seemed to me to be significant problems with the existing provision (Clause II) of the Code of Conduct regulating the receipt of gifts and benefits. In particular, I identified the difficulty of drawing a line between the impermissible receipt of gifts and benefits “connected directly or indirectly with the performance of [a Member of Council’s] duties of office” and the permissible acceptance of gifts and benefits that normally accompany the responsibilities of office and that are received as an incident of protocol, custom or social obligations. This leaves a lot of wiggle room and has led to the existence of a wide range of views among Members of Council as to what is acceptable. Also, the concept of a gift or benefit that is accepted as a matter of “custom” has the potential to cement existing practices which are now very questionable such as attendance at lavish functions paid for by developers and other private sector organizations with which the City does business.

My recommendation is that the Clause be amended to include (as previously) a reporting obligation for all gifts and benefits above a token amount (\$25.00), that it also specify an upper limit (\$200.00(?)), and that the word “custom” be removed. I also believe that the provision should include a clause dealing with ownership of “gifts” and, in particular, to require Members of Council to identify at the time of receiving any gift whether it is intended as a personal gift or one to the City. In the event that it is a gift to the City, that fact should be specified in the registry entry. Any such gift should remain the property of the City even if retained in the Member of Council’s office.

Involvement of Members in Matters Arising in Other Members' Wards

In my April 2005 interim report, I referred to the matter of Members of Council becoming involved in issues arising in another Member's Ward. At that point, Council had already referred that issue to me and I reported to Council on that in September 2005. In that Report, which Council adopted, I accepted that there should be no general prohibition on Members of Council intervening on a ward matter in another Member's ward. However, I did call for the City Manager in consultation with me to prepare a Protocol on how Members of Council should conduct themselves when intervening on any such matter. I also recommended that the standards of any such Protocol be included as a provision in the Code of Conduct. Those standards are, by and large, ones under which the intervening Member of Council should exercise restraint where the Ward Councillor is actively engaged in the matter. They also call for ongoing notification between the intervening Member of Council and the Ward Councillor as to the conduct of the matter is question.

I continue to believe that this would be a desirable course of action.

Lobbying

The current provision on Lobbying (Clause X) simply warns Members of Council to be "vigilant in their duty to serve public interests when faced with lobbying activity". As I pointed out in my interim report, this is too vague and does not provide a sufficiently precise standard by which Members of Council can sensibly self-regulate their interactions with lobbyists.

The issue of lobbying was, of course, central to many of the recommendations of the Bellamy Commission. Bill 53 also contains provisions for a compulsory lobbyist registrar. Between them, they open the door to a whole new regime respecting lobbying in the City of Toronto. Out of that process will presumably emerge rules applicable to both lobbyists and Members of Council as to what constitutes appropriate behaviour in the conduct of lobbying, and safeguards for ensuring that those standards are observed. When that complex exercise is concluded, I would expect that Clause X will require extensive amendment, amendment which will achieve far greater clarity as to the lines that cannot be crossed without triggering Code of Conduct consequences. Conscious of the fact that these matters are being actively pursued in other contexts, I have no specific recommendations or comments to make at this time. However, I will certainly observe those developments with interest and reserve the right to intervene in that process to provide my perspectives on any new protocol on lobbying.

Conflicts of Interest

At present, the only direct regulation of conflict of interest on the part of Members of Council is in the provincial *Municipal Conflict of Interest Act* and various provisions of the *Criminal Code*. The reach of the *Municipal Conflict of Interest Act* is confined to pecuniary interests. As well, save for providing general advice to Members of Council, Clause 2(3)(b) of the Complaint Protocol prohibits me from dealing with complaints of conflict of interest under that Act. Members of Council are expected to seek independent legal advice when conflict of

interest issues arise and the only vehicle for making a complaint that a Member of Council has violated the Act is an application by an elector to a judge of the Ontario Court (General Division) under sections 8 and 9 of the Act.

There are serious questions as to whether this should be the only vehicle for dealing with allegations of a conflict of interest, particularly as it puts the onus for the carriage of any complaint on individual electors. Given the cost of bringing legal proceedings of this kind (including the almost inevitable hiring of a lawyer), this is a path which few will be willing to pursue.

However, that aside, what is also clear is that modern conceptions of what constitutes a conflict of interest go well beyond purely pecuniary interests, direct or indirect, as specified in the Act. Thus, being involved in decision-making which might result in an advantage to one's friends, business partners and, indeed, a broad range of relatives would at least colloquially today attract the conflict of interest label – and justifiably so.

At various points in her Report (see Recommendations 20-22 and Recommendation 33), Justice Bellamy also warns against creating “apparent” conflicts of interest.

All this suggests that the Code of Conduct is currently deficient in having no provisions dealing with these broader categories of conflict of interest and apparent conflict of interest. Thus, at the very least as part of the response to the Bellamy Commission Report, the Code of Conduct should be expanded to deal with this problem and proscribe a broader range of conflict than is currently covered by the *Municipal Conflict of Interest Act*. At an appropriate moment, assuming that this will not be accomplished under Bill 53, Council should be proactive in trying to secure amendments to the current legislation to expand its definition of conflict of interest and to provide for mechanisms other than or in addition to an application to a judge of the Court of Justice (General Division) for the bringing of conflict of interest complaints or otherwise raising conflict of interest issues. Also, to the extent that the City maintains its current position that the City Solicitor and the Integrity Commissioner should not be giving advice to Members of Council on conflict of interest issues, consideration should be given to creating a fund on which Members may draw when they need advice. As I have pointed out in my April 2005 Interim Report, when Members of Council have to pay to obtain legal advice on such matters, there will be tendency to avoid that by either declaring a conflict too readily or becoming careless as to one's responsibilities. Neither is desirable in the public interest.

(3) Sanctions

Neither the Code of Conduct nor the Complaint Protocol specifies the nature of the sanctions that Council might impose for a violation of the Code of Conduct. Clause 3(5) of the Complaint Protocol talks of the Integrity Commissioner issuing a report to Council that includes “recommended corrective action”. Clause 3(6) then goes on to provide that the recommended corrective action “must be permitted by law and shall be designed to ensure that the inappropriate behaviour or activity does not continue”. However, that begs the critical

question: What kinds of corrective action does the law permit Council to impose on one of its Members who has violated the Code of Conduct?

There seem no clear answers to that question. Indeed, I have heard doubts expressed as to whether Council has the power to even censure, let alone suspend or expel one of its Members. I was hoping that Bill 53 would alleviate these problems by including specific sanctioning powers. Indeed, it does so in its present form but disappointingly refers to only two sanctions and then in such a way as to indicate that they are exclusive and that the City does not have any further authority to discipline. The two sanctions contemplated by the new Act are a reprimand and a loss of remuneration for up to 90 days. Other possibilities such as a direction to repay money or compensate the City, or to apologize are seemingly excluded as is loss of other privileges including membership on or chairing of a Council Committee or Agency, Board or Commission. The new Act also explicitly withholds from the City the power to enact a by-law making violation of the Code of Conduct an offence.

Assuming that is how the Bill remains, the situation with respect to sanctions will have improved somewhat with the express recognition of two sanctions. However, the range is quite limited and this perhaps suggests a situation where the major impact of any finding of a violation of the Code of Conduct will in most instances continue be the attendant publicity and the potential for repercussions at the ballot box.

(4) Procedure

As mentioned earlier, one of the more controversial aspects of my jurisdiction has been my handling of complaints under Clause XI that a Member of Council has engaged in discreditable conduct by failing to treat a citizen fairly or by engaging in harassing and discriminatory conduct. At the July 2005 meeting of Council, this gave rise to a debate as to whether the threshold for the Integrity Commissioner to conduct a formal investigation was too low. There were also questions as to the obligation of the Integrity Commissioner to report to Council on all complaints whether justified or not. In that context, Council passed a motion referring these matters to a special Advisory Task Force consisting of Members of Council and the Integrity Commissioner.

That Advisory Task Force evaluated the concerns that had given rise to its creation and issued a report in December making recommendations for changes to the Complaint Protocol. Those recommendations involved changes to the Complaint Protocol emphasizing the right of the Integrity Commissioner to decline to investigate a complaint or to discontinue an investigation at any time if the complaint was seen to be frivolous, vexatious, made in bad faith, or otherwise without substance. The Report also recommended that the Integrity Commissioner not be obliged to report to Council on complaints that he has dismissed either after a full investigation or because the complaint was frivolous, vexatious, not made in good faith, or otherwise without substance. Rather, the decision to report should be a matter of discretion for the Integrity Commissioner and reserved for exceptional circumstances. (Ultimately, at its April 2006 meeting, City Council adopted the Report and the changes to the Complaint Protocol are now in place.)

One issue of procedure that was not before the Advisory Task Force was the troubling problem of access to my reports. On a number of occasions, concerns about the possible application of the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* meant that I filed two versions of a report on a complaint. In one version, all information from which individuals might be identified is removed, and this will be for consideration in open Council. The second and fuller version that either contains names or information from which identification is readily possible will go to Council *in camera*. Making the judgment as to when that is appropriate is not easy but I take my guidance in these matters from the Director of Corporate Access and Privacy. Provisions in Bill 53 may well alter the position and allow much more scope legally for the consideration of full, unexpurgated reports in open Council.

Samples of Advice Provided

Question: Am I permitted to hire a relative of another Member of Council to work in my office?

Answer: No. The June 2000 Council policy on Members of Council hiring Staff prevents not only Members of Council hiring their own relatives (as defined) but also hiring the relatives of other Members of Council.

Question: Am I permitted to accept an invitation to an event in another country when the organizers are paying some or all of my expenses including the cost of flights and accommodation?

Answer: It depends. If you are attending the event as a representative of the City of Toronto and if the inviting body is governmental in nature, the payment of your expenses will be permissible under the exceptions to the ban on the receipt of gifts and benefits found in Clause II of the Code of Conduct. Depending on the circumstances, it will amount to “food, lodging, transportation and entertainment provided by a foreign government within a foreign country” or benefits that “normally accompany the responsibilities of office and are received as an incident of protocol, custom or social obligations”. On the other hand, if the invitation comes from the private sector and the inviting organization is doing business with or seeking to do business with the City, the payment of your expenses would be inappropriate though there is generally no problem with accepting the invitation and paying your own expenses.

Question: Do the obligations imposed on Staff by the December 2004 Staff Protocol for Notifying Councillors apply to the Staff of members of Council?

Answer: Yes.

Question: May I use my expense budget to make a contribution towards the production of a newsletter by a community group?

Answer: Yes. It is a legitimate office expense under the heading “Sponsorships and Donations”. However, there is an annual limit of \$600 per organization and it is inappropriate for your office to pay directly any bills associated with the newsletter.

Question: I am concerned as to whether I have a conflict of interest as defined in the *Municipal Conflict of Interest Act*? Will the City pay my account for seeking legal advice and, if not, can I charge the lawyer’s fees against my office expenses?

Answer: The City will not reimburse you for the cost of seeking advice and you cannot charge the fees to your office account. You must pay the account out of your own pocket.

Question: If I receive a gift or benefit, am I obliged to inform anyone even if it comes within the range of gifts and benefits that are permissible under Clause II of the Code of Conduct?

Answer: No. There is currently no registry for gifts and benefits. However, if you are uncertain as to whether the gift or benefit is permissible, it is advisable to seek guidance in advance from the Integrity Commissioner.

Budget

The accounts for my office are set out in Appendix 1. They are broken down into two periods: September – December 2004 and the 2005 calendar and City fiscal year.

Council allocated \$90,000.00 for the first four months of operation of my office. Expenditures totalled \$50,989.75, meaning there was a surplus of \$39,010. 25. Of those expenditures, \$45,632.35 were salary items and \$5,357.35 non-salary items (and primarily the purchase of equipment for my office).

The budget for 2005 was \$200,000.00. Expenditures totalled \$157,135. 69, leaving a surplus of \$42,864.31. Once again, salary items (wages for my Assistant and me) predominated and totalled \$152,052.55. Non-salary items were \$5,083.14.

These figures might suggest that Council over-budgeted for the operations of the office. However, I should point out again that, in that first 16-month period, there were no major investigations requiring the hiring of investigators or the incurring of associated expenses. As well, I sought independent legal advice on only one occasion. It is, of course, the nature of the position that the timing of complaints and investigations is quite unpredictable. It is also the case that, in the event of a complicated, time-consuming investigation requiring the deployment of external resources, the budget allocated to the office could very quickly be exhausted.

Conclusion:

During the first 16 months of my appointment as Integrity Commissioner, I devoted a lot of time to establishing the office both operationally and as a resource in which the various

stakeholders would have confidence. Save for the fulfillment of my educational mandate, I am reasonably confident that, at least from an operational perspective, the office is functioning well. I am also encouraged by the extent to which Members of Council, during that period, were prepared to see my office as a potentially valuable source of advice on their obligations under the Code of Conduct. The fact that, during the period under review, I made only one formal finding of violation of the Code of Conduct might also be seen as evidence of a culture among Members of Council that treats conformity with ethical standards as a matter of high priority. However, the random nature of the formal complaints that I investigated and the statistically insignificant nature of the sample should caution against the use of this fact as a strong indicator. Assurance that all is well may have to await a longer period of experience with the investigation and complaint jurisdiction.

As I have indicated in some detail in this report, I have a number of concerns with and questions about the Code of Conduct and Complaint Protocol under which I operate. As the City continues to assess its responses to the Bellamy Commission, I am hoping that these concerns will attract attention as a significant element in the implementation exercise.

It has been a privilege and a challenge to be the City's first Integrity Commissioner. In meeting the challenge, I have received all the assistance from Staff and Members of Council that I could reasonably have hoped for. If that level of cooperation continues, I have every confidence that the office will meet the expectations that Council expressed in creating it, and that it will make a significant contribution to the maintenance and furtherance of ethical behaviour among Members of Council.

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Appendix 1 – Budget and Expenditures for Fiscal Years 2004 and 2005

Integrity Commissioner's Office
Breakdown of expenses

	Budget	Actual	Funds Available
<u>September to December 2004</u>			
Salaries & Benefits	-	45,632.45	(45,632.45)
Non-salary:			
Materials & Supplies	-	507.93	(507.93)
Equipment	-	3,853.44	(3,853.44)
Services & Rents	90,000.00	1.35	89,998.65
Interdepartmental charges	-	994.58	(994.58)
Total	90,000.00	5,357.30	84,642.70
Total	90,000.00	50,989.75	39,010.25
<u>January to December 2005</u>			
Salaries & Benefits	-	152,052.55	(152,052.55)
Non-salary:			
Materials & Supplies	5,000.00	1,503.50	3,496.50
Equipment	3,000.00	-	3,000.00
Services & Rents	187,000.00	2,932.00	184,068.00
Interdepartmental charges	5,000.00	647.64	4,352.36
Total	200,000.00	5,083.14	194,916.86
Total	200,000.00	157,135.69	42,864.31

ATTACHMENT 5 [Notice of Motion J(17)]

Report (May 17, 2006) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Code of Conduct for Members of Council (1)”. (See Minute 6.101, Page 135):

Purpose:

To report on the upholding of a complaint that a Member of Council violated Clauses IX (“Conduct Respecting Staff”) and XI (“Discreditable Conduct”) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

If the recommendations in this report are adopted, the City may need to make additional contributions to the complainant’s pension plan.

Recommendations:

It is recommended that

- (1) City Council instruct the City Manager to ensure that appropriate protocols are in place for regular and appropriate Member of Council evaluation of the performance of members of their staff; and
- (2) City Council authorize the appropriate officials to work together with the complainant, COTAPSAI and OMERS to provide the complainant with the opportunity to retire on a full pension as of the date he/she ceased to accumulate service for pension purposes.

Background:

An Administrative Assistant to a Member of Council complained that the Member of Council had violated the Code of Conduct by failing to “show respect for [her/his] professional abilities” (Clause IX) and by failing to treat her/him “fairly” (Clause XI). More particularly, he/she alleged that this misconduct occurred when the Member of Council terminated him/her without warning after over 12 years of employment with the Member of Council and over 26 years of service overall with the City of Toronto and within a short time of he/she accumulating sufficient service to be able to retire early on a full pension under the arrangements available at that time.

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 the Member of Council did violate Clauses IX and XI of the Code of Conduct. My reasons are set out more fully in Appendix A, a confidential attachment to this report and constituting my decision in this matter that the City Clerk distributed to the parties.

The complainant was a non-unionized employee of the City for over 26 years. For over 12 of those years, he/she had been the Administrative Assistant to the same Member of Council. When he/she joined the Member of Council's staff, he/she remained a permanent employee of the City of Toronto.

Despite the fact that the relationship between the Member of Council and the Administrative Assistant was at times a tempestuous one, the Administrative Assistant performed her/his duties competently and with dedication. The Member of Council never provided him/her with any form of formal evaluation.

A short time before the Administrative Assistant became eligible to retire early under the Plan then in effect with a full pension, the Member of Council terminated her/his employment. In doing so, the Member of Council informed the Administrative Assistant that he/she was relying on her/his legal right to terminate the Administrative Assistant without cause and also that he/she was doing so for budgetary reasons. In fact, by her/his own admission, the Member of Council had become disenchanted with the Administrative Assistant's performance over recent months. However, he/she had never raised this with the Administrative Assistant nor alerted her/him to any potential budgetary problems.

While Members of Council do, indeed, have the legal right to dismiss their political staff without cause, this does not mean that the political staff of Members of Council do not have protection under Clauses IX and XI of the Code of Conduct. Within that legal framework, they are entitled to be treated with due respect for their professional abilities (Clause IX) and fairly and without harassment and discrimination (Clause XI). This applies especially in the case of long-time employees for whom employment with the City and the Member of Council has in effect been a career with an expectation of retiring with a pension. Among the entitlements that those in the position of this Administrative Assistant have is to be evaluated regularly, alerted to deficiencies in performance, and the opportunity to rectify failings. Despite the fact that the Member of Council had growing concerns with the performance of the complainant, he/she did none of these things. That constituted a violation of the Code of Conduct.

Conclusions:

When the Member of Council dismissed her/his Administrative Assistant, he/she failed to have sufficient regard to the expectations that the Administrative Assistant had built up over many years of employment in the Member of Council's office: that, as a long-time employee of the City and the Member of Council, he/she would be given due notice of any deficiencies with her/his performance that were likely to trigger the Member of Council's legal entitlement to dismiss her/him without cause as well as an opportunity to remedy those deficiencies. In the particular circumstances of this Administrative Assistant, it was not sufficient for the Member of Council to simply stand on her/his legal rights or to use budgetary constraints as a justification especially when that was not by any means the whole basis for the termination. By failing to meet the Administrative Assistant's expectations of a warning and the opportunity to rectify the situation, the Member of Council violated Clauses IX and XI of the Code of Conduct. He/she did not treat the Administrative Assistant with "respect for [her/his] professional abilities" or "fairly".

In the circumstances, the appropriate remedy is not any direct sanction against the Member of Council or to recommend that the Administrative Assistant be reinstated to her/his position or provided with another equivalent position with the City. Rather, the reality that he/she was very close to early retirement on full pension should be recognized and that every endeavour should be made to ensure that he/she be provided with the opportunity to retire on a full pension as of the date that he/she ceased accumulating credit for pension eligibility. Any such negotiations should involve the complainant, the City of Toronto Administrative, Professional, Supervisory Association, Incorporated ("COTAPSAI") (which represented her/him throughout my investigation), appropriate officials in the City of Toronto, and OMERS.

In addition, the City Manager should instruct her Staff to ensure that appropriate protocols are in place for Members of Council to conduct regular and appropriate evaluations of the performance of their political staff.

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(Confidential Appendix A (May 16, 2006) from the Integrity Commissioner, 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 6 [Notice of Motion J(18)]

Report (May 17, 2006) from the Integrity Commissioner, entitled “Report on Complaint of Violation of Code of Conduct for Members of Council (2)”. (See Minute 6.102, Page 136):

Purpose:

To report on the partial upholding of a complaint that a Member of Council violated Clauses IX (“Conduct Respecting Staff”) and XI (“Discreditable Conduct”) of the Code of Conduct for Members of Council (“Code of Conduct”).

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report.

Background:

An Executive Assistant to a Member of Council complained that the Member of Council had violated the Code of Conduct by failing to “show respect for [her/his] professional abilities” (Clause IX) and by failing to treat her/him “fairly” and engaging in discriminatory and harassing conduct (Clause XI). More particularly, he/she alleged that this misconduct occurred during the last year of his/her employment with the Member of Council and in the way in which the Member of Council terminated her/his employment.

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 one aspect of the conduct of the Member of Council violated Clause XI of the Code of Conduct. My reasons are set out more fully in Appendix A, a confidential attachment to this report and constituting my decision in this matter that the City Clerk distributed to the parties.

The complainant worked for the Member of Council as Executive Assistant for seven years. For six of those years, the working relationship between the two was on a very sound footing and one founded on mutual trust and respect and eventually friendship. About a year before the Member of Council terminated the Executive Assistant, cracks began to appear in the relationship and the atmosphere of mutual trust and respect dissipated. A number of events contributed to this including the Member of Council hiring a second Executive Assistant with whom the original Executive Assistant never came to terms. There was fault on both sides as this deterioration continued.

Eventually, this led to the Member of Council firing the Executive Assistant, only to reinstate her/him days later. At this critical point, however, there were no real endeavours on either side to get to the root of the problem of the fractured working relationship. Shortly thereafter, following an embarrassing set of events for which the Member of Council blamed the complainant, he/she again dismissed the complainant. Two days prior to doing so, the Member of Council presented the Executive Assistant with an account of the set of events that laid the blame for what had happened at the door of the Executive Assistant. He/she asked for a written response that day. The Executive Assistant wrote back asking for more time; relevant material was on her/his home computer and the next day was a holiday. The Member of Council did not respond. However, two days later, the Executive Assistant provided the Member of Council with a detailed response containing a very different version of events. Without further investigation, the Member of Council that same afternoon dismissed the Executive Assistant relying on her/his legal right to do so without cause.

While Members of Council do, indeed, have the legal right to dismiss their political staff without cause, this does not mean that the political staff of Members of Council do not have protection under Clauses IX and XI of the Code of Conduct. Within that legal framework, they are entitled to be treated with due respect for their professional abilities (Clause IX) and fairly and without harassment and discrimination (Clause XI).

After an extensive investigation, I concluded that, while the Member of Council was less than forthcoming in her/his dealings with the complainant Executive Assistant for a period of approximately 12 months, the Executive Assistant also bore some responsibility for the increasingly dysfunctional nature of their relationship. Indeed, these matters came to a head with the original dismissal of the Executive Assistant and it was reasonable to expect from that point onwards, the two parties would have worked together to ensure that their differences were put aside and that the relationship was re-established on firm footing with expectations on both sides clearly established and lines of communication re-opened. That never happened and the re-occurrence of friction was clearly predictable. By the time, the Member of Council terminated the complainant again some six weeks later, the relationship was almost certainly permanently fractured. Nonetheless, by putting in issue the Executive Assistant's role in the embarrassing set of events, the Member of Council was both indicating that he/she considered this to be a culminating event and at the same providing the complainant to provide her/his response and, in particular, her/his version of her/his role in those events. In fact, the Member of Council, having offered that opportunity, never allowed it to be taken. In this respect, the Member of Council treated the complainant unfairly in terms of Clause XI.

It is my view that, despite the fact that I have not sustained the bulk of the Executive Assistant's complaints against the Member of Council, he/she is entitled to a finding that, in that one important respect, the Member of Council did not treat her/him fairly. However, I have also concluded that, given everything else that had gone on in the course of this employment relationship over the previous 12 months, it was not appropriate to recommend any sanction against the Member of Council. Rather, in terms of Section 5 of the Formal Complaint Protocol, this was a "contravention [that] occurred through inadvertence" and that no penalty be imposed.

Conclusions:

Over a 12 month period, a formerly strong working relationship between a Member of Council and her/his Executive Assistant went sour. The reasons for this were many and complex and each shares some of the blame. With one exception, I was not prepared to find that the conduct of the Member of Council constituted a violation of the Code of Conduct. The one exception occurred at the time of the Member of Council's termination of the Executive Assistant. There was a culminating incident that precipitated this. The Member of Council seemed to have provided the Executive Assistant to explain her/his actions in relation to that culminating incident. However, the Member of Council in effect deprived her/him of the opportunity of giving her/his version of events by dismissing her/him before evaluating her/his response. In terms of Clause XI of the Code of Conduct, this was unfair. However, given all the other circumstances, I am not recommending that Council impose any penalty on the Member of Council. I have concluded that this was a "contravention [that] occurred through inadvertence" as stipulated in Section 5 of the Formal Complaint Protocol.

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(Confidential Appendix A (May 16, 2006) from the Integrity Commissioner, 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 7 [Notice of Motion J(20)]

Communication (May 19, 2006) from the Toronto Preservation Board, entitled “2205 Queen Street East – Authority to Enter into a Heritage Easement Agreement (Ward 32 Beaches -East York)”. (See Minute 6.104, Page 141):

Recommendation:

The Toronto Preservation Board recommended that:

- (1) City Council grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 2205 Queen Street East, using substantially the form of easement agreement prepared in February 1987, by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Toronto Preservation Board on May 18, 2006, considered the following notice of motion by Don Purdy:

“WHEREAS the property located at 2205 Queen Street East is designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the owner wishes to alter this building to accommodate proposed renovations; and

WHEREAS the alterations to the designated heritage building have been reviewed by staff under the Delegation By-law (929-2005) for properties designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the Committee of Adjustment approved minor variances on February 15, 2006 in order to accommodate the proposed alterations; and

WHEREAS one of the conditions of approval for the variances was that the owner enter into a Heritage Easement Agreement with the City; and

WHEREAS the owner wishes to enter into the Heritage Easement Agreement as quickly as possible; and

WHEREAS staff require authority from Council to enter into a Heritage Easement

Agreement;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Preservation Board recommends that Council of the City of Toronto grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 2205 Queen Street East, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division;

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

ATTACHMENT 8 [Notice of Motion J(21)]

Communication (May 19, 2006) from the Toronto Preservation Board, entitled “606 College Street (Pylon Theatre) – Intention to Designate under Part IV of the *Ontario Heritage Act* a Property Listed on the City of Toronto Inventory of Heritage Properties (Ward 19 Trinity-Spadina)”. (See Minute 6.105, Page 142):

Recommendation:

The Toronto Preservation Board recommended that:

- (1) City Council give notice of its intention to designate the property at 606 College Street (Pylon Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Toronto Preservation Board on May 18, 2006, considered the following notice of motion by Don Purdy:

“**WHEREAS** the property located at 606 College Street contains the Pylon Theatre, which has design or physical value as a representative example of a World War II era movie theatre designed in the Art Deco style, and has contextual value as a local landmark on College Street in the area west of Bathurst Street; and

WHEREAS the property at 606 College Street was listed on the City of Toronto Inventory of Heritage Properties on October 26, 2005; and

WHEREAS the Toronto Official Plan states that heritage resources or properties listed on the City of Toronto Inventory of Heritage Properties will be conserved; and

WHEREAS this is an urgent motion as the property is for sale and, given that it is a commercial property, it has no protection from demolition;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Preservation Board recommend to the Council of the City of Toronto that it give notice of its intention to designate the property at 606 College Street (Pylon Theatre) under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest;

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

ATTACHMENT 9 [Notice of Motion J(46)]

Report (May 23, 2006) from the Chief Planner and Executive Director, City Planning, entitled “Request for Directions Report OPA and Rezoning Application 04 171453 NNY 23 OZ, Site Plan Application 04 171454 NNY 23 SA, Applicant: Adam Brown, Sherman Brown Dryer Karol, Architect: Raphael + Bigauskus, 1 Botham Road Ward 23 – Willowdale”. (See Minute 6.130, Page 189):

Purpose:

This report recommends refusal of an application to develop two six storey apartment buildings with a one storey link building with a total of 298 units at the south end of Botham Road on the former site of the convent of The Sisterhood of St. John the Divine. The applicant has appealed Council’s failure to deal with the application within the timeframes as established by the *Planning Act*. The report seeks Council’s direction to staff to attend at the Ontario Municipal Board in opposition to the development as proposed.

Financial Implications and Impact Statement:

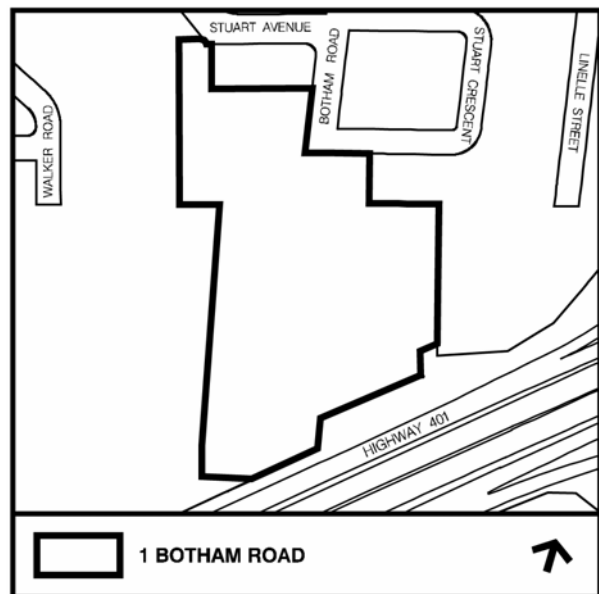
There are no financial implications resulting from the adopting of this report.

It is recommended that:

- (1) Council refuse the proposed Official Plan, Zoning By-law Amendment and Site Plan Control applications in its current form;
- (2) the City Solicitor and City staff be authorized to appear before the Ontario Municipal Board in support of Council’s refusal; and
- (3) City staff be authorized to continue discussions with the applicant and residents, towards a revised application to resolve any issues or improve the application as necessary.

Status:

In April of 2005 the applicant appealed the City’s refusal to respond to the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control application to the Ontario Municipal Board. A hearing has been scheduled for June 5, 2006.



On May 18, 2006, City Legal Services staff exercised their standing authority on planning matters and requested an adjournment of the scheduled hearing based upon the pending expropriation of the subject site by the Toronto Catholic District School Board. The motion for adjournment was rejected by the Ontario Municipal Board.

Background:

The applicant filed an application in September of 2004 for an Official Plan and Zoning by-law amendment and Site Plan Control approval to permit the construction of four detached dwellings (fronting on Botham Road) and 49 detached 'link' dwellings.

Proposed Development

In December of 2004, a revised application was received which consisted of two seven-storey apartment buildings with a total of 397 units in an 'L' configuration at the western and southern end of the tableland portions of the site, with a one storey link joining the buildings.

In January 27, 2006 further revisions were submitted which reduced the height of the proposed buildings from seven to six storeys (22 metres).

On May 8, 2006, the applicant submitted a letter to the City reducing the number of units in the proposed buildings from 368 units (as per the January 27, 2006 submission) to 298 units, a reduction of 70 units. The applicant has not provided any information regarding what, if any, changes this would have on the proposed building form.

The applicant's letter is also referring to a proposed increase in the number of parking spaces per unit for residents by providing for a range of 1.25 spaces per unit to 1.5 spaces per unit. On May 15, 2006, the applicants transportation consultant submitted a revised traffic study to address the impact of the reduction in the number of units and the change in parking standard.

The proposed development now includes a total of 298 units with a floor space index of approximately 0.7 FSI (including the lands below the edge of the ravine). Parking for 447 to 522 vehicles (as per the above mentioned parking standard) is proposed in a three level underground parking garage. The proposed vehicle access is from Botham Road at the location of the existing entrance to the site. The applicant has proposed that approximately 2,600 square metres (0.6 acres) of the site along the Stuart Crescent frontage containing a number of mature trees would be conveyed to the City as public parkland, representing approximately 11% of the tableland portion of the property.

Site and Surrounding Area Description

The site is located at the southern end of Botham Road and extends into the ravine immediately north of Highway 401. Approximately half of the site is located below the edge of the ravine and is undevelopable. The top of the ravine slope forms the southern and western boundary of the tableland or the developable portion of this site.

To the east and the north of the site are single detached dwellings with semi-detached homes located on Linelle Street. The properties to the east of the subject site is the Park Lawn Mausoleum. The Mausoleum building itself is located at the eastern end of this property, which is the only other large property in the area.

The existing buildings on the site are the former convent, chapel and associated facilities of the Sisters of St. John the Divine. These buildings are one to three storey buildings built during the 1960's and are located at the western end of the property adjacent the ravine. At the very south-western corner of the tableland portion of the site is a farmhouse, estimated to have been built in approximately 1851.

A feature of the property are the large number and variety of mature trees and shrubs, many of which originate from the area as an early settlement and the use of the property by the Sisters of St. John the Divine. The arrangement and form of vegetation is important in this respect.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Issued under Section 3 of the *Planning Act*, the PPS sets the policy foundation for regulating the development and use of land.

As this application was initially filed in September of 2004, the application is to be reviewed under the 1997 Provincial Policy Statement (PPS) which was in effect at that time. Municipal planning authorities "shall have regard to" policy statements issued under the *Act*. The PPS includes policies which promote intensification, redevelopment and compact form; encourage transit and pedestrian supportive land uses; and provide for a range of housing types and densities to meet projected requirements.

North York Official Plan

The lands are designated 'General Institutional' (G-INS) and 'Valley Open Space' (VOS) by the North York Official Plan. The 'General Institutional' designation in the Official Plan doesn't permit residential development, but provides for the use of the property for a variety of institutional uses.

The VOS designation applying to the lands permits outdoor recreational uses and essential public works only. The Valley Lands Impact Zone (V.I.Z.) bisects the property through the Institutional designation. Council has established policies for developments within the V.I.Z. to help maintain the natural features of the valley edges. The Plan also states that where a development proposal impacts on lands designated Valley Open Space (see Attachment 3) the density of the development is to be calculated based upon only the developable tableland portion of the property.

The North York Official Plan Chapter C4, Section 4.2 (General Development Criteria) provides direction for development within stable residential neighbourhoods and recognizes the need to restrict the scale and built form of new development to protect areas of "...civic, historic, natural or architectural significance". The importance of visual access to public open space is also recognized in the Plan.

Section 6 of Chapter C4 provides policies for the redesignation of non-residential lands to permit residential development. These policies also refer to Official Plan policies for development within stable residential neighbourhoods and the designation of residential lands to higher densities. These policies attempt to balance the need to protect, maintain and improve the quality of existing residential neighbourhoods and the need to provide opportunities for new housing to meet the needs of existing and future residents. To achieve this dual intent, the Official Plan contains policies to support and reinforce the stability of existing residential neighbourhoods and protect these areas from incompatible or inappropriate change.

Toronto Official Plan

In November 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The hearing commenced on June 13, 2005 and will continue on June 5, 2006.

Once the Plan comes into full force and effect, it will designate the property as 'Neighbourhoods' and 'Natural Areas'. The Neighbourhoods designation permits residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. This designation allows for apartment buildings of up to four storeys in height.

The Neighbourhoods designation protects and reinforces the existing physical character of the stable residential neighbourhoods. The Plan recognizes that infill developments on properties which vary from the local pattern, in terms of size, configuration and orientation, may take a different form than the surrounding pattern of development and also provide different site standards.

The 'Natural Areas' designation includes a significant part of the tableland portion of the

property. As noted in a report to City Council on the changes to the Official Plan Maps in July 2005, the course of action to determine the boundary between the Neighbourhood and Natural Areas designations would be through the review of this planning application. This will be addressed further in this report.

Section 4 of Chapter Three of the new Official Plan ('Natural Environment') addresses the need to comprehensively examine impacts on the natural heritage system and identify measures to mitigate negative impacts.

Zoning

The site has two zoning designations, the portion of the site which fronts on Botham Road is zoned as One Family Detached Dwellings Sixth Density Zone (R6) by North York Zoning By-law 7625 as amended, which permits single detached dwellings and accessory buildings. The majority of the site is zoned Multiple Family Dwellings Fourth Density (RM4), which permits apartment house dwellings at a density of 0.85 times the lot area with a maximum height of 11.5 metres. (See Attachment 4.)

Site Plan Control

A Site Plan Control application was submitted with the original application and has been revised to reflect the current proposal. The Site Plan Control application has also been appealed to the Ontario Municipal Board.

Ravine Protection

The portions of the property below the top of bank are subject to the City's Ravine Protection By-law, Chapter 658 of the City of Toronto Municipal Code. The purpose of the By-law is to promote the management, protection and conservation of ravines and associated natural and woodland areas. A permit is required from the City for any work that may injure or destroy a tree, the placing of fill, or altering the grade of land. The ravine lands are also regulated by the Toronto and Region Conservation Authority (TRCA) under Ontario Regulation # 158, which governs the placing or dumping of fill.

Tree Protection By-law

The application is subject to the City of Toronto Tree Protection By-law, City of Toronto Municipal Code, Chapter 813, Article III, regarding mature trees on private property. A permit for injury and removal is required for trees proposed to be removed to accommodate the proposed development.

Reasons for the Application

Residential uses are not permitted under the former City of North York's Official Plan. An amendment to the new City of Toronto Official Plan is also required to determine the boundary between the Natural Areas and Neighbourhoods designations. The proposed building height is not permitted in the new City of Toronto Official Plan. The proposed residential height is not permitted by the Zoning By-law.

Community Consultation

A community consultation meeting was held on Tuesday April 25, 2006. Members of the public who attended the meeting raised the following concerns:

- Increased traffic on local streets and access to and from Yonge Street;
- Additional on-street parking;
- Sewer and storm sewer servicing capacity (flooding is a problem in the community);
- Absence of sidewalks in the community is a concern with additional traffic generated by the proposed development (pedestrian safety);
- Proposed buildings are too tall;
- Impacts on privacy; and
- Impacts on property values.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application.

Comments:

As noted above, the application was submitted in September 2004 and is being evaluated under the in-force City of North York Official Plan. The Official Plan of the former City of North York establishes criteria for the redesignation of non-residential lands for residential purposes. These policies also refer to the policies in Part C.4, Sections 4.2 (General Development Criteria) and Section 5 (Criteria to Guide Redesignation of Residential Lands to Higher Density). Comments regarding these and other applicable policies and the extent to which they are addressed by the proposed development are discussed under the following headings.

Land Use

The current Official Plan designation "General Institutional" does not permit residential uses. This is an appropriate site for residential uses as it is located in a stable residential neighbourhood and as the existing RM4 zoning permits for a wide range of residential uses.

The proposed apartment building use, permitted under the existing RM4 zoning, allow for the

retention of a significant amount of the mature vegetation on the site, including the conveyance to the City of a 2,600 square metre (0.6 acre) public park.

Density

The proposed development at a density of 0.7 FSI for the entire site is within the maximum limits of the existing Zoning By-law which permits 0.85 FSI over the entire site. The resulting density of the proposed development on the tableland portion of the property is 1.5 FSI.

Height

The proposed building is located at the edge of the ravine which forms the western and southern boundary of the tableland portion of the property. The two six storey buildings are located at the edge of each ravine slope, Building 'A' on the west side of the property and Building 'B' on the south side. The buildings are linked by a one storey "link" lobby which serves as the entrance to both buildings. The six storey (22 metre) buildings step down to five storeys (17.1 metres, plus the building parapet) and four storeys (13.9 metres, plus the parapet) at the northern end of Building 'A' and the eastern end of building 'B', whereas the existing zoning permissions on the site would allow for the development of three to four storey apartment buildings with a height of 11.5 metres.

The proposed building height impacts on the 45% angular plane, which is an accepted geometry of building relationship that is used throughout the City to determine an acceptable built-form relationship between low-scale residential buildings and apartment buildings. The proposed building does not meet the 45% angular plane from the property to the north adjacent the proposed park, namely 11 Stuart Crescent. The applicant is proposing floor to ceiling heights for floor two through five of 3.2 metres (10.4 feet), with a ground floor height of 4.3 metres (14.1 feet) and a sixth floor with a height of 3.8 metres (12.5 feet). When the height of the parapet is included, the effective building height is 22.0 metres. The height of the five and four storey portions are 20.9 metres and 17.1 metres respectively, without the parapet. These floor to ceiling heights are significantly higher than typical apartments and luxury condominiums that builders are providing in the marketplace today. Floor to ceiling heights in the range of 3.0 metres (9.8 feet) would be more typical, which would require a reduction in building height to approximately 18 metres rather than the 22 metres proposed in this application. If the height of the building is reduced to the 18 metre range as suggested above, the 45 degree angular plane relationship will be achieved.

Massing

The proposed building blocks terminating views of the ravine from the adjacent streets. Ravine views are recognized as being important in the North York Official Plan, Chapter C4, Section 4.2.3. Therefore, in order to create the opportunity for views into the ravine from Stuart Crescent, the length of the northern portion of Building 'A' should be reduced.

Traffic Impact Study

The Traffic Impact Study prepared by the applicant's consultant indicates that the local and collector road intersections in the vicinity of the subject site are operating at acceptable levels of service and have sufficient capacity to accommodate the proposed development traffic. The consultant indicates that existing traffic congestion on Yonge Street along the Yonge Street corridor, in particular the intersection of Yonge Street/Florence Avenue/Avondale Avenue, was noted as operating near capacity during peak hours. A supplementary traffic analysis submitted in support of the proposal (with the reduction in the number of units to 298) and field observations by Transportation Services staff support the conclusion that the existing road network can accommodate the traffic generated by the revised proposal.

Based upon the reduction in the number of units from 368 to 298 as per the applicants May 8, 2006 letter, Transportation Services staff can support the revised proposal. Transportation Services has indicated that revised plans consistent with the reduction in the number of units proposed for the site must be submitted for review to address site plan issues.

Adequacy of Municipal Services

A revised stormwater management report will be required to be submitted to Technical Services Division for review. The Toronto and Region Conservation Authority and the Ministry of Transportation will also need to review this report.

Technical Services Division has requested that the owner submit a sanitary sewer analysis to determine if any improvements are required to the existing sanitary sewer system.

Parking and Loading Requirements

Parking on the site will be provided exclusively in an underground parking garage. The applicant's May 8, 2006 letter indicates that the applicant will provide a range from 1.5 to 1.75 parking spaces per unit including 0.25 spaces per unit for visitors. Transportation Services has indicated that 1.5 spaces per unit (including visitor parking) are required in accordance with Zoning By-law 7625. For the 298 units proposed, therefore, a minimum of 447 spaces will be required, including 74 visitor parking spaces.

The loading space (Building 'A') and the move in bay (Building 'B') should be relocated to within the building, to reduce impacts on the neighbouring residential lots.

A single entrance/exit ramp for the underground parking is provided to serve both Buildings 'A' & 'B'. The ramp should be incorporated into the building rather than in front of the building to minimize its impact on the park and heritage landscape.

Large areas of the underground parking area are labeled for amenity, locker, mechanical and storage use beneath Building 'A'. The project statistics on the site plan identify 2,320 sq. m. for these uses. The area and statistics should be confirmed.

Ravine By-law and Valley Lands

The applicant submitted a Geotechnical (slope stability) Evaluation, Scoped Natural Heritage Impact Statement as well as a Ravine Stewardship Plan and an Arborists Report. Based upon these studies, the Toronto and Region Conservation Authority has approved the stable long term top of slope and location of the building and the three storey underground parking garage on the site. The long term stable slope line is set back from 7 metres to 28 metres from the physical top of slope. The Conservation Authority has requested an additional 4 metre setback for any structures from the long term stable top of slope. This 4 metre buffer shall be restored after construction based upon a detailed planting plan to be submitted by the applicant. The Conservation Authority has also indicated that further information is required to evaluate stormwater management issues.

With this additional 4 metre setback from the stable top of bank as required by the Conservation Authority, the requirement of the new City of Toronto Official Plan for a minimum setback of 10 metres from the top of bank is achieved.

The TRCA has requested that all lands below the stable long term top of bank be conveyed to the Conservation Authority and be designated as open space ('Natural Areas') and that structural encroachments be prohibited through the Zoning By-law.

The Conservation Authority and the City's Urban Forestry Services (Ravine Protection) have worked with the applicant to define an acceptable program for the set back for the proposed building and appropriate ravine stewardship measures. Urban Forestry Services (Ravine Management) have approved the proposed Ravine Stewardship Plan and requested securities for proposed landscape planting and the ravine management program. They have also requested an easement to provide access to the 4 metre setback as required by the Conservation Authority to provide access to the setback and the edge of the ravine for maintenance and that a permanent fence be erected to protect the valleylands to be conveyed to the Conservation Authority. They are also requesting a revised landscape plan which corresponds with the Ravine Stewardship Plan.

Provision of a Public Park

The applicant has also proposed to convey to the City, a 2,600 square metres (0.6 acre) parcel of land, located at the north-east portion of the site with frontage on Stuart Crescent, as a public park. These lands contain a number of mature trees and most of the trees are proposed to be retained. The public park, with its mature vegetation, will provide screening and setbacks from the proposed development to the neighbourhood to the north. Parks, Forestry and Recreation, Policy and Development staff have approved the size and location of the proposed park.

Urban Forestry Services (Private Trees) have indicated that the proposed removal of several mature trees in the parkland dedication area is not acceptable. The proposed private driveway fronting Building 'A' would need to be reconfigured to accommodate this request. Urban Forestry Services (Private Trees) has also requested that a revised Planting Plan be submitted to correspond with the Ravine Stewardship Plan.

Pedestrian Environment and Landscaped Open Space

The retention of the existing high quality, mature landscaped open space on the site provides an opportunity to retain the mature trees and shrubs on the site and replace those trees to be removed with species which will enhance the property. The applicant has submitted a Landscape Plan, Landscape Inventory (arborists report) and a Planting Plan which shows the existing vegetation to be retained and proposed planting on the site. The information required to conduct a detailed review of landscaped open spaces and the pedestrian environment has not been provided.

The entrance to the proposed buildings is located at a central vehicular drop-off loop. There is a need to provide a generous (2.0 metre) universally accessible side walk from the building entrance to the street. A landscape entrance feature should be provided to give address to the building from the street.

Staff have concerns regarding proposed planting and alterations to existing trees to be retained on the site. Trees to be preserved along the fire route are proposed to be pruned up to 5 metres in height. This will have an extremely adverse impact on the tree form and landscape value of these trees and cultural landscape feature. The need for this pruning would presumably be eliminated if the proposed fire route were to be pulled back from the eastern portion of the site. Staff also have concerns regarding both the extent of proposed additional planting on the site and the selection of appropriate species.

Schools

The Toronto District School Board advises that local schools are over subscribed. The TDSB has requested that a clause be inserted in all agreements of purchase and sale indicating that children may have to attend existing school facilities outside of the immediate neighbourhood.

The Toronto Catholic District School Board has indicated that the subject property has been identified for acquisition by the Board as an elementary school site and has begun an expropriation process.

New City of Toronto Official Plan

Once the new Plan comes into full force and effect, the site will be designated as “Neighbourhoods” for the northern portion and ‘Natural Areas’ for the southern portion. As noted earlier in this report, the location of the boundary between these two designations for this site would be determined through the processing of this application. The studies submitted indicate that the appropriate location of the boundary line between the two designations should be based on the long term stable slope line as determined by the Toronto and Region Conservation Authority. Therefore, a modification to Map 16 – Land Use Map, is required to change the boundary line between the “Neighbourhoods” and “Natural Areas” designations.

Policy 4.1 (9) of the new Official Plan provides policies to guide infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established “Neighbourhoods”. Although the proposed buildings exceed the four storey height limit for apartments in a “Neighbourhood”, the height, massing and scale of the proposed buildings, with the changes proposed by staff, would be compatible with that permitted by the zoning for the adjacent residential properties. The location of the buildings at the southern and western portion of the site and the step-backs, along with the conveyance of the land for the public park, will provide for adequate sunlight, privacy and sky views for residents of both the new buildings and the surrounding area dwellings.

A modification to the new Plan would be required to permit a six storey apartment building.

Conclusions:

The report recommends refusal of the application in its current form, for the reasons outlined in the body of this report and that Council direct staff to defend this position at the Ontario Municipal Board. Staff are also requesting permission to continue discussions with the applicant to resolve the numerous outstanding issues raised in this report, including the need for an overall reduction in height, the relocation of loading and service areas to improve relationships with adjacent dwellings, changes to built form to provide for views in to the ravine and better accommodate the mature trees found on the site as well as the requirement for additional information to enable staff to conduct a detailed site plan review.

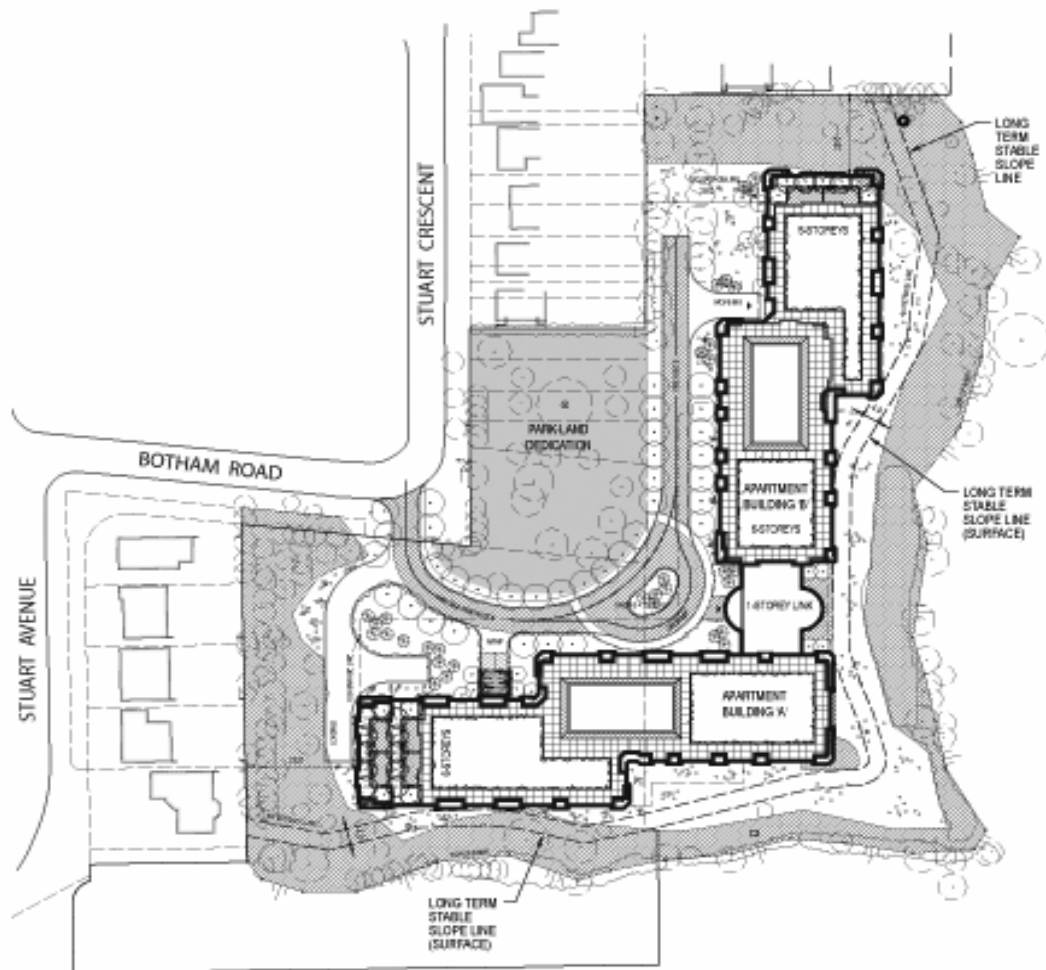
Contact:

Dan Nicholson, Planner
Ph: (416) 395-7110
Fax: (416) 395-7155
Email: dnichol2@toronto.ca

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Official Plan
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet

Attachment 1: Site Plan

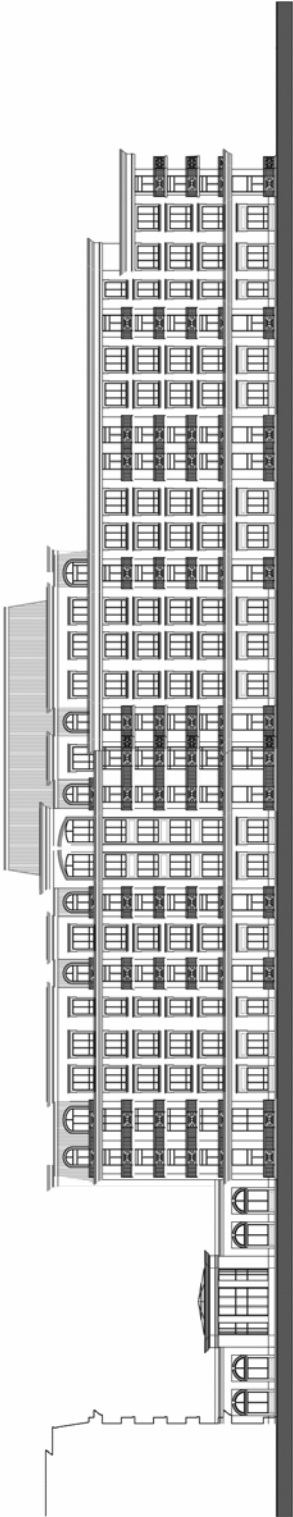
**Site Plan**

Applicant's Submitted Drawing

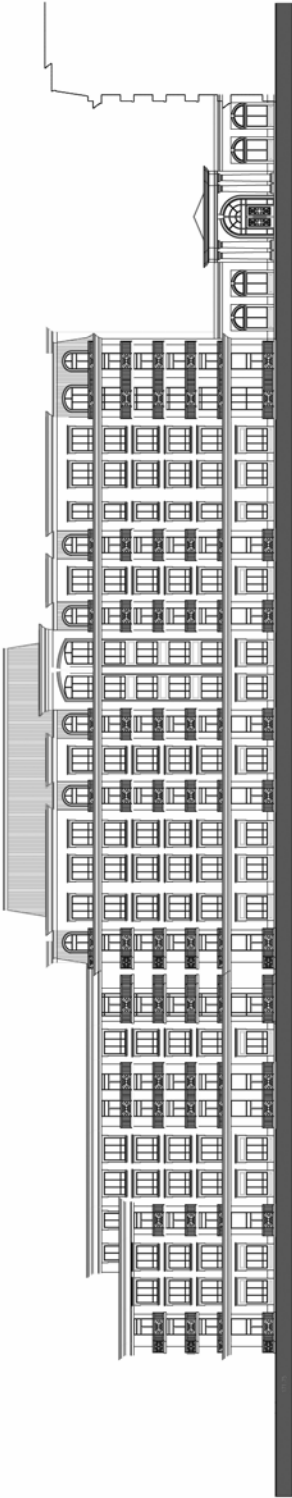
Not to Scale
02/10/03**1 Botham Road**

File # 04_171453

Attachment 2: Elevations



Building B - South Elevation



Building B - North Elevation

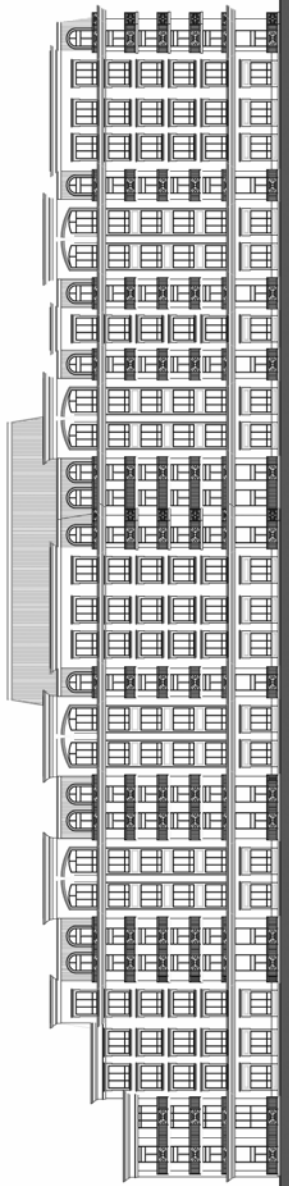
Elevations

1 Botham Road

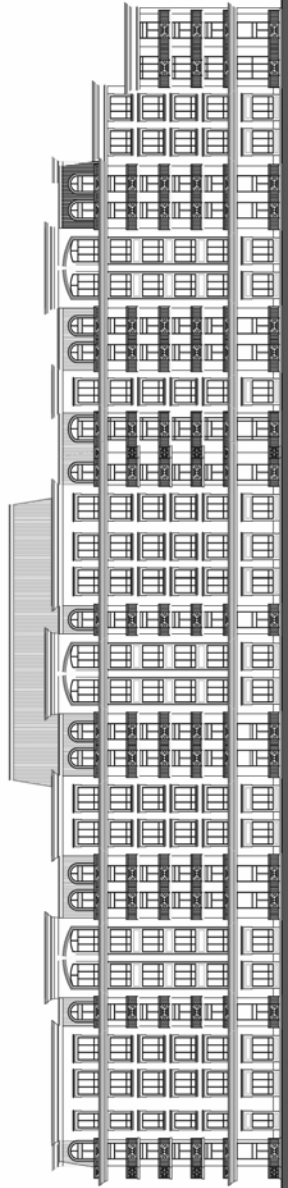
Applicant's Submitted Drawing

Not to Scale
12/16/05

File # 04_171453



Building A - West Elevation



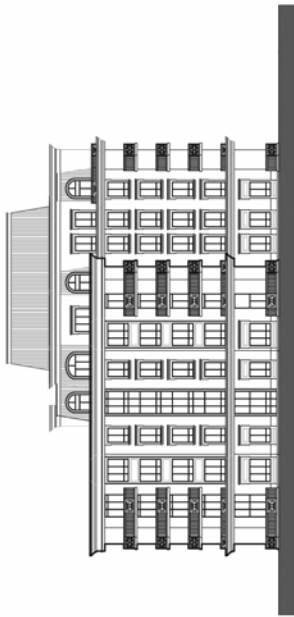
Building A - East Elevation

Elevations

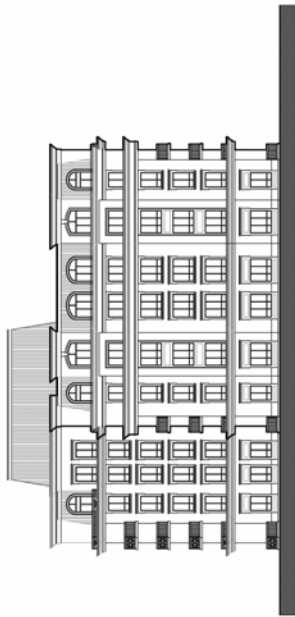
Applicant's Submitted Drawing

Not to Scale
12/16/05**1 Botham Road**

File # 04_171453



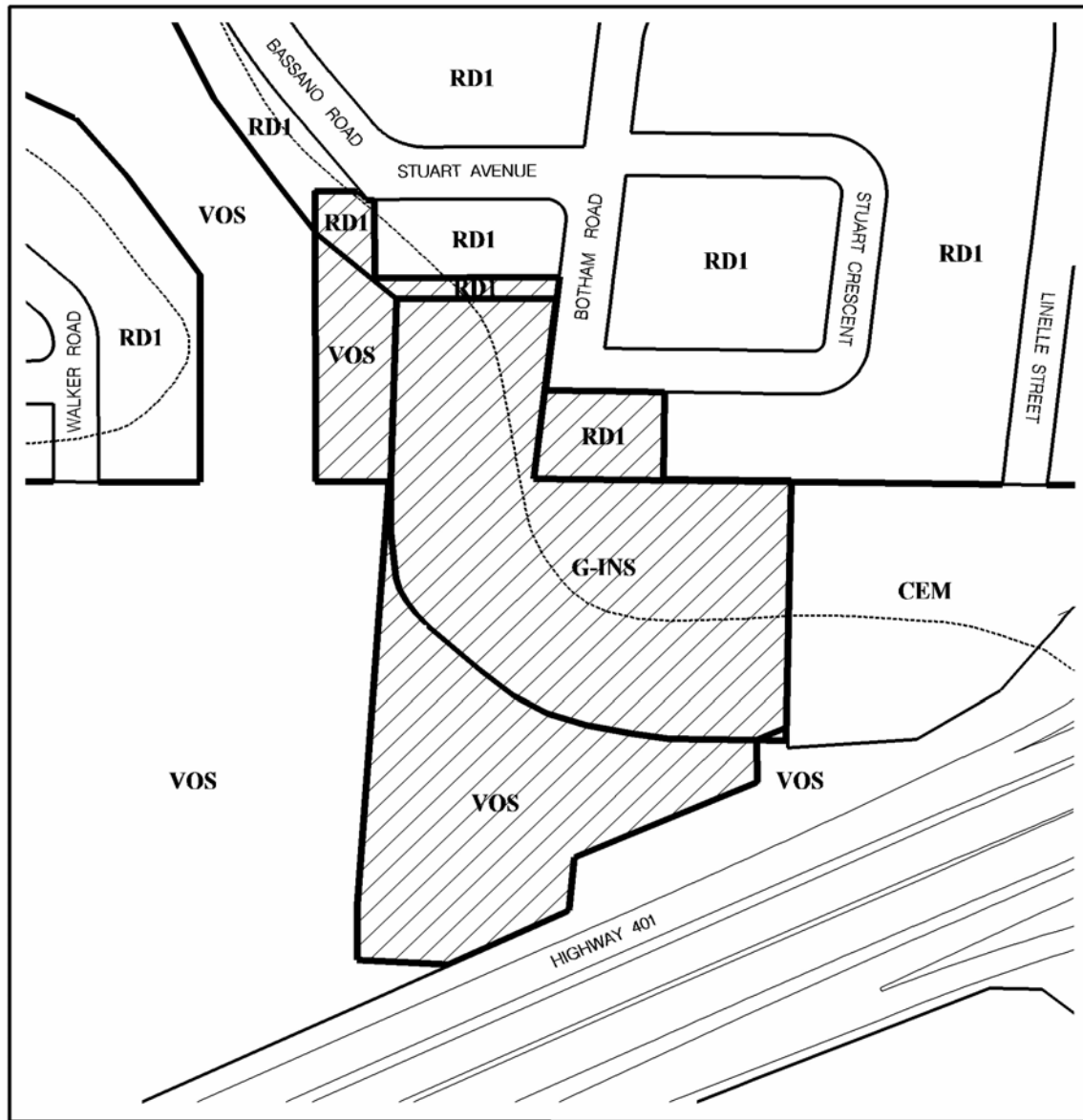
Building B - East Side Elevation



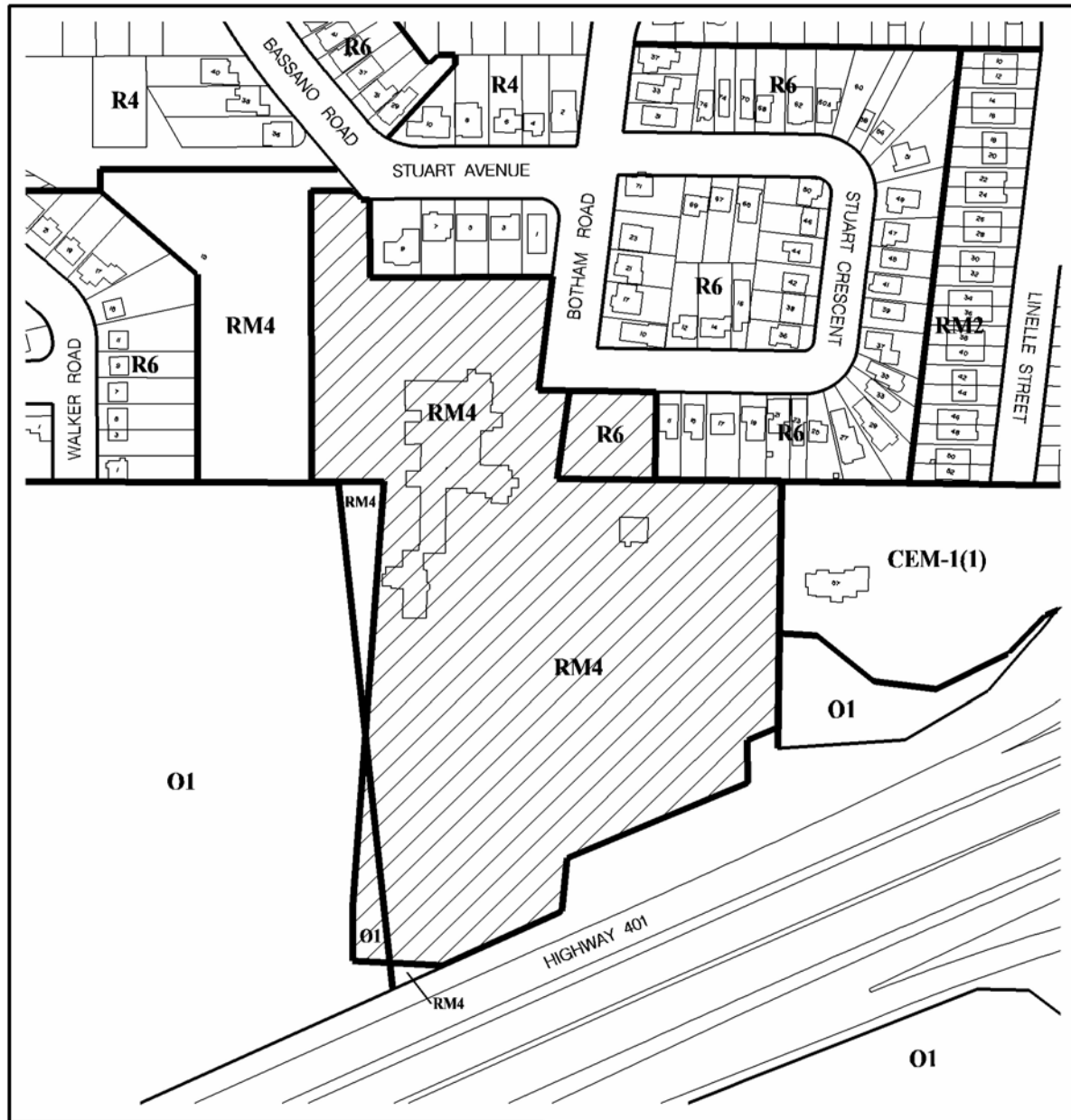
Building B - North Side Elevation

Elevations Applicant's Submitted Drawing Not to Scale 12/16/05	1 Botham Road File # 04_171453
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Attachment 3: Official Plan



Attachment 4: Zoning



Toronto Urban Development Services
Zoning

1 Botham Road
File # 04_171453

R4 One-Family Detached Dwelling Fourth Density Zone
R6 One-Family Detached Dwelling Sixth Density Zone
RM2 Multiple-Family Dwellings Second Density Zone
RM4 Multiple-Family Dwellings Fourth Density Zone
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

O1 Open Space Zone
Cem-1 General Cemetery Zone

↑
Not to Scale
Zoning By-law 7625
Extracted 10/04/04

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 171453 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 2, 2004

Municipal Address: 1 BOTHAM RD, Toronto ON
 Location Description: CON 1 WY PT LOT 13 S 311 BLK X **GRID N2305
 Project Description:

Applicant:	Agent:	Architect:	Owner:
BROWN DRYER KAROL BARRISTERS & SOLICITORS ADAM BROWN			BERKLEY HOMES (BOTHAM) INC

PLANNING CONTROLS

Official Plan Designation:	G-INS	Site Specific Provision:	
Zoning:	RM4 & R6	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	48171	Height:	Storeys:	6
Frontage (m):	0		Metres:	22.0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	34520		Parking Spaces:	552
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	34520			
Lot Coverage Ratio (%):	0			
Floor Space Index:	1.5 (tableland portion only)			

DWELLING UNITS**FLOOR AREA BREAKDOWN** (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	32200	2320
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	368			

CONTACT:	PLANNER NAME:	Dan Nicholson, Planner
	TELEPHONE:	(416) 395-7110

ATTACHMENT 10 [Notice of Motion J(46)]

Memorandum (May 25, 2006) from the Chief Planner and Executive Director, City Planning, entitled “1 Botham Road, Request for Directions Report OPA and Rezoning Application 04 171453 NNY 23 OZ, Site Plan Application 04 171454 NNY 23 SA”. (See Minute 6.130, Page 189):

Planning staff have requested Councillor Filion, as the Ward Councillor to put forward a Notice of Motion regarding the introduction of a staff report pertaining to an application for the redevelopment of lands located at 1 Botham Road.

This is a Request for Directions Report on the above-noted application and is the subject of an Ontario Municipal Board hearing commencing on June 5, 2006. It is important that City Council deal with this matter today so that the City Solicitor can put forward Council’s position for the June 5, 2006 Ontario Municipal Board hearing.

FISCAL IMPACT STATEMENT SUMMARY

Notices of Motions

Submitted by the Deputy City Manager and Chief Financial Officer

Council Meeting – May 23, 24 and 25, 2006

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
F(1)	Integrity Commissioner Report on Awarding of City Contract for Market Research Services to Northstar Research Partners	\$0	\$0	Consider. See report attached to Motion
F(2)	Report of Integrity Commissioner on a complaint that a Councillor Violated the Code of Conduct by Revealing Confidential Information to the Press	\$0	\$0	Consider. See report attached to Motion
F(3)	Review of Certain Applications Before the North York Committee of Adjustment			<i>Confidential. See confidential report Attached to Motion.</i>
F(4)	Approval of Expressway Banner Installations for the International AIDS Conference 2006	\$0	\$0	Consider
F(5)	Protection of Individuals at Toronto City Hall and Nathan Phillips Square	\$0	\$0	Consider
I(1)	Potential Ontario Municipal Board Hearing – 2 Traymore Crescent	\$0	\$0	Consider. See Notice of Decision attached to Motion
J(1)	Request for Report on Establishment of a Fund to Assist Families of Taxi Drivers Who Are Victims of Violence	\$0	\$0	Consider.
J(2)	Proposed Improvements for the Safety of Taxi Drivers	\$0	\$0	Consider.
J(3)	Donation of a Wheelchair Accessible Bronze Drinking Fountain at Bill Hancox Park by the Rotary Club of Scarborough	\$0	\$0	Consider

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(4)	Annual Report of the Integrity Commissioner for the Period September 1, 2004 to December 31, 2005	\$0	\$0	Consider. See report attached to Motion
J(5)	Affirm the Three-Year Term for Municipal Officials	Up to \$160,000		There will be a cost of \$160,000 if the plebiscite question cannot be accommodated in a single ballot. See FIS
J(6)	Jones Auto Wreckers - 1 Thora Avenue	\$0	\$0	Consider.
J(7)	Request for Review of Ontario's <i>Workplace Safety and Insurance Act</i> - Firefighters' Illness or Disease	\$0	\$0	Consider.
J(8)	Request for Changes to the <i>Condominium Act</i> to Allow Access to Capital Reserve Funds for Energy Efficiency Upgrades	\$0	\$0	Consider.
J(9)	Toronto/Markham Liaison Advisory Committee	\$0	\$0	Consider.
J(10)	City of Toronto - Street Needs Assessment Results	\$0	\$0	Consider.
J(11)	Section 37 Funds for Gwendolyn MacEwen Park Memorial	\$0	\$0	No impact on Parks, Forestry and Recreation's Operating Budget. The \$6,000 cost is to be funded from Section 37 funds, upon confirmation of receipt by the City.
J(12)	Official Plan Amendment and Rezoning Application for 252, 270, 272 and 276 Bering Avenue - Ward 5 - Etobicoke-Lakeshore	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(13)	Ontario Municipal Board Decision - 1625 Military Trail (Ward 44)			<i>Confidential. See confidential report Attached to Motion.</i>
J(14)	Request for City Legal Representation at the Ontario Municipal Board Appeal for 34 Canadine Road (Application File No. A309/05SC)	\$0	\$0	See Notice of Decision attached to Motion
J(15)	Request for City Legal Representation at the Ontario Municipal Board Appeal for 173 Chesterton Shores (Application A259/05SC)	\$0	\$0	See Notice of Decision attached to Motion
J(16)	Request for City Legal Representation of the Ontario Municipal Board Appeal for 300 Raleigh Avenue (Application A020/06SC)	\$0	\$0	See Notice of Decision attached to Motion
J(17)	Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – Complaint (1)			<i>Confidential. See confidential attachment attached to Motion.</i>
J(18)	Report of Integrity Commissioner on a Complaint of Violation of Code of Conduct for Members of Council – Complaint (2)			<i>Confidential. See confidential attachment attached to Motion.</i>
J(19)	Support for City of Toronto By-law Prohibiting Burning of Used Motor Oil for Space Heating	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(20)	Authority to Enter into a Heritage Easement Agreement - 2205 Queen Street East (Ward 32 Beaches-East York)	\$0	\$0	See report attached to Motion
J(21)	606 College Street (Pylon Theatre) – Intention to Designate under Part IV of the <i>Ontario Heritage Act</i> a Property Listed on the City of Toronto Inventory of Heritage Properties – Ward 19 - Trinity-Spadina	\$0	\$0	See report attached to Motion
J(22)	Solid Waste Management Contractual Issues (All Wards)	\$0	\$0	Consider.
J(23)	Approval of Temporary Signage Permit for Annual Rotary Canada Day Ribfest Community Event	\$0	\$0	Consider.
J(24)	Opposition to Application for Liquor Licence and Review of Business Licence - Club H2O Stereophonic - 82 Peter Street (Ward 20 - Trinity-Spadina)	\$0	\$0	See attachment attached to Motion
J(25)	Appeal to the Ontario Municipal Board by the Canadian Broadcasting Corporation	\$0	\$0	Consider.
J(26)	Consideration of the Naming of the Public Lanes Between Lewis Street and Saulter Street, South of Queen Street East, in Honour of June Callwood	\$0	\$0	See attachment attached to Motion

Motion #	Title	Operating \$ (net)	Capital \$ (net)	Comments
J(27)	Change in Membership - Roundtable on Arts and Culture	\$0	\$0	Consider.
J(28)	Waiving of Park Fees - Habitat for Humanity	\$3,317		The request is currently being considered by the Program. See FIS
J(29)	TorontoBMX Riders' Alliance - Agreement for Construction and Maintenance of an Extreme Sports Facility			
J(30)	Toronto Youth Strategy 2006 Implementation Priorities	\$0	\$0	Consider.
J(31)	Permanent Acquisition of Glenhurst Parkette (Roseneath Gardens and Glenhurst Avenue) - 243 Alberta Avenue	\$0	\$0	No direct financial impact on report requested. However, cost of land acquisition may impact future land acquisition included in 5 Year Capital Plan.
J(32)	Issuance of Residential Building Permits that Cause Building Code Violations to Adjacent Residential Buildings	\$0	\$0	Consider.
J(33)	Appeal of Committee of Adjustment Decision – 399 Adedaide Street West	\$0	\$0	See report attached to Motion
J(34)	Pandemic Planning and Emergency Preparedness Information Session	\$0	\$0	Consider.
J(35)	Draft Plan of Subdivision Approval – 725 Warden Avenue	\$0	\$0	Consider.

Motion		Operating	Capital	
#	Title	\$ (net)	\$ (net)	Comments
J(36)	Removal of One Privately-Owned Tree - 341 Friendship Avenue (Ward 44 - Scarborough East)	\$0	\$0	Consider.
J(37)	Request for Authorization to Install Traffic Calming on Fernalroy Boulevard	\$0	\$0	Consider.
J(38)	Request for Authorization to Install Traffic Calming on Meadowvale Drive and Glenroy Avenue	\$0	\$0	Consider.
J(39)	Request for Report - Settlement Respecting an Application by the Mount Pleasant Group of Cemeteries to Construct a Visitation Centre	\$0	\$0	Consider.

FISCAL IMPACT STATEMENT 1 [NOTICE OF MOTION J(5)]
(See Minute 6.89, Page 114)**Financial Implications:**☒ **Operating**

- ☒ Current year impacts: up to \$160,000(net) ☐ Future year impacts: \$ _____ (net)
- ☐ Following year
☐ Future years
- ☐ Funding sources (specify):
- | | |
|---|--|
| <input type="checkbox"/> Accommodation within approved operating budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Tax rate impact |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
- ☐ Budget adjustments: \$ _____ (net)
- ☐ Impact on staffing levels: _____ (positions)

☐ **Capital**

- ☐ Current year impacts: \$ _____ (net) ☐ Future year impacts: \$ _____ (net)
- ☐ Following year
☐ Future years
- ☐ Funding sources (specify):
- | | |
|---|--|
| <input type="checkbox"/> Accommodation within approved capital budget | <input type="checkbox"/> Third party funding |
| <input type="checkbox"/> New revenues | <input type="checkbox"/> Debt |
| <input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Other |
- ☐ Budget adjustments: \$ _____ (net)
- ☐ Operating Impact:
- ☐ Program costs: \$ _____ (net)
- ☐ Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(5) – There will be a cost of \$160,000.00 if the plebiscite question cannot be accommodated in a single ballot. No funding is available in the City Clerk's 2006 Approved Operating Budget for this purpose. There will be no cost if the plebiscite question can be included in one ballot. This is dependent on the number of candidates. The 2006 Municipal Election is at an early stage, and the actual number of candidates and the number of ballots will not be known until September 2006.

☒ Consider ☐ Refer to Standing Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: May 24, 2006

FISCAL IMPACT STATEMENT 2 [NOTICE OF MOTION J(11)]
(See Minute 6.95, Page 124)

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 checked="" type="checkbox"/> Funding sources (specify):	
<input type="checkbox"/> Accommodation within approved operating budget	<input type="checkbox"/> Third party funding
<input type="checkbox"/> New revenues	<input type="checkbox"/> Tax rate impact
<input checked="" 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(11) – There is no impact on Parks, Forestry and Recreation's 2006 Operating Budget. The \$6,000.00 cost for the Gwendolyn MacEwen Park Memorial is to be funded from Section 37 funds, upon confirmation of receipt by the City. In addition, the annual maintenance costs associated with the Memorial are negligible and will be absorbed by the Program.

☐ Consider ☒ Refer to Economic Development and Parks Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: May 24, 2006

FISCAL IMPACT STATEMENT 3 [NOTICE OF MOTION J(28)]
(See Minute 6.112, Page 155)**Financial Implications:**☒ **Operating**

- ☒ Current year impacts: \$ 3,317 (net) ☐ Future year impacts: \$ _____ (net)
- ☐ Following year
☐ Future years
- ☐ Funding sources (specify):
- | | |
|---|--|
| <input type="checkbox"/> Accommodation within approved operating budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Third party funding
<input type="checkbox"/> Tax rate impact
<input type="checkbox"/> Other |
|---|--|
- ☐ Budget adjustments: \$ _____ (net)
- ☐ Impact on staffing levels: _____ (positions)

☐ **Capital**

- ☐ Current year impacts: _____ (net) ☐ Future year impacts: \$ _____ (net)
- ☐ Following year
☐ Future years
- ☐ Funding sources (specify):
- | | |
|---|---|
| <input type="checkbox"/> Accommodation within approved capital budget
<input type="checkbox"/> New revenues
<input type="checkbox"/> Reserve/Reserve Fund contributions | <input type="checkbox"/> Third party funding
<input type="checkbox"/> Debt
<input type="checkbox"/> Other |
|---|---|
- ☐ Budget adjustments: \$ _____ (net)
- ☐ Operating Impact:
- ☐ Program costs: \$ _____ (net)
- ☐ Debt service costs: \$ _____ (net)

Impacts/Other Comments:

- ☐ Service Level Impact:(Specify)
- ☐ Consistent with Council Strategic directions and fiscal priorities (specify):

Notice of Motion – J(28) – The waiving of permit fees during June and July 2006 for Habitat for Humanity will result in the Parks, Forestry and Recreation Division foregoing \$3,317.00 in revenue as well as potentially incurring ancillary costs. In February 2006, City Council approved a “Reduction in Permit Fees Policy” for the Program in which non-profit and low-income groups may be eligible for reduced charges and/or a fee waiver. Council approved the policy so as to have a standard treatment for such groups, rather than having to deal with their requests on an individual basis. In fact, Habitat for Humanity has applied for its fees to be set aside under this policy, and their request is currently being considered by the Program.

- ☐ Consider ☒ Refer to Economic Development and Parks Committee

Submitted by: _____
Deputy City Manager and Chief Financial Officer

Date: May 24, 2006