

Appendix A

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

WEDNESDAY, MAY 13, 1998

City Council met at 9:40 a.m., in the Council Chamber, Metro Hall, Toronto.

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

The meeting opened with O Canada.

711 Members present at the morning session of the first day of this meeting:

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Fillion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker - 52.

712 Councillor Johnston, seconded by Councillor Miller, moved that:

“WHEREAS the Members of City Council are deeply saddened to learn of the sudden passing of Mrs. Beryl Potter; and

WHEREAS Mrs. Potter became a triple amputee after a fall in her Scarborough home in 1965; and

WHEREAS Mrs. Potter became an outspoken advocate and leader for Ontario's disabled, bringing attention to the many unfair and irrational barriers that affect this community; and

WHEREAS due to her involvement in the community she received the Order of Canada in 1996, induction into the Terry Fox Hall of Fame in 1994, the Order of Ontario in 1989, an honorary doctor of laws degree from the University of Windsor and dozens of other awards and accolades;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, an expression of sincere sympathy to Mrs. Potter's family."

Councillor Giansante, seconded by Councillor Pantalone, moved that:

"WHEREAS Toronto's Italian Community has been in a state of mourning over the tragic deaths that resulted from the recent mud slides in southern Italy; and

WHEREAS the Italian government has declared a state of emergency and thousands of rescuers have been working to provide relief; and

WHEREAS this event is one of Italy's worst natural disasters;

NOW THEREFORE BE IT RESOLVED THAT City Council, during its Moment of Silence, pause to remember the relatives and friends who have lost their lives and homes in this cataclysmic event."

Councillor McConnell, seconded by Councillor Layton, moved that:

"WHEREAS on April 17, 1998, at 4:30 p.m., the young life of Dwayne Robotham came to a violent and tragic end when he was stabbed to death at the Eaton Centre on Dundas Street; and

WHEREAS Dwayne was a young man who grew up in Regent Park, attending Lord Dufferin School and Central Technical High School. His teachers and Principal talk about Dwayne's smile and bright eyes and his socially infectious manner. He was looking forward to completing all his high school credits this year. Dwayne's Mother, Sondra, was an active community and church member. She was a member of the Regent Park Mom's organization, 'The Dreamers', who formed two years ago to stop the racism and violence in her area and to build a better relationship between the community and 51 Division. Sondra, in her time of mourning, never forgot her role as a mother. Her first thoughts were to recognize the pain and shock that violence brings to youth and their impulse to lash out and retaliate. She comforted hundreds of kids and encouraged them to use Dwayne's death as a positive, not negative, force -- to think of him and to put away their guns and knives. She spoke bravely the day after his funeral to the entire school assembly at Central Technical High School. She reminded them that on April 17, 1998, at 4:30 p.m., two lives were destroyed -- one her son Dwayne's and the other the young person who murdered him;

NOW THEREFORE BE IT RESOLVED THAT City Council express to Sondra, her husband and children, its condolences at the passing of their beloved child Dwayne."

Leave to introduce the foregoing Motions was granted and the Motions were carried unanimously.

Council rose and observed a moment of silence in memory of the late Mrs. Beryl Potter, Master Dwayne Robotham and those who have lost their lives in the recent mud slides in southern Italy.

- 713 Councillor Disero, seconded by Councillor Fotinos, moved that the Minutes of the regular Council meeting held on the 4th, 5th, and 6th days of February, 1998, and of the Special Council Meeting held on the 12th day of February, 1998, be confirmed in the form supplied to the Members, which was carried.

The following communications were listed on the Order Paper for this Meeting:

- 714 From the City Solicitor (April 28, 1998) advising of the decision of the Court of Appeal respecting the recount of ballots cast in Ward 18 (Scarborough-Malvern) and the results of the recount held on April 23 and 24, 1998; and indicating that the unofficial results of the recount confirmed the results of the election held on November 10, 1997, and the election of Raymond Cho and Bas Balkissoon to the office of Councillor for Ward 18 (Scarborough-Malvern).

The foregoing report was noted and filed.

- 715 From the Interim Functional Lead, Transportation (April 29, 1998) providing, as requested by the Urban Environment and Development Committee, additional information on the street naming process by which William Kitchen Road received its name.

The foregoing report was considered with Clause No. 18 of Report No. 6 of The Urban Environment and Development Committee. (See Appendix "A", page 3922.)

- 716 From the Commissioner of Works and Emergency Services (May 5, 1998) providing, as requested by the Works and Utilities Committee, confirmation that the Toronto and Region Conservation Authority (TRCA) and the Toronto Harbour Commissioners (THC) have agreed to accept excavation material from the Western Beaches Storage Tunnel at the Leslie Spit lakefill facility; and advising that appropriate arrangements have been made with the THC and TRCA for the disposal of qualifying excavation material.

The foregoing report was considered with Clause No. 2 of Report No. 4 of The Works and Utilities Committee. (See Appendix "A", page 3989.)

- 717 From the Interim Secretary, Strategic Policies and Priorities Committee (May 7, 1998) regarding the award of Contracts Nos. EB9801WS and EB9802WS for watermain cleaning and cement lining at various locations in the Etobicoke District,

and advising that the Committee requested the Commissioner of Corporate Services, in consultation with the appropriate staff, to review the tendering process and documentation used throughout the Corporation with a view to providing for a more open process in the future.

The foregoing communication was considered with Clause No. 4 of Report No. 4 of The Works and Utilities Committee. (See Appendix "A", page 3998.)

- 718 From the Medical Officer of Health (May 7, 1998) recommending that the City be authorized to enter into agreement with five additional community agencies for the provision of services described in the City of Toronto Preschool Speech and Language System Plan.

The foregoing report was considered with Clause No. 2 of Report No. 7 of The Board of Health. (See Appendix "A", page 4815.)

- 719 From Mr. I. Necessity, The Humber Valley Village Residents' Association (May 6, 1998) regarding the report on the all-way stop at Wimbledon and St. George's Road and requesting that the matter be referred back to the Etobicoke Community Council for further consideration.

The foregoing communication was considered with Clause No. 1 of Report No. 5 of The Etobicoke Community Council. (See Appendix "A", page 4217.)

- 720 From the Commissioner of Works and Emergency Services (May 8, 1998) regarding the awarding of the contract for the rehabilitation of the existing bridge deck on the Glen Road Bridge, between South Drive and Beaumont Road (Toronto Midtown) and recommending the engagement of a consultant for construction supervision and administration.

The foregoing report was considered with Clause No. 14 of Report No. 6 of The Urban Environment and Development Committee. (See Appendix "A", page 3910.)

- 721 From the Acting President, CUPE, Local 79 (May 11, 1998) recommending that the attest audit responsibilities for the Audit Department be contracted out and the remaining work be carried out by managerial staff only.

The foregoing communication was considered with Clause No. 3 of Report No. 8 of The Strategic Policies and Priorities Committee. (See Appendix "A", page 4077.)

- 722 From Councillor Rae (May 4, 1998) submitting a letter from Ms. Rosie Schwartz suggesting that an in-house Audit Department cannot be independent of political pressures.

The foregoing communication was considered with Clause No. 3 of Report No. 8 of The Strategic Policies and Priorities Committee. (See Appendix "A", page 4077.)

- 723 From Lumia-Alexandra Heyno, LUMIA Evangelistic Association (May 6, 1998) requesting that the Lord's Prayer be included on the Council Agenda.

The foregoing communication was considered with Clause No. 1 of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team. (See Appendix "A", page 4857.)

- 724 From the City Clerk (May 1, 1998) advising that the Metropolitan Cycling and Pedestrian Committee and the North York Cycling and Pedestrian Committee at a joint meeting on April 21, 1998, endorsed the recommendations embodied in the joint report dated (April 16, 1998) addressed to the Special Committee to Review the Final Report of the Toronto Transition Team, from the Interim Functional Leads for Transportation and Planning, headed "Staffing Levels and Resources to Support Cycling and Pedestrian Programs", and directed that Council be advised accordingly.

The foregoing communication was considered with Clause No. 4 of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team. (See Appendix "A", page 4930.)

- 725 From the Commissioner of Corporate Services (May 6, 1998) recommending that the City accept the Agreement of Purchase and Sale from Symphony Square Ltd., the owners of 15-27 Lorraine Drive, for the purchase of surplus density from City-owned land at 29 Lorraine Drive.

The foregoing report was considered with Clause No. 8 of Report No. 5 of The Corporate Services Committee. (See Appendix "A", page 3791.)

- 726 From the City Clerk (May 12, 1998) advising that the Toronto Community Council on May 6, 1998, endorsed the recommendation of the Urban Environment and Development Committee respecting the temporary standing prohibition on Dundas Street West, in front of the Art Gallery of Ontario.

The foregoing communication was considered with Clause No. 8 of Report No. 6 of The Urban Environment and Development Committee. (See Appendix "A", page 3893.)

- 727 From the City Clerk (May 11, 1998) forwarding, for consideration with the draft Official Plan Amendment and Zoning By-law Amendments for the Carlaw Avenue Industrial Area (Don River), various submissions with respect thereto.

The foregoing communication was considered with Clause No. 1 of Report No. 5 of The Toronto Community Council. (See Appendix "A", page 4432.)

- 728 From Councillor Disero, Davenport (May 11, 1998) forwarding, for consideration with Clause No. 1 of Report No. 4 of The Works Utilities Committee, headed "Burning of Waste Oil", various material related thereto, having regard that the Works and Utilities Committee was unable to consider the matter, at its special meeting, due to lack of quorum.

The foregoing communication was considered with Clause No. 1 of Report No. 4 of The Works and Utilities Committee. (See Appendix "A", page 3961.)

- 729 At this point in the proceedings, Councillor Bussin, with the permission of Council, submitted a petition from the Church of St. John the Baptist of Norway expressing opposition to the establishment of casinos in the City of Toronto, and requested that the petition be forwarded to the appropriate Committees of Council, in particular the Sub-Committee on Gambling.

Council concurred in the foregoing request.

- 730 Council was advised that there were no enquiries and that Mayor Lastman, and Councillors Berardinetti, Davis and Faubert would be absent from this Council Meeting.

- 731 Councillor Mahood presented the following Reports for consideration by Council:

Report No. 2 of The Nominating Committee,
Report No. 7 of The Strategic Policies and Priorities Committee,
Report No. 4 of The Toronto Community Council,
Report No. 5 of The Special Committee to Review the Final Report
of the Toronto Transition Team,
Report No. 4 of The Community and Neighbourhood Services Committee,
Report No. 5 of The Corporate Services Committee,
Report No. 4 of The Emergency and Protective Services Committee,
Report No. 6 of The Urban Environment and Development Committee,
Report No. 4 of The Works and Utilities Committee,
Report No. 8 of The Strategic Policies and Priorities Committee,
Report No. 6 of The East York Community Council,
Report No. 7 of The East York Community Council,
Report No. 5 of The North York Community Council,
Report No. 4 of The Scarborough Community Council,
Report No. 5 of The York Community Council,
Report No. 6 of The Board of Health,
Report No. 7 of The Board of Health, and
Report No. 6 of The Special Committee to Review the Final Report
of the Toronto Transition Team,

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

Councillor Mahood further presented the following Report for the consideration of Council:

Report No. 3 of The Nominating Committee,

and moved, seconded by Councillor Kelly, that the provisions of Section 44 of the Council Procedural By-law be waived in connection with the foregoing Report and that Council now give consideration to such Report, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Berger, Bossons, Brown, Cho, Chong, Disero, Duguid, Feldman, Filion, Fotinos, Gardner, Holyday, Jakobek, Johnston, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Rae, Silva, Walker - 35.

Nay: Councillors: Augimeri, Bussin, Chow, Flint, Giansante, Jones, Kelly, Layton, Miller, Moscoe, Prue, Saundercook, Sgro, Shiner - 14.

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

Councillor Mahood further presented the following Reports for the consideration of Council:

Report No. 5 of The Etobicoke Community Council, and
Report No. 5 of The Toronto Community Council,

and moved, seconded by Councillor Disero, that the provisions of Section 44 of the Council Procedural By-law be waived in connection with the foregoing Reports and that Council now give consideration to such Reports, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Silva, Walker - 42.

Nays: Councillors: Brown, Flint, Giansante, Minnan-Wong, Moscoe, Sgro, Shiner - 7.

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

Deputy Mayor Ootes requested Members of Council to indicate the Report and Clause Number wherein they have an interest, together with the nature of the interest.

Councillor Brown declared her interest Clause No. 19 of Report No. 5 of The Etobicoke Community Council, headed "Harvey Sawh, 63-65 Winterton Drive - File No. Z-2261", in that the Chief Financial Officer and Fundraising Co-Chair of her election campaign is a partner in the firm of Loopstra, Nixon & McLeish, and is acting on behalf of the applicant.

Councillor Feldman declared his interest in Clause No. 21 of Report No. 5 of The North York Community Council, headed "User Safety - McGlashan Road - Walkway to Yonge Street - North York Centre South", in that he resides in the immediate vicinity of the subject walkway.

Councillor Filion declared his interest in Clause No. 20 of Report No. 5 of The North York Community Council, headed "Addendum Report to the Environmental Study Report for the Downtown Plan, South of Sheppard Avenue -Transportation Infrastructure Requirements -September 1996 - North York Centre", in that he owns property in the vicinity of the area covered by the Environmental Study Report.

Councillor Jakobek declared his interest in those portions of Clause No. 1 of Report No. 3 of The Nominating Committee, headed "Citizen Appointments to Agencies, Boards and Commissions", pertaining to citizen appointments to the Canadian National Exhibition Association - Municipal Section and to the Metropolitan Toronto Convention Centre Corporation, Board of Directors, in that his father-in-law is one of the applicants.

Councillor Ootes declared his interest in Clause No. 8 of Report No. 7 of The East York Community Council, headed "Request for a Variance from Sign By-law No. 64-87 of the Former Borough of East York submitted by Cara Operations Ltd. at 7 Curity Avenue", in that a relative is employed by The Second Cup, being a company which has business affiliations with Cara Operations Ltd.

Councillor Walker declared his interest in Clause No. 3 of Report No. 6 of The Urban Environment and Development Committee, headed "The Toronto Harbour Commissioners: Bill C-9 - The Canada Marine Act - Planning and Related Issues", insofar as it pertains to the operation of the outer harbour marina, in that his daughter is a summer student attendant at the marina; and in the following Items embodied in Clause No. 76 of Report No. 5 of The Toronto Community Council, headed "Other Items Considered by the Community Council":

- (i) Item (l), headed "Final Report - 2079-2111 Yonge Street, 5, 9, 11 and 21 Hillsdale Avenue East, and 12, 14 and 16 Manor Road East - Application 196015 for Official Plan and Zoning By-law Amendments and Site Plan Approval to Permit a 6-Storey Mixed Use Building, Six 3-Storey Townhouse Units (North Toronto)", in that he resides within 120 metres of the subject property; and
- (ii) Item (t), headed "Bill C-9, The Canada Marine Act", as it pertains to the operation of the outer harbour marina, in that his daughter is a summer student attendant at the marina.

Deputy Mayor Ootes proposed that Council now proceed through the Reports, with Members of Council indicating those Clauses, by number, on which they wish to speak; that Council then proceed with the adoption of the remaining Clauses; and that Council then give further consideration to those Clauses which have been held at the request of Members of Council, not necessarily in the order they appear on the Agenda.

Council concurred in the foregoing proposal.

Upon the question of the adoption of Report No. 2 of The Nominating Committee, consisting of one Clause only, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 7 of The Strategic Policies and Priorities Committee, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 4 of The Toronto Community Council, consisting of one Clause only, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 5 of The Special Committee to Review the Final Report of the Toronto Transition Team, consisting of one Clause only, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 4 of The Community and Neighbourhood Services Committee, without amendment, it was carried.

Upon the question of the adoption of Report No. 5 of The Corporate Services Committee (with the exception of Clauses Nos. 2, 3, 4, 8 and 10), without amendment, it was carried.

Upon the question of the receipt for information of Report No. 4 of The Emergency and Protective Services Committee, without amendment, it was carried.

Upon the question of the adoption of Report No. 6 of The Urban Environment and Development Committee (with the exception of Clauses Nos. 1, 3, 6, 14, 21 and 22), without amendment, it was carried.

Upon the question of the adoption of Report No. 4 of The Works and Utilities Committee (with the exception of Clauses Nos. 1 and 9), without amendment, it was carried.

Upon the question of the adoption of Report No. 8 of The Strategic Policies and Priorities Committee (with the exception of Clauses Nos. 2, 3, 5, 6, 7, 8, 12, 16, and 17), without amendment, it was carried.

Upon the question of the receipt for information of Report No. 6 of The East York Community Council, without amendment, it was carried.

Upon the question of the adoption of Report No. 7 of The East York Community Council, without amendment, it was carried.

Upon the question of the adoption of Report No. 5 of The Etobicoke Community Council, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 5 of The North York Community Council (with the exception of Clause No. 27), without amendment, it was carried.

Upon the question of the adoption of Report No. 4 of The Scarborough Community Council (with the exception of Clause No. 9), without amendment, it was carried.

Upon the question of the adoption of Report No. 5 of The Toronto Community Council, without amendment, it was held in its entirety.

Upon the question of the adoption of Report No. 5 of The York Community Council, without amendment, it was carried.

Upon the question of the adoption of Report No. 6 of The Board of Health, consisting of one Clause only, without amendment, it was carried.

Upon the question of the adoption of Report No. 7 of The Board of Health (with the exception of Clause No. 2), without amendment, it was carried.

Upon the question of the adoption of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team (with the exception of Clauses Nos. 1, 3 and 4) without amendment, it was carried.

Upon the question of the adoption of Report No. 3 of The Nominating Committee, without amendment, it was held in its entirety.

732 **Clause No. 9 of Report No. 4 of The Scarborough Community Council, headed “Churchill Heights Baptist Church - Waiver of Fees Ward 18 - Scarborough Malvern”.**
(See Appendix “A”, page 4373.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Cho, in amendment, moved that the foregoing Clause be struck out and referred back to the Scarborough Community Council for further consideration.

Upon the question of the adoption of the foregoing motion by Councillor Cho, it was carried.

733 **Clause No. 9 of Report No. 4 of The Works and Utilities Committee, headed “Appointments to Consultation Committees”.**
(See Appendix “A”, page 4017.)

Having regard that the foregoing Clause was submitted without recommendation, Councillor Disero moved that Council adopt the following recommendations:

“It is recommended that:

- (1) Councillor Disero be appointed as the representative of the Works and Utilities Committee on the Solid Waste Management Industry Consultation Committee and the Keele Valley Landfill Site Liaison Committee; and
- (2) Councillor Jakobek be appointed as Councillor Disero's alternate on such Committees."

Upon the question of the adoption of the foregoing motion by Councillor Disero, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 734 **Clause No. 17 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "Other Items Considered by the Committee".**
(See Appendix "A", page 4157.)

Upon the question of the receipt for information of the foregoing Clause, without amendment, it was carried.

- 735 **Clause No. 2 of Report No. 7 of The Board of Health, headed "Preschool Speech and Language Services System Plan".**
(See Appendix "A", page 4815.)

Council also had before it, during consideration of the foregoing Clause, a report from the Medical Officer of Health (May 7, 1998) recommending that the City be authorized to enter into agreement with five additional community agencies for the provision of services described in the City of Toronto Preschool Speech and Language System Plan.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Filion, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the report dated May 7, 1998, from the Medical Officer of Health, entitled 'Preschool Speech and Language Services System Plan', embodying the following recommendation, be adopted:

'It is recommended that the City be authorized to enter into agreements with five additional community agencies for the provision of services described in the City of Toronto Preschool Speech and Language System Plan.' "

Upon the question of the adoption of the foregoing motion by Councillor Filion, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 736 **Clause No. 10 of Report No. 5 of The Corporate Services Committee, headed “Expropriation of Property Interests, Sheppard Subway Project, Don Mills Station”.**
(See Appendix “A”, page 3798.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor O’Brien, in amendment, moved that consideration of the foregoing Clause be deferred to the next regular meeting of City Council to be held on June 3 and 4, 1998.

Upon the question of the adoption of the foregoing motion by Councillor O’Brien, it was carried.

- 737 **Clause No. 1 of Report No. 4 of The Toronto Community Council, headed “Retention of Expert Planning Witness - 5, 7 and 9 Sultan Street (Downtown)”.**
(See Appendix “A”, page 4429.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Walker, in amendment, moved that the foregoing Clause be amended by striking out the recommendation of The Toronto Community Council and inserting in lieu thereof the following:

“It is recommended that the report dated March 11, 1998, from the Toronto Community Council Solicitor, be adopted.”

Upon the question of the adoption of the foregoing motion by Councillor Walker, the vote was taken as follows:

Yeas: Councillors: Adams, Chong, Disero, Flint, Gardner, Li Preti, Shiner, Sinclair, Walker - 9.

Nays: Councillors Altobello, Augimeri, Balkissoon, Bossons, Brown, Bussin, Cho, Chow, Duguid, Feldman, Jakobek, Jones, Kelly, Layton, Lindsay Luby, McConnell, Moeser, Nunziata, Ootes, Pantalone, Rae, Tzekas - 22.

Decided in the negative by a majority of 13.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 738 **Clause No. 8 of Report No. 5 of The Corporate Services Committee, headed “Sale of Density from 29 Lorraine Drive to 15-27 Lorraine Drive, File No. 98 (North York Centre - Ward 10)”.**
(See Appendix A”, page 3791.)

Council also had before it, during consideration of the foregoing Clause, a report dated May 6, 1998, from the Commissioner of Corporate Services recommending that the City accept the “Agreement of Purchase and Sale” from Symphony Square Ltd., the owners of

15-27 Lorraine Drive, for the purchase of surplus density from City-owned land at 29 Lorraine Drive.

Having regard that the foregoing Clause was submitted without recommendation:

(a) Councillor Moscoe moved that Council adopt the following recommendation:

“It is recommended that the foregoing Clause be struck out and referred to the North York Community Council for consideration and report thereon to City Council, through the Corporate Services Committee.”

(b) Councillor Filion, in amendment, moved that the foregoing motion (a) by Councillor Moscoe, be amended by adding thereto the following:

“and that the Commissioner of Corporate Services be requested to submit a report to the North York Community Council outlining the process used to arrive at a market value for this density purchase and what similar density has been selling for in North York City Centre”.

Council deferred further consideration of the foregoing Clause until later in the meeting.
(See Minute No. 777)

739 **Clause No. 6 of Report No. 6 of The Urban Environment and Development Committee, headed “1998 Budgets - Business Improvement Areas”.**
(See Appendix “A”, page 3873.)

Upon the question of the adoption of the foregoing Clause, without amendment:

(a) Councillor Lindsay Luby, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the budget for the Islington Business Improvement Area, in the amount of \$12,575.00, be approved; and
- (2) the Chief Financial Officer and Treasurer be requested to investigate why the Islington Business Improvement Area budget was not included and the Kingsway Business Improvement Area budget was noted as being ‘N/A’ under the column headed ‘Approved by Members’ in the report dated April 3, 1998, from the Chief Financial Officer and Treasurer, and advise Councillor Lindsay Luby accordingly.”

(b) Councillor Bussin, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Gerrard India Bazaar Business Improvement Area expenditure estimate be adopted; and
- (2) the Chief Financial Officer and Treasurer be requested to investigate why the Gerrard India Bazaar Business Improvement Area expenditure estimate was not included, and advise Councillor Bussin accordingly.”

Upon the question of the adoption of the foregoing motion (a) by Councillor Lindsay Luby, it was carried.

Upon the question of the adoption of the foregoing motion (b) by Councillor Bussin, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

740 **Clause No. 1 of Report No. 2 of The Nominating Committee, headed “Appointments to the Board of Directors of the Greater Toronto Airports Authority (GTAA)”.**
(See Appendix “A”, page 4819.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 13, 1998) addressed to Mayor Lastman, from Mr. Sidney Valo, Q.C., Corporate Secretary, Greater Toronto Airports Authority, advising Council what action will be taken should a nominee not be appointed.

At this point in the proceedings, and at the request of Council, the City Clerk brought forward the following motions which were moved in connection with this matter at the Special Meeting of Council held on April 28 and May 1, 1998:

(a) Moved by Councillor Kelly:

“that the foregoing Clause be amended by:

- (1) deleting from Recommendation No. (2) of the Nominating Committee the name ‘Mr. Jeffery Lyons’, and inserting in lieu thereof the name ‘Mr. Don Baxter’; and
- (2) striking out Recommendation No. (3) of the Nominating Committee.”

(b) Moved by Councillor O'Brien:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that:

- (1) the Greater Toronto Airports Authority (GTAA) be requested to refrain from making an appointment to the Board of Directors, having regard that Mr. Jeff Lyons, the appointee recommended by the Nominating Committee, has withdrawn his application for this appointment;
- (2) the Minister of Transportation be notified of the foregoing request by City Council of the GTAA, and be requested to ensure that such request is carried out; and
- (3) the City Clerk be requested to notify the communities of the former Cities of York and Etobicoke of this vacancy on the GTAA Board, by means of the local community newspapers, in order to determine whether other individuals are interested in this position.’ ”

(c) Moved by Councillor Lindsay Luby:

“that the foregoing Clause be amended by striking out and referring Recommendations Nos. (2) and (3) of the Nominating Committee back to the Nominating Committee for further consideration.”

(d) Moved by Councillor Moscoe:

“that the foregoing Clause be struck out and referred back to the Nominating Committee for further consideration and the Labour Council of Metropolitan Toronto and York Region be requested to provide the name of its nominee for appointment by City Council to the GTAA Board of Directors.”

(e) Moved by Councillor Walker:

“that the foregoing Clause be amended:

- (1) by deleting from Recommendation No. (2) of the Nominating Committee the name ‘Mr. Jeffery Lyons’, and inserting in lieu thereof the name ‘Mr. Robert Bandeen’;
- (2) to provide that the appointment of Mr. Bandeen be for a term of three years; and
- (3) striking out Recommendation No. (3) of the Nominating Committee.”

Deputy Mayor Ootes called for additional motions in regard to the foregoing Clause.

- (f) Councillor Saundercook, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the City Clerk be requested to advise the Greater Toronto Airports Authority, as soon as possible, of the progress City Council has made with respect to this appointment.”

- (g) Councillor O’Brien, with the permission of Council, in amendment, moved that the foregoing motion (f) by Councillor Saundercook be amended:

(1) to provide that the Greater Toronto Airports Authority (GTAA) also be notified that City Council’s labour nominee to the GTAA Board of Directors is Mr. Art Patrick; and

(2) by adding thereto the following:

“It is further recommended that the City Solicitor be requested to take the necessary steps to protect the City’s interest in this regard.”

- (h) Councillor King, in amendment, moved that the foregoing Clause be struck out and referred back to the Nominating Committee for further consideration, with a request that the Committee meet during the lunch break of Council on May 13, 1998, and report thereon to Council by 8:00 p.m. today, outlining their recommendations in this regard.

At this point in the proceedings, Councillor Kelly requested that he be permitted to withdraw his foregoing motion (a) and that he be granted an additional opportunity to speak to this matter.

Council concurred in the foregoing request.

- (i) Councillor Kelly, in amendment, moved that the foregoing Clause be amended by striking out Recommendation Nos. (2) and (3) of the Nominating Committee and referring the matter of the citizen nominee back to the Nominating Committee for further consideration.

- (j) Councillor McConnell, in amendment, moved that:

(1) the foregoing Clause be received; and

(2) the Nominating Committee be requested to review their policy with respect to the selection of nominees to the GTAA Board of Directors and report thereon to Council for further consideration.

Upon the question of the adoption of the foregoing motion (h) by Councillor King, viz.:

“that the foregoing Clause be struck out and referred back to the Nominating Committee for further consideration, with a request that the Committee meet during the lunch break of Council on May 13, 1998, and report thereon to Council by 8:00 p.m. today, outlining their recommendations in this regard.”,

the vote was taken as follows:

Yeas: Councillors: Altobello, Balkissoon, Brown, Disero, Duguid, Gardner, Holyday, Jakobek, Kelly, King, Mahood, Minnan-Wong, Moeser, Nunziata, O'Brien, Saundercook, Sgro, Shaw, Shiner, Sinclair - 20.

Nays: Councillors: Adams, Augimeri, Berger, Bossons, Bussin, Cho, Chong, Chow, Feldman, Filion, Flint, Fotinos, Giansante, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker - 30.

Decided in the negative by a majority of 10.

Upon the question of the adoption of the foregoing motion (d) by Councillor Moscoe, viz.:

“that the foregoing Clause be struck out and referred back to the Nominating Committee for further consideration and the Labour Council of Metropolitan Toronto and York Region be requested to provide the name of its nominee for appointment by City Council to the GTAA Board of Directors.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Bossons, Bussin, Chow, Duguid, Gardner, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Prue, Rae, Saundercook, Shaw, Silva, Sinclair, Tzekas, Walker - 29.

Nays: Councillors: Berger, Brown, Cho, Chong, Disero, Feldman, Filion, Flint, Fotinos, Jakobek, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Pantalone, Sgro, Shiner - 22.

Decided in the affirmative by a majority of 7.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared the foregoing motions (c), (e) and (i) by Councillors Lindsay Luby, Walker and Kelly, respectively, redundant, and, having regard to the nature of the foregoing motion (g) by Councillor O'Brien, ruled such motion out of order.

Upon the question of the adoption of Part (2) of the foregoing motion (j) by Councillor McConnell, viz.

“that:

- (2) the Nominating Committee be requested to review their policy with respect to the selection of nominees to the GTAA Board of Directors and report thereon to Council for further consideration.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bussin, Cho, Chow, Disero Duguid, Feldman, Filion, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker - 43.

Nays: Councillors: Balkissoon, Bossons, Brown, Chong, Flint, Kelly, Korwin-Kuczynski, Li Preti - 8.

Decided in the affirmative by a majority of 35.

Upon the question of the adoption of the foregoing motion (b) by Councillor O'Brien, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that:

- (1) the Greater Toronto Airports Authority (GTAA) be requested to refrain from making an appointment to the Board of Directors, having regard that Mr. Jeff Lyons, the appointee recommended by the Nominating Committee, has withdrawn his application for this appointment;
- (2) the Minister of Transportation be notified of the foregoing request by City Council of the GTAA, and be requested to ensure that such request is carried out; and
- (3) the City Clerk be requested to notify the communities of the former Cities of York and Etobicoke of this vacancy on the GTAA Board, by means of the local community newspapers, in order to determine whether other individuals are interested in this position.’ ”,

it was carried.

Upon the question of the adoption of the foregoing motion (f) Councillor Saundercook, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the City Clerk be requested to advise the Greater Toronto Airports Authority, as soon as possible, of the progress City Council has made with respect to this appointment.’ ”,

it was carried.

741 **Clause No. 1 of Report No. 5 of The Special Committee to Review the Final Report of The Toronto Transition Team, headed “Terms of Reference for the Economic Development Committee”.**

(See Appendix “A”, page 4845.)

Upon the question of the adoption of the foregoing Clause, without amendment:

(a) Councillor Balkissoon, in amendment, moved that the foregoing Clause be amended by:

(1) adding to Recommendation No. (2) of the Special Committee to Review the Final Report of the Toronto Transition Team the following new Recommendation No. (2)(vii):

“(vii) Parks and Recreation Operations and Policy matters;”; and

(2) deleting Recommendation No. (3) of the Special Committee to Review the Final Report of the Toronto Transition Team, viz.:

“(3) that Parks and Recreation continue to report to the Community and Neighbourhood Services Committee, except as it relates to major events programming;”.

At this point in the proceedings, Councillor Jakobek moved that, in accordance with subsection 11(6) of the Council Procedural By-law, Council waive the requirement of the 12:30 p.m. recess, to permit the conclusion of consideration of the foregoing Clause, the vote upon which was taken as follows:

Yeas: Councillors: Berger, Chong, Flint, Holyday, Jakobek, Li Preti, Mammoliti - 7.

Nays: Councillors: Altobello, Augimeri, Balkissoon, Bossons, Bussin, Cho, Chow, Duguid, Feldman, Filion, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell,

Mihevc, Miller, Moeser, Moscoe, Ootes, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker - 34.

Decided in the negative, less than two-thirds of Members present having voted in the negative.

Council deferred further consideration of the foregoing Clause until later in the meeting. (See also Minute No. 773)

At this point in the proceedings, Deputy Mayor Ootes, with the permission of Council, proposed that Council now recess and reconvene at 2:00 p.m.

Council concurred in the foregoing proposal.

Council recessed at 12:27 p.m.

2:11 P.M.

Council reconvened.

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

742 At the request of Council, the City Clerk called the Roll at 2:11 p.m., those Members present at the call of the Roll being:

Councillors: Adams, Altobello, Augimeri, Balkissoon, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Rae, Saundercook, Sgro, Shaw, Shiner, Silva - 40.

743 Members present at the first afternoon session of the first day of this meeting:

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker - 52.

Council resumed its consideration of the various Reports of the Standing Committees and Community Councils.

- 744 **Clause No. 21 of Report No. 6 of The Urban Environment and Development Committee, headed “Amendments to Parking Meter Operation on Spadina Avenue, Between Queen Street and Spadina Crescent”.**

(See Appendix “A”, page 3931.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 745 **Clause No. 1 of Report No. 6 of The Urban Environment and Development Committee, headed “1998 City Planning Work Program”.**

(See Appendix “A”, page 3827.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 746 **Clause No. 2 of Report No. 5 of The Etobicoke Community Council, headed “Request for Refund of Payment-In-Lieu of Parking at 2974 Bloor Street West - Dr. M. Henderson”.**

(See Appendix “A”, page 4225.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 747 **Clause No. 3 of Report No. 5 of The Etobicoke Community Council, headed “Toronto Congress Centre - Request to Install Landscaping on the Public Road Allowance at 650 Dixon Road”.**

(See Appendix “A”, page 4227.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 748 **Clause No. 4 of Report No. 5 of The Etobicoke Community Council, headed “43 Blair Athol Crescent - Request by Residents for Assistance in Planting a Cedar Hedge for Noise Pollution Control”.**

(See Appendix “A”, page 4228.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 749 **Clause No. 5 of Report No. 5 of The Etobicoke Community Council, headed “Prince Edward Drive Reconstruction: Dundas Street West to Bloor Street West - Schedule ‘B’ Class Environmental Study Report, March 1998”.**

(See Appendix “A”, page 4230.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 750 **Clause No. 6 of Report No. 5 of The Etobicoke Community Council, headed “Proposed Construction of Sidewalk on Goswell Road”.**
(See Appendix “A”, page 4234.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 751 **Clause No. 7 of Report No. 5 of The Etobicoke Community Council, headed “Proposed Installation of All-Way Stop Controls: Queen’s Plate Drive and Vice Regent Boulevard”.**
(See Appendix “A”, page 4236.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 752 **Clause No. 8 of Report No. 5 of The Etobicoke Community Council, headed “Payment-In-Lieu of Parking - Mr. I. Isajev, 176 Royal York Road”.**
(See Appendix “A”, page 4240.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 753 **Clause No. 10 of Report No. 5 of The Etobicoke Community Council, headed “School Safety Zone: Denfield Street”.**
(See Appendix “A”, page 4243.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 754 **Clause No. 11 of Report No. 5 of The Etobicoke Community Council, headed “Introduction of Parking Prohibition: Victoria Street”.**
(See Appendix “A”, page 4246.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 755 **Clause No. 12 of Report No. 5 of The Etobicoke Community Council, headed “1998 Membership in Ontario Traffic Conference”.**
(See Appendix “A”, page 4247.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 756 **Clause No. 13 of Report No. 5 of The Etobicoke Community Council, headed “Etobicoke Fire Route By-laws”.**
(See Appendix “A”, page 4248.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 757 **Clause No. 14 of Report No. 5 of The Etobicoke Community Council, headed “Special Occasion Permits - Centennial Park”.**
(See Appendix “A”, page 4250.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 758 **Clause No. 15 of Report No. 5 of The Etobicoke Community Council, headed “Forestry and Turf Enhancement on Kingsmill Road”.**
(See Appendix “A”, page 4251.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 759 **Clause No. 16 of Report No. 5 of The Etobicoke Community Council, headed “City of Toronto - Ontario Municipal Board Decision Involving Cantron Industries Limited, OMB File No. PL971249”.**
(See Appendix “A”, page 4253.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 760 **Clause No. 17 of Report No. 5 of The Etobicoke Community Council, headed “City of Toronto Re: F-F Construction Limited and Charles and Pauline Sammu”.**
(See Appendix “A”, page 4254.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 761 **Clause No. 18 of Report No. 5 of The Etobicoke Community Council, headed “Construction Management Plan for Proposed Commercial/Apartment Building - Eden Oak Homes Ltd. (Skeens Lane) 3400 Lake Shore Boulevard West”.**
(See Appendix “A”, page 4257.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 762 **Clause No. 19 of Report No. 5 of The Etobicoke Community Council, headed “Harvey Sawh, 63-65 Winterton Drive - File No. Z-2261”.**
(See Appendix “A”, page 4260.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 763 **Clause No. 20 of Report No. 5 of The Etobicoke Community Council, headed “Application for Amendment to the Zoning Code - Toys R Us, 690 Evans Avenue - File No. Z-2260”.**
(See Appendix “A”, page 4265.) (See also Minute No. 912)

Council also had before it, during consideration of the foregoing Clause, a communication dated May 12, 1998, from Mr. Paul J. Peterson, McCarthy Tetrault, Barristers and Solicitors, on behalf of their client, The Canada Life Assurance Company, owner of the majority of the Sherway Gardens Shopping Centre, expressing concern and opposition to the approval of zoning amendments for the adjacent Toys “R” Us site.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 764 **Clause No. 22 of Report No. 5 of The Etobicoke Community Council, headed “Thistletown Multi-Service Centre Board of Directors”.**
(See Appendix “A”, page 4282.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 765 **Clause No. 23 of Report No. 5 of The Etobicoke Community Council, headed “Other Items Considered by the Community Council”.**
(See Appendix “A”, page 4282.)

Upon the question of the receipt for information of the foregoing Clause, without amendment, it was carried.

- 766 **Clause No. 38 of Report No. 5 of The Toronto Community Council, headed “Naming of Proposed Public Streets at 1090 Shaw Street (Davenport)”.**
(See Appendix “A”, page 4612.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Disero, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that, in the event the appropriate accent on the letter ‘c’ in the word ‘Açores’ cannot be included in the street name sign, the street name be spelled ‘Azores Avenue’ in lieu of ‘Açores Avenue’.”

Upon the question of the adoption of the foregoing motion by Councillor Disero, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 767 **Clause No. 70 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Pan Afrika Centre - Earls court Park (Davenport)”.**
(See Appendix “A”, page 4739.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Disero, in amendment, moved that the foregoing Clause be amended by adding at the end of Recommendation No. (2) of the Toronto Community Council the words “in writing”, so that such recommendation shall now read as follows:

“(2) any permissions granted be conditional on full approval from the Toronto Police 13 Division on the security of the event, in writing.”

Upon the question of the adoption of the foregoing motion by Councillor Disero, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 768 **Clause No. 14 of Report No. 6 of The Urban Environment and Development Committee, headed “Rehabilitation of the Existing Bridge Deck on the Glen Road Bridge Between South Drive and Beaumont Road - Award of Contract No. 59690”.**
(See Appendix “A”, page 3910.)

Council also had before it, during consideration of the foregoing Clause, a report dated May 8, 1998, from the Commissioner of Works and Emergency Services regarding the awarding of the contract for the rehabilitation of the existing bridge deck on the Glen Road Bridge, between South Drive and Beaumont Road (Toronto Midtown) and recommending the engagement of a consultant for construction supervision and administration.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Pantalone, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the report dated May 8, 1998, from the Commissioner of Works and Emergency Services, embodying the following recommendations, be adopted:

'It is recommended that:

- (1) Contract No. 59690, for the rehabilitation of the existing bridge deck on the Glen Road Bridge between South Drive and Beaumont Road, be awarded to the low bidder, Bridgecon Construction Limited, in the amount of \$2,783,136.03;
- (2) the firm of R.E. Winter and Associates Limited be engaged to provide construction supervision and administration services in connection with the rehabilitation of the Glen Road bridge, in accordance with terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor, at a total cost of \$91,385.00, including GST; and
- (3) the appropriate City officials be authorized and directed to take the actions necessary to give effect thereto.' "

Upon the question of the adoption of the foregoing motion by Councillor Pantalone, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

At this point in the proceedings, Councillor Moscoe, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, Clause No. 2 of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed "Organization of the Licensing Commission", be re-opened for further consideration, which was carried, more than two-thirds of Members present having voted in the affirmative.

769 **Clause No. 2 of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed "Organization of the Licensing Commission".**
(See Appendix "A", page 4893.)

Council also had before it, during consideration of the foregoing Clause, a report (May 13, 1998) from the Chief Administrative Officer reporting on the process for determining qualifications for citizen appointees to the proposed Toronto Licensing Tribunal.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Moscoe, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the report dated May 13,1998, from the Chief Administrative Officer, embodying the following recommendations, be adopted:

'It is recommended that:

- (1) the citizen qualifications and selection criteria for citizen appointments to the Licensing Tribunal be reported to the June 3, 1998 Council and the appointments process begin immediately thereafter; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Upon the question of the adoption of the foregoing motion by Councillor Moscoe, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 770 **Clause No. 7 of Report No. 8 of The Strategic Policies and Priorities Committee, headed “Millennium Celebrations and Establishment of a Task Force”.**
(See Appendix “A”, page 4111.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Kinahan, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that Councillors Ashton and Korwin-Kuczynski be advised of Councillor Kinahan’s interest in serving on the Millennium Task Force.”

Upon the question of the adoption of the foregoing motion by Councillor Kinahan, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 771 **Clause No. 3 of Report No. 6 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed “Relocation to Toronto City Hall, Approval Schedule - Phase 1; Conceptual Options for Relocation to City Hall; and Terms of Reference and Workplan for Renovations to City Hall”.**
(See Appendix “A”, page 4901.)

Upon the question of the adoption of the foregoing Clause, without amendment:

- (a) Councillor Miller, in amendment, moved that the foregoing Clause be amended by deleting from Recommendation No. (2) of the Special Committee to Review the Final Report of the Toronto Transition Team the words “and (3)”, and referring the following Recommendation No. (3) of the Sub-Committee for the Relocation of All Members of Council to City Hall back to the Sub-Committee for further consideration:

“(3) recommended to the Special Committee to Review the Final Report of the Toronto Transition Team that the Terms of Reference of the Sub-Committee be amended to permit it to review the long-term options for the civic centre proposal and its process;”; and

- (b) Councillor Moeser, in amendment, moved that the foregoing Clause be amended by deleting from the schedule of Relocation Sub-Committee meetings and associated workshop sessions the date and workshop “May 25 - Relocation Sub-Committee - Presentation of proposals as revised. Sign off on functional plan, budget, schedule.” and inserting in lieu thereof the following:

“May 26, 1998, 2:00 p.m., Council Chambers, City Hall.	Presentation of proposals as revised. Sign off on functional plan, budget, schedule.”
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Upon the question of the adoption of the foregoing motion (a) by Councillor Miller, it was carried.

Upon the question of the adoption of the foregoing motion (b) by Councillor Moeser, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

772 **Clause No. 3 of Report No. 5 of The Corporate Services Committee, headed “Remuneration for Toronto Hydro-Electric Commissioners”.**
(See Appendix “A”, page 3773.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

At this point in the proceedings, Councillor Layton, with the permission of Council, moved that Council vary the order of its proceedings to consider the Notice of Motion 9(e) appearing on the Order Paper immediately following consideration of Clause No. 1 of Report No. 5 of The Special Committee to Review the Final Report of the Toronto Transition Team, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Bossons, Bussin, Chow, Feldman, Filion, Flint, Giansante, Holyday, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Silva, Sinclair, Walker - 37.

Nays: Councillors: Brown, Chong, Duguid, Jakobek, Mahood, Shiner - 6.

Decided in the affirmative, more than two-thirds of Members present having voted in the affirmative. (See Minute No. 775)

- 773 Council resumed its consideration of Clause No. 1 of Report No. 5 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed "Terms of Reference for the Economic Development Committee". (See also Minute No. 741)

Upon the question of the adoption of the foregoing Clause, without amendment:

- (b) Councillor Saundercook, in amendment, moved that the foregoing Clause be amended by:

- (1) deleting from Recommendation No. (1)(ii) of the Special Committee to Review the Final Report of the Toronto Transition Team the number "9" and inserting in lieu thereof the number "10", so that such recommendation shall now read as follows:

"(ii) the Economic Development Committee be composed of 10 Members of Council plus the Mayor, ex-officio; and that the City Clerk be requested to canvass Members of Council to determine their interest in sitting on the proposed Economic Development Committee; and report thereon to the Striking Committee respecting the membership of the aforementioned Committee;"

- (2) adding thereto the following:

"It is further recommended that Option No. (2) of the City Clerk's survey indicating that each Member of Council will belong to only one Standing Committee, be included, and the City Clerk be requested to submit a report to the Striking Committee outlining any necessary amendments that would be required to the Council Procedural By-law to reduce the membership of the Standing Committees in order to give effect thereto."

Upon the question of the adoption of the foregoing motion (a) by Councillor Balkissoon, viz.:

"that the foregoing Clause be amended by:

- (1) adding to Recommendation No. (2) of the Special Committee to Review the Final Report of the Toronto Transition Team the following new Recommendation No. (2)(vii):

'(vii) Parks and Recreation Operations and Policy matters'; and

- (2) deleting Recommendation No. (3) of the Special Committee to Review the Final Report of the Toronto Transition Team, viz.:
- ‘(3) that Parks and Recreation continue to report to the Community and Neighbourhood Services Committee, except as it relates to major events programming;’.”

the vote was taken as follows:

Yeas: Councillors: Altobello, Balkissoon, Berger, Brown, Chong, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, Minnan-Wong, Moeser, Nunziata, O’Brien, Ootes, Prue, Saundercook, Sgro, Shaw, Shiner, Sinclair, Tzekas - 31.

Nays: Councillors: Adams, Augimeri, Bossons, Bussin, Disero, Johnston, Jones, Kelly, Kinahan, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker -18.

Decided in the affirmative by a majority of 13.

Upon the question of the adoption of Part (1) of the foregoing motion (b) by Councillor Saundercook, viz.:

“that the foregoing Clause be amended by:

- (1) deleting from Recommendation No. (1)(ii) of the Special Committee to Review the Final Report of the Toronto Transition Team the number ‘9’ and inserting in lieu thereof the number ‘10’, so that such recommendation shall now read as follows:
- ‘(ii) the Economic Development Committee be composed of 10 Members of Council plus the Mayor, ex-officio; and that the City Clerk be requested to canvass Members of Council to determine their interest in sitting on the proposed Economic Development Committee; and report thereon to the Striking Committee respecting the membership of the aforementioned Committee;’ ”

it was carried.

Upon the question of the adoption of Part (2) of the foregoing motion (b) by Councillor Saundercook, viz.:

“that the foregoing Clause be amended by adding thereto the following:

'It is further recommended that Option No. (2) of the City Clerk's survey indicating that each Member of Council will belong to only one Standing Committee, be included, and the City Clerk be requested to submit a report to the Striking Committee outlining any necessary amendments that would be required to the Council Procedural By-law to reduce the membership of the Standing Committees in order to give effect thereto.' "

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Bossons, Brown, Bussin, Chong, Disero, Duguid, Feldman, Fillion, Flint, Gardner, Giansante, Jones, Kelly, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Tzekas, Walker - 36.

Nays: Councillors: Augimeri, Berger, Holyday, Jakobek, Johnston, Kinahan, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Sinclair - 13.

Decided in the affirmative by a majority of 23.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

774 At this point in the proceedings, Deputy Mayor Ootes, with the permission of Council, introduced the students and teachers from the ESL Class of Victoria Street Link, Downtown Ward, present at this meeting.

775 At this point in the proceedings, Deputy Mayor Ootes called upon Notice of Motion 9(e) appearing on the Order Paper, as follows:

Moved by: Councillor Layton

Seconded by: Councillor King

"WHEREAS smog is responsible for 1,800 premature deaths in Ontario each year of which 180 deaths are in the City of Toronto; and

WHEREAS emergency hospital admissions for respiratory problems in infants rise by 15 percent immediately after severe smog days; and

WHEREAS the citizens of our city deserve to breathe clean air; and

WHEREAS the City of Toronto has the power and responsibility to address this issue; and

WHEREAS the smog season is just about to start and the City should be acting quickly to respond to the problem; and

WHEREAS the former City of Toronto and the former Municipality of Metropolitan Toronto had considered this problem and had adopted a series of motions and policies to start to address the problem;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Medical Officer of Health to report back to City Council in May, 1998, with a Corporate Smog Alert Response Plan for Council's consideration;

AND BE IT FURTHER RESOLVED THAT City Council adopt the recommendations in the attached joint report dated April 3, 1998, from Councillors Layton and King, which bring forward the anti-smog initiatives taken by former Municipalities of Metropolitan Toronto and Toronto."

Council also had before it, during consideration of the foregoing Motion, a joint report dated April 3, 1998, from Councillors Layton and King, recommending the adoption of resolutions adopted by the former Municipality of Metropolitan Toronto and the former City of Toronto. (See Attachment No. 1)

Upon the question of the adoption of the foregoing Motion by Councillor Layton, seconded by Councillor King, without amendment, Councillor Shiner, in amendment, moved that the foregoing Motion be amended to provide that the second Operative Paragraph be referred to the Chief Administrative Officer with a request that he report to the Strategic Policies and Priorities Committee on ways and means to adopt the recommendations put forward in the joint report dated April 3, 1998, from Councillors Layton and King.

Upon the question of the adoption of the foregoing motion by Councillor Shiner, the vote was taken as follows:

Yeas: Councillors: Berger, Cho, Duguid, Flint, Giansante, Holyday, Jakobek, Kelly, Lindsay Luby, Li Preti, Ootes, Shiner -12.

Nays: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Chow, Disero, Filion, Fotinos, Gardner, Jones, Kinahan, King, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O'Brien, Pantalone, Prue, Rae, Saundercook, Sgro, Tzekas, Walker - 30.

Decided in the negative by a majority of 18.

Upon the question of the adoption of the foregoing Motion by Councillor Layton, seconded by Councillor King, without amendment, viz.:

“that the joint report dated April 3, 1998, from Councillors Layton and King, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council adopt the resolutions embodied in Clause No. 1 of Report No. 8 of The Environment and Public Space Committee, headed “Smog Accord for Ontario”, which was adopted, as amended, by the Council of the former Municipality of Metropolitan Toronto at its meeting held on June 18, 1997, subject to the following amendments:
 - (a) deleting the words “Metropolitan Council” and “Metro” and inserting in lieu thereof the words “City Council” and “City of Toronto” wherever the words are used in the text;
 - (b) deleting the words “Acting Chief Administrative Officer” and inserting in lieu thereof the words “Chief Administrative Officer”; and deleting the words “Commissioner of Works” and inserting in lieu thereof the words “Commissioner of Works and Emergency Services” wherever the words are used in the text;
 - (c) the recommendations that were referred for further report being referred to the Chief Administrative Officer for a report back to City Council by October of 1998; and that, in the interim, the Chief Administrative Officer be requested to submit a report to the meeting of City Council to be held in May, 1998, on the status of the reports previously requested by Metropolitan Council; and
 - (d) the direction to the Commissioner of Works embodied in Recommendation No. (4) of The Environment and Public Space Committee, being amended to read that the Medical Officer of Health report to the May, 1998 meeting of Council on a corporate smog alert plan;

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

- ‘(1) City Council request the Minister of Transportation to authorize the use of electronic sign boards on those portions of Highway 401 within the boundaries of the City of Toronto, to alert the public to the air quality index and for similar public health announcements;

- (2) Ontario Hydro be requested to adopt emergency measures which would provide for the reduction of power generation at the Lakeview Generating Station during smog alert days;
- (3) the Chief Administrative Officer, in consultation with appropriate City staff, be requested to develop an information brochure to educate employees about the harmful effects of smog, how to recognize the medical symptoms of smog exposure and what employees can do to reduce their own contributions to the smog problem;
- (4) the Commissioner of Works and Emergency Services be requested to examine the possibility of reducing the amount of incineration at the Main Treatment Plant, specifically on smog alert days;
- (5) the appropriate City staff be requested to take the necessary action to implement the following:
 - (a) the suspension of road paving and pesticide spraying activities by City staff during smog days;
 - (b) the suspension of the activities of City staff which require the use of gasoline-powered parks equipment, such as lawn mowers and leaf blowers, on smog days; and
 - (c) the suspension of the use of the following by City staff on smog alert days:
 - (i) oil-based paints;
 - (ii) solvents;
 - (iii) cleaners; and
 - (iv) other consumer products that release volatile organic compounds (VOCs);
- (6) the following recommendation embodied in the submission dated June 16, 1997, from the Toronto Environmental Alliance, entitled "An Air Quality Action Plan for Metro Toronto", be referred to the Chief Administrative Officer for further consideration:

"Seasonal Plan:

Across the municipality, investigate road closures during smog alert days for the summer of 1998 and work with the Toronto Transit Commission and GO Transit to develop contingency transportation plans.”; and

- (7) the balance of the recommendations embodied in the submission dated June 16, 1997, from the Toronto Environmental Alliance, be referred to the Chief Administrative Officer for further consideration and report thereon to City Council, viz.:

“Actions:

Seasonal Plan:

Across the Municipality:

- set up an Air Quality Advice Line (similar to the one maintained by the UK's Ministry of Environment and receives, on average, 15,000 - 20,000 calls/month) for residents, which will provide regular updates on air quality, provide suggestion for decreased activity during smog days and provide health warnings that help residents recognize smog-induced symptoms;

Outreach/Communication:

Across the Municipality:

- establish a Dirty Diesel Hotline (again, we can use the UK as an example) where residents can report belching fumes from transport trucks and the City of Toronto can turn over the complaints to the Central Region of the MOEE for action;
- conduct, with the assistance of local environmental and health groups, a broad public education campaign about smog, including what residents can do to reduce their own emissions;
- promote its own corporate smog reduction program and challenge other businesses to follow its example;

Vehicle Fleet and Employee Travel:

At Metro Hall:

- adopt a 'Green Fleet' target of reducing smog causing pollutants from its own fleet by 50 per cent. by 2005, through the purchase of an increased number of cleaner fuel vehicles, reduction of fleet numbers, driver training programs, and vehicle replacement with non-car transportation modes;
- 'step up' its efforts to encourage City employees to reduce car travel to and from work by providing incentives for walking and bicycle use, public transit use, telecommuting, variable work hours, and ride sharing as well as disincentives for car-use dependency, including higher parking fees;

Across the Municipality:

- in conjunction with area employers, develop a program to promote and facilitate smog-friendly commuting practices;

The Toronto Transit Commission:

- request that the TTC adopt a similar plan of action, including a 45 percent. reduction target for NO_x and VOCs, and a 25 percent. reduction target for Particulate Matter emissions, and present the plan to the TTC Commissioners;

'Green' Power Purchases:

At Metro Hall:

- commit to a 1999 target for purchasing 25 percent. of the electricity used in-house by the City of Toronto from "Green" power sources, such as wind turbines and solar-powered generators; and

Across the Municipality:

- challenge private sector companies to commit to the same 1999 target of 25 percent. "Green" electricity purchases;";

- (8) City Council indicate its support for the direction of the Smog Accord for Ontario referred to in the report dated June 4,

1997, from the Commissioner of Works for the former Metropolitan Toronto; and that such Smog Accord be endorsed at such time as specific plans have been included to achieve the stated targets;

- (9) City Council seek the necessary legislation to permit the City of Toronto to implement a municipal inspection and maintenance program for vehicles licensed within the City of Toronto, at full cost recovery;
 - (10) City Council endorse the concepts of a “Summer Smog Plan” and “Smog Alert Days” as suggested in the submission from the Toronto Environmental Alliance; and
 - (11) the Medical Officer of Health be requested to submit a report to City Council for its meeting to be held in May, 1998, on a corporate smog alert plan.’;
- (2) City Council adopt the resolutions embodied in Clause No. 8 of Executive Committee Report No. 18, headed ‘Catching Your Breath - a Corporate Model for Clean Air’, which was adopted, as amended, by the Council of the former City of Toronto at its regular meeting held on July 14, 1997, subject to the following amendments:
- (a) the implementation date embodied in Recommendation No. (1) related to the Smog Response Plan being changed to 1998;
 - (b) Recommendations Nos. (2) and (3) related to Green Fleets and auto trip reduction being referred to the Chief Administrative Officer for a status report back to the Environmental Task Force in May, 1998, and a plan for implementation across the Corporation to the Environmental Task Force by June of 1998;
 - (c) Recommendation No. (7) referring to the report from the Anti Smog Working Group being deleted, having regard that the report has already been prepared;
 - (d) Recommendation No. (15) related to bicycle parking being deleted, as this has already been completed; and
 - (e) Recommendation No. (17) endorsing the Metropolitan Toronto report, entitled ‘Smog Accord for Ontario’, being deleted, as it is now redundant;

so that the Recommendations to be adopted by City Council shall now read as follows:

'It is recommended that:

- (1) the City of Toronto implement a corporate-wide Smog response Plan, activated by the Medical Officer of Health, to come into effect when the Provincial Air Quality Index (AQI) reaches a level of 50;

This plan is to be implemented over a two year period. Actions to be implemented starting in the summer of 1998 include:

- suspension of all nonessential vehicle use;
- suspension of activities that involve the use of oil-based paints, solvents, cleaners;
- suspension of activities requiring gas powered equipment (mowing, trimming, etc.); and
- suspension of pesticide spraying activities;

- (2) the Healthy City Office co-ordinate corporate transportation initiatives related to smog reduction, i.e. develop and implement the Employee Auto Trip Reduction Program and participate in the development and implementation of the Dangerous Smog Level Response Plan and the Green Fleets Program; an annual report to Council on the implementation of all targets and recommendations in this report will be submitted;

- (3)
 - (a) City Council adopt a target that surpasses the provincial target and reduces corporate nitrogen oxide (NO_x) and volatile organic compounds (VOC_s) emissions by a minimum of 45% from 1995 to 2005; this reduction be designed to reduce Smog Episode Days from a record high in 1995 of 11 bad air days in Toronto (the highest recorded number in Canada), to two or less Smog Episode Days in 2005;
 - (b) City Council, through the corporate Green Fleets Committee, adopt targets based on 1997 levels that would achieve:

- (i) a minimum 20 percent increase in zero emission vehicles by 2005 (includes human powered vehicles);
 - (ii) a minimum 20 percent increase in ultra low energy vehicles by 2005; and
 - (iii) a minimum 20 percent reduction in fuel consumption by 2005;
- (c) a survey of employee travel (commuting and work related) patterns be undertaken every two years, to facilitate the assessment of progress in achieving emission reduction targets and to assist in the development and achievement of employee trip reduction targets; and
- (d) a plan be developed to monitor the economic benefits accrued as a result of implementing the clean air actions recommended in this report;
- (4) the report from the Director of the Healthy City Office and the Medical Officer of Health (June 26, 1997) be forwarded to the following for consideration and application:
- GTA Mayors and Regional Chairs Clean Air Committee;
 - Federal and Provincial Ministers of Environment and Transportation;
 - large corporations and workplaces;
 - relevant international organizations; and
 - relevant non-governmental organizations;
- (5) street sweeping activities be suspended, at least until after dark, on Smog Alert Days;
- (6) the City of Toronto suspend re-fuelling activities for all non-essential municipal vehicles, at least until after dark, on Smog Alert Days;
- (7) all road re-surfacing activities be suspended on Smog Alert Days;

- (8) all municipal air conditioning units be turned down on Smog Alert Days and staff be allowed to dress casually to compensate for the slight increase in indoor temperature;
- (9) a program to monitor emissions reductions that accrue as the result of the City of Toronto's initiatives be commissioned and other actions be identified that will facilitate the City in meeting its reduction targets;
- (10) the TTC be encouraged not to cut any more of their services and be asked to develop a strategy for Smog Alert Days;
- (11) a copy of the City of Toronto actions be forwarded to the Association of Municipalities of Ontario and the Canadian Federation of Municipalities for endorsement;
- (12) City Council agree in principle to participate in the Green Fleets partnership;
- (13) City Council endorse the actions of the Board of Health in expressing to the government of Canada its serious concern with Canada's predicted failure to fulfill its international commitment to stabilize carbon dioxide emissions at their 1990 levels by the year 2000;
- (14) City Council endorse the actions of the Board of Health in requesting the Government of Canada to commit to a 20 percent reduction in greenhouse gas emissions from 1990 levels by the year 2005; conduct a comprehensive baseline study of federal taxes, grants and subsidies which impact on that commitment; and develop and implement the regulatory framework, tax policies and incentive programs necessary to achieve that goal;
- (15) the Federal Minister of the Environment be requested to meet with City Officials to discuss collaborative efforts to reduce greenhouse gas emissions;
- (16) City Council endorse the actions of the Board of Health in requesting the Province of Ontario to commit to a 20 percent reduction in greenhouse gas emissions from 1990 by the year 2005; examine the policies, regulations, subsidies and incentives that impact on that commitment; and develop and implement the planning policies, tax incentives, subsidies and regulations necessary to achieve that goal;

- (17) the following recommendations related to Green Fleets and auto trip reduction be referred to the Chief Administrative Officer for a status report back to City Council in May, 1998, and a plan for implementation across the Corporation by June of 1998:

“(1) a corporate Green Fleets Committee be convened to:

- replace motorized vehicles with non-motorized alternative and more efficient systems; and
- substitute currently used fuels with less polluting alternative fuels, increasing fuel efficiency and optimizing motor vehicle technology;

and that the Green Fleets Committee as a first step prepare a report on the feasibility and cost of implementing a green fleet strategy and report back to Council on the implementation of that strategy; and

- (2) a comprehensive auto trip reduction program be developed and implemented with the following first steps:

(a) effective December 31, 1997, revise the employee parking policy for City Hall and all other work locations so that free commuting spaces become pay for parking, unless free parking is required because of a disability, contractual obligations, or an occupational health and safety concern; and that the Parking Authority of Toronto be responsible for the administration of the City Hall commuter spaces and a system be developed for other sites;

(b) Establish a corporate Clean Air Action Fund with \$100,000.00 in seed money and/or also direct the revenue generated from the paid employee commuter parking to this fund; upon establishment of the fund, the Anti-smog Working Group in conjunction with the

Healthy City Office report back on projects for use of this fund such as:

- (i) a pedestrian/bicycle commuter facility in City Hall or an appropriate City building (pending the outcome of organizational restructuring); the facility should include bicycle parking and showers, as well as change, storage, training and repair facilities and a bike pool;
 - (ii) a bulk purchase program for TTC and GO Transit passes extending the resultant discount to employees through payroll deduction; including the feasibility of a plan for further transit subsidy to employees; and
 - (iii) a plan for telecommuting options, car pooling, variable work hours, a flexible dress code and transit, walking and bicycling incentives; This plan should aim to reduce car use, especially during peak periods, and to facilitate walking and cycling; and
- (c) the Board of Management explore alternative sources of funding such as the Toronto Atmospheric Fund (TAF) to implement projects that provide incentives for employee trip reduction, such as those outlined in Recommendation (2)(b);” and
- (3) the City of Toronto adopt the Recommendations embodied in Clause No. 29 of Report No. 21 of the Executive Committee, headed ‘Catching Your Breath-Partnerships for Clean Air’, which was adopted, as amended, by the Council of the former City of Toronto at its regular Meeting held on September 22 and 23, 1997, subject to the following amendments:
- (a) amending Recommendation No. (2) to read as follows:

‘the six month work plan be presented to City Council by June of 1998 by the Chief Administrative Officer’;

- (b) deleting Recommendations Nos. (3) and (4) of the Executive Committee, as such recommendations are now redundant;
- (c) adding a recommendation that the Chief Administrative Officer be requested to submit a report to City Council by June, 1998, on participating in the 'ozone transport rulemaking' process by EPA through a petition under section 126 of the Clean Air Act and/or through the 'international intervention' section of the Act; and
- (d) deleting the following amendments of the former Toronto City Council, as such amendments are now redundant:
 - '1. That Council again object to the removal of the ASHRAE 90.1 building standards from the Building Code and point out how this compromises the health of the citizens and the efficiency of building stock in the City.
 - 2. That the appropriate staff be requested to report to City Council on October 6, 1997, on proposed changes, if any, to the City's building standards requirements in April 1998.';

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

'It is recommended that:

- (1) City Council endorse the report (September 5, 1997) from the Director, Healthy City Office, embodying the following recommendations:
 - "1. That the City of Toronto adopt a city-wide target to reduce NOx and VOCs emissions across the city by a minimum of 45% from 1995 to 2005.
 - 2. That the City of Toronto adopt a city-wide target to reduce Smog Episode Days from a record high in 1995 of 11 to two or fewer Smog Episode Days in 2005.
 - 3. That the City of Toronto adopt, in principle, the strategy included in 'Blueprint for Action - Smog

Reduction in Toronto' for achieving smog reduction targets.

4. That the City of Toronto develop the legislation, policies, programs and partnerships with business, other levels of government, non-government organizations, individuals and international agencies required to implement the Blueprint.
 - (a) That this process be carried out by an expanded Anti-Smog Working Group to include all relevant departments, sections and committees related to transportation, energy, health, environment, greening, and legal. The lead to be taken by the Healthy City Office.
 - (b) That this committee report back to Council within six months with an implementation plan including costs, feasibility, details on legislative authority, and timing.
 - (c) That the Healthy City Office develop a budget for initial implementation of the Blueprint to be submitted as part of the six month report.
 - (d) That the City of Toronto submit this report to all relevant federal, provincial, and municipal governments and departments, as well as to all relevant institutional and individual players (see list of proposed links in appendix 3).
5. That the City of Toronto produce an annual Anti-Smog report detailing:
 - (a) Progress on achievement of the targets.
 - (b) Steps taken to implement the Blueprint.
 - (c) Recommendations for future actions.”;
- (2) the Chief Administrative Officer be requested to submit the six-month work plan to City Council by June, 1998; and
- (3) the Chief Administrative Officer report to City Council by June, 1998, on participating in the “ozone transport rulemaking” process by EPA through a petition under section

126 of the Clean Air Act and/or through the “international intervention” section of the Act.’ ”,

the vote was taken as follows:

Yeas: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chow, Disero, Duguid, Fillion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kelly, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shiner, Tzekas, Walker - 41.

Nays: Nil.

Decided in the affirmative, without dissent.

776 **Clause No. 2 of Report No. 5 of The Corporate Services Committee, headed “Re-Employment Policy for Former Members of Council and Former Staff of Members of Council”.**
(See Appendix “A”, page 3772.)

Upon the question of the adoption of the foregoing Clause, without amendment:

(a) Councillor Shiner, in amendment, moved that the foregoing Clause be amended by striking out the recommendation of the Corporate Services Committee and inserting in lieu thereof the following:

“It is recommended that any person who was previously employed by a Member of Council of any of the former municipalities be restricted from being employed by the new City of Toronto for a period equivalent to the length of any severance package they received.”

(b) Councillor Moscoe, in amendment, moved that the foregoing motion (a) by Councillor Shiner be amended by adding thereto the words “and further that this policy not be applied retroactively”.

(c) Councillor Holyday, in amendment, moved that the foregoing Clause be amended by striking out the recommendation of the Corporate Services Committee and inserting in lieu thereof the following:

“It is recommended that a restriction on former Members of Council and former staff of Members of Council be applied and that such restriction be limited to the period of time that the former Member of Council or staff of a Member of Council is in receipt of severance or separation pay.”

- (d) Councillor King, in amendment, moved that the foregoing Clause be struck out and referred back to the Corporate Services Committee for further consideration and report thereon to the next meeting of Council to be held on June 3, 1998; and the Executive Director of Human Resources be requested to submit a confidential report to the Committee, for consideration therewith, on staff who have signed contracts with former municipalities which have subsequently been breached.
- (e) Councillor Layton, in amendment, moved that the foregoing motion (d) by Councillor King, be amended to provide that the report requested of the Executive Director of Human Resources also address the issue of former employees of Members of Council having the option of deferring acceptance of their severance packages should they obtain employment with the City.

Upon the question of the adoption of the foregoing motion (e) by Councillor Layton, it was carried.

Upon the question of the adoption of the foregoing motion (d) by Councillor King, as amended, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Jones, Kelly, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Prue, Rae, Saundercook, Sgro, Shiner, Silva, Tzekas, Walker - 38.

Nays: Councillors: Bossons, Holyday, Nunziata - 3.

Decided in the affirmative by a majority of 35.

Having regard to the foregoing decision of Council, the foregoing motions (a), (b) and (c) by Councillors Shiner, Moscoe and Holyday, respectively, were not put to a vote.

777 Council resumed its consideration of Clause No. 8 of Report No. 5 of The Corporate Services Committee, headed "Sale of Density from 29 Lorraine Drive to 15-27 Lorraine Drive, File No. 98 (North York Centre - Ward 10)". (See also Minute No. 738)

At this point in the point in the proceedings, Councillor Filion, with the permission of Council, withdrew his foregoing motion (b), viz.:

"that the foregoing motion (a) by Councillor Moscoe, be amended by adding thereto the following:

'and that the Commissioner of Corporate Services be requested to submit a report to the North York Community Council outlining the process used to

arrive at a market value for this density purchase and what similar density has been selling for in North York City Centre' ”.

Upon the question of the adoption of the foregoing motion (a) by Councillor Moscoe, viz.:

“that Council adopt the following recommendation:

‘It is recommended that the foregoing Clause be struck out and referred to the North York Community Council for consideration and report thereon to City Council, through the Corporate Services Committee.’ ”,

it was carried.

778 **Clause No. 22 Report No. 6 of The Urban Environment and Development Committee, headed “Tree Removal from the Municipal Road Right-of-Way at 77 Finch Avenue West”.**

(See Appendix “A”, page 3941.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Filion, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the applicant be required to replant new trees with diameters totaling that of the tree to be removed, such trees to be located to the satisfaction of the Commissioner of Urban Planning and Development Services.”

Upon the question of the adoption of the foregoing motion by Councillor Filion, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

779 **Clause No. 3 of Report No. 6 of The Urban Environment and Development Committee, headed “The Toronto Harbour Commissioners: Bill C-9 - The Canada Marine Act - Planning and Related Issues”.**

(See Appendix “A”, page 3857.)

Upon the question of the adoption of the foregoing Clause, without amendment:

(a) Councillor Chow, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

(1) the Senate Transportation and Communications Sub-Committee be requested to:

- (a) remove Toronto from the Schedule of Canada Port Authorities contained in Bill C-9 - The Canada Marine Act;
 - (b) amend the Act:
 - (i) to ensure that a Port Authority will not be unilaterally created in a given local jurisdiction without consultation and agreement of the municipality;
 - (ii) to provide that the Minister will consult the City of Toronto prior to issuing the Letters Patent;
 - (iii) to provide that only in a case where a Canada Port Authority records a profit should it pay a charge on the gross revenues to the federal government; and
 - (iv) to permit the City of Toronto to appoint a majority of the members of any new Port Authority;
- (2) if the Act is proclaimed without the proposed amendments by the City of Toronto, the Minister of Transport be requested to:
- (a) remove Toronto from the Schedule of Canada Port Authorities as it does not meet the Bill's own criteria for the establishment of a Federal Port Authority; and
 - (b) undertake a comprehensive financial review of the Toronto port operations to determine if and how it will be financially self-sufficient, before creating a Federal Port Authority in Toronto;
- (3) if the Toronto Port Authority is established under Bill C-9, the Minister of Transport be requested to ensure that the Letters Patent of the new Toronto Port Authority will not be issued without the input and consent of City Council;
- (4) a Task Force be formed to consider and outline options relating to the form and structure of a new Port administrative body that would be able to effectively manage the changing Port operations in Toronto; and
- (5) the City Clerk be requested to forward the above recommendations, as soon as possible, to the Senate Transportation and Communications Sub-Committee which is presently reviewing the Act, clause by clause, and that the City of Toronto's official position (from its meeting of February 4, 5, and 6, 1998) opposing Bill C-9 be restated to the Senate and the Minister."

- (b) Councillor Layton, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Letters Patent of the Port Authority include requirements for the involvement of City Council in the decision-making processes involving planning, spending which could affect the City’s budget, and land use;
- (2) the Letters Patent also provide for a Liaison Committee to be formed consisting of Members of the Port Authority and those City Councillors representing Wards included in the Port Authority’s domain, plus three City Councillors appointed at-large by Council;
- (3) the Letters Patent also provide that all Members of the Port Authority submit a written report to City Council, through the appropriate Standing Committee, outlining activities, budgets and initiatives on a quarterly basis and that these Members be available for a discussion of the activities of the Port Authority with Councillors; and
- (4) the appropriate City of Toronto staff be requested to take steps to:
 - (a) analyze the legal responsibilities of the City of Toronto concerning the operating deficit of the Port Authority and to report thereon to City Council; and
 - (b) analyze the implications of the taxation regime and the federal surcharge which will become payable should the Port of Toronto be included under the new Canada Marine Act.”

- (c) Councillor McConnell, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Councillors representing the proposed Port Authority Lands (Downtown and Don River) be requested to develop and bring forward proposals for the creation of a Port Authority Advisory Committee which would meet regularly with the new members of the Port Authority created pursuant to the new Canada Marine Act;
- (2) the Toronto Harbour Commissioners be requested to meet with the Commissioner of Urban Planning and Development Services and interested Councillors concerning the development of the Letters Patent of the new Port

Authority and the views of City staff and Councillors be incorporated into the proposed Letters Patent;

- (3) any discussions involving City officials or Councillors regarding land transfers between the Toronto Economic Development Corporation (TEDCO), the City, and the Harbour Commissioners be held only after the Commissioner of Urban Planning and Development Services and the TEDCO Board have reported to the Toronto Community Council on the implications of any land transfers which might be contemplated; and
- (4) the Commissioner of Urban Planning and Development Services be authorized to assist the Councillors in developing the proposal referred to in Recommendation No. (7)."

Upon the question of the adoption of the foregoing motion (a) by Councillor Chow, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Duguid, Feldman, Fotinos, Gardner, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Silva, Tzekas, Walker - 37.

Nay: Councillor: Kelly - 1.

Decided in the affirmative by a majority of 36.

Upon the question of the adoption of the foregoing motion (c) by Councillor McConnell, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Duguid, Feldman, Fotinos, Gardner, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Silva, Tzekas, Walker - 37.

Nay: Councillor: Kelly - 1.

Decided in the affirmative by a majority of 36.

Upon the question of the adoption of Part (1) of the foregoing motion (b) by Councillor Layton, it was carried.

Upon the question of the adoption of Part (2) of the foregoing motion (b) by Councillor Layton, it was carried.

Upon the question of the adoption of Part (3) of the foregoing motion (b) by Councillor Layton, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chow, Duguid, Feldman, Fotinos, Gardner, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Silva, Tzekas, Walker - 36.

Nays: Councillors: Chong, Kelly - 2.

Decided in the affirmative by a majority of 34.

Upon the question of the adoption of Part (4) of the foregoing motion (b) by Councillor Layton, it was carried.

Upon the question of the adoption of Part (5) of the foregoing motion (b) by Councillor Layton, it was carried.

Upon the question of the adoption foregoing Clause, as amended, it was carried.

780 **Clause No. 76 of Report No. 5 of The Toronto Community Council, headed "Other Items Considered by the Community Council".**
(See Appendix "A", page 4744.)

Upon the question of the receipt for information of the foregoing Clause, without amendment, Councillor McConnell, in amendment, moved that the foregoing be received for information, subject to striking out the following Recommendation No. (2) of the Toronto Community Council embodied in Item (t), entitled "Bill C-9, The Canada Marine Act", notwithstanding subsection 128(5) of the Council Procedural By-law, having regard that such recommendation was considered with Clause No. 3 of Report No. 6 of The Urban Environment and Development Committee, headed "The Toronto Harbour Commissioners: Bill C-9 - The Canada Marine Act - Planning and Related Issues":

- “(2) recommended to the Urban Environment and Development Committee that:
 - (a) the Councillors representing the proposed Port Authority Lands (Downtown and Don River) be requested to develop and bring forward proposals for the creation of a Port Authority Advisory

Committee which would meet regularly with the new members of the Port Authority created pursuant to the new Marine Act;

- (b) the Commissioner of Urban Planning and Development Services be authorized to assist the Councillors in developing this proposal;
- (c) the Toronto Harbour Commissioners be requested to meet with the Commissioner of Urban Planning and Development Services and interested Councillors concerning the development of the 'Letters Patent' of the new Port Authority and requested that the views of the City staff and Councillors be incorporated into the proposed 'Letters Patent'; and
- (d) any discussions involving City officials or Councillors regarding land transfers between TEDCO, the City, the Harbour Commissioners be held only after the Commissioner of Urban Planning and Development Services and the TEDCO Board have reported to the Toronto Community Council on the implications of any land transfers which might be contemplated."

Upon the question of the adoption of the foregoing motion by Councillor McConnell, it was carried.

Upon the question of the receipt for information of the foregoing Clause, as amended, it was carried.

781 **Clause No. 1 of Report No. 4 of The Works and Utilities Committee, headed "Burning of Waste Oil".**
(See Appendix "A", page 3961.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 11, 1998) from Councillor Disero, Davenport, forwarding various materials related to the foregoing matter, having regard that the Works and Utilities Committee was unable to consider the matter at its special meeting, due to lack of quorum.

Council also had before it, during consideration of the foregoing Clause, the following report and communications:

- (i) (May 12, 1998) from the City Clerk, forwarding a report dated May 7, 1998, from the Medical Officer of Health with respect to the potential health and environmental impacts, particularly with respect to air quality, associated with burning waste oil in space heaters;

- (ii) (May 4, 1998) from Councillor Judy Sgro, North York Humber, submitting a communication from Pollution Probe, together with background material and newspaper articles respecting the burning of used oil;
- (iii) (May 12, 1998) from Ms. Karen Buck, expressing concern with Toronto's air quality and its effect on residents; and submitting recommendations with respect thereto; and
- (iv) (May 12, 1998) from Councillor Judy Sgro, North York Humber, submitting a proposed by-law to prohibit the use of used motor oil for space heating by or in businesses in the City of Toronto.

Having regard that the foregoing Clause was submitted without recommendation:

- (a) Councillor Disero moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the report dated April 8, 1998, from the Commissioner of Works and Emergency Services, be adopted;
- (2) the recommendation of the Board of Health embodied in the transmittal letter dated May 12, 1998, from the City Clerk, wherein it is recommended that the report dated May 7, 1998, from the Medical Officer of Health, respecting Burning of Waste Oil - Health and Environmental Impacts, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the Minister of the Environment be requested to develop a sunset regulation which phases out the use of waste oil heaters in urban areas by January 1, 2000;
- (2) the City Solicitor further investigate options to eliminate waste oil use in space heaters, including options under the Municipal Act and land use regulation under the Planning Act;
- (3) the Minister of the Environment be requested to implement a mandatory waste oil collection program and require retailers to take back waste oil for re-refining;
- (4) the Minister of the Environment be requested to provide copies to the Medical Officer of Health of all inspection and/or sampling reports pertaining to the 47 waste oil heaters operating in Toronto; and

- (5) the Minister of the Environment be requested to consult medical officers of health across Ontario on the review of air quality standards.’; and
- (3) the draft By-law submitted by Councillor Sgro in her communication dated May 12, 1998, be referred to the Commissioner of Works and Emergency Services for report thereon to the Works and Utilities Committee.”
- (b) Councillor Sgro moved that Council adopt the following recommendations:

“It is recommended that Council adopt the following by-law to prohibit the use of used motor oil for space heating by or in businesses in the City of Toronto:

‘WHEREAS Toronto residents currently bear the monetary, human health and environmental costs of air pollution; and

WHEREAS space heaters burning used motor oil generate significantly more pollution than other fuels used for space heating; and

WHEREAS space heaters currently burning used oil can burn cleaner fuels without modification and at no capital cost; and

WHEREAS current provincial regulations do not prohibit the burning of used oil for space heating; and

WHEREAS current provincial regulations improperly define used oil as a waste and not as recyclable material of value; and

WHEREAS the destruction of a recyclable material to the detriment of the environment is in contravention to the Ministry of the Environment’s stated policy commitment to the 3Rs hierarchy of Reduction, Reuse and Recycling; and

WHEREAS Section 257.2 of the Municipal Act authorizes by-laws for licensing, regulating and governing any business carried on within the municipality;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto hereby enacts as follows:

- (1) in this By-law,
- (a) “used motor oil” means lubricating oil that has been used as a lubricant in any commercial or industrial operation or as a lubricant in the crankcase of motor vehicles; and

- (b) “space heater” means a device that, through combustion of fuel provides heat energy to an internal or external area;
 - (2) the purpose of this by-law is to prohibit the use of used motor oil for space heating;
 - (3) no business may burn “used motor oil” for space heat within the municipality of the City of Toronto; and
 - (4) concurrent with the beginning of the fall heating season, this by-law comes into force at 11:59 p.m. on September 1, 1998. ’ ”
- (c) Councillor Bossons, in amendment, moved that Part (1) of the foregoing motion (a) by Councillor Disero be amended by adding thereto the following:

“subject to:

- (1) striking out Recommendation No. (2) and inserting in lieu thereof the following new Recommendation No. (2):
 - ‘(2) the Minister of the Environment be requested to ban the use of waste oil burners in the urban area of Toronto, as already defined in Ministry of the Environment regulations which prohibit the sale of high sulphur gasoline;’; and
- (2) inserting in Recommendations Nos. (5) and (6), after the words ‘does not’, the words ‘move to’, and after the word ‘discontinue’, the words ‘by September 1, 1998’;

so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) the Minister of the Environment be requested to discontinue the issuance of air approvals for waste oil burners where re-refining facilities are available;
- (2) the Minister of the Environment be requested to ban the use of waste oil burners in the urban area of Toronto, as already defined in Ministry of the Environment regulations which prohibit the sale of high sulphur gasoline;
- (3) communications to the public should continue to prevent the dumping of waste oil into sewers or the environment;

- (4) all City fleets adopt the use of re-refined oil that meets manufacturers warranty requirements, subject to availability and reasonable cost differential;
- (5) if the Minister does not move to discontinue, by September 1, 1998, the approval of waste oil burners permanently, the Province of Ontario be requested to give municipalities the option to adopt by-laws that prohibit the use in their respective jurisdictions and that take precedence over approvals issued under the Environmental Protection Act, section 9; and
- (6) if the Minister does not move to discontinue, by September 1, 1998, the air approval of waste oil burners permanently, the Province be requested through an appeal under the Environmental Bill of Rights to give municipalities standing in the review and setting of new more stringent air emission standards under Regulation 346.' "

Upon the question of the adoption of Part (1) of the foregoing motion (c) by Councillor Bossons, it was carried.

Upon the question of the adoption of Part (2) of the foregoing motion (c) by Councillor Bossons, it was carried.

Upon the question of the adoption of Parts (1) and (2) of the foregoing motion (a) by Councillor Disero, as amended, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Bossons, Brown, Bussin, Cho, Chong, Disero, Fotinos, Gardner, Holyday, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Silva, Tzekas, Walker - 30.

Nays: Councillors: Augimeri, Berger, Chow, Duguid, Layton, McConnell, Miller, Nunziata, Sgro - 9.

Decided in the affirmative by a majority of 21.

Upon the question of the adoption of Part (3) of the foregoing motion (a) by Councillor Disero, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Bossons, Bussin, Cho, Chong, Disero, Fotinos, Gardner, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Miller, Minnan-Wong, O'Brien, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva - 25.

Nays: Councillors: Augimeri, Berger, Brown, Chow, Duguid, Johnston, Layton, McConnell, Moscoe, Nunziata, Prue, Sgro, Tzekas, Walker - 14.

Decided in the affirmative by a majority of 11.

782 **Clause No. 2 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "Toronto Transit Commission: Need for Expansion of Union Subway Station".**
(See Appendix "A", page 4055.)

Upon the question of the adoption of the foregoing Clause, without amendment:

(a) Councillor Lindsay Luby, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the Commissioner of Urban Planning and Development Services be requested to submit a report to the Urban Environment and Development Committee addressing the issue of anticipated over-crowding which will impact on the City's road infrastructure as a result of the proposed development in this area, including the stadium for the Toronto Raptors and the Toronto Maple Leafs."

(b) Councillor Moscoe, in amendment, moved that the foregoing Clause be amended by:

(1) rescinding Part (2) of the action of the Urban Environment and Development Committee, viz.:

"(2) referred the issue of the development of a crowd control management plan to the Commissioner of Urban Planning and Development Services, with a request that she submit a report thereon to the meeting of the Urban Environment and Development Committee scheduled to be held on June 15, 1998;" and

(2) adding thereto the following:

"It is further recommended that the issue of the development of a crowd control management plan be referred to the Chief General Manager of the Toronto Transit Commission for report thereon to the Urban Environment and Development Committee."

(c) Councillor Walker, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a report to the next meeting

of Council, through the Strategic Policies and Priorities Committee, on the establishment of a special reserve fund and an option for collecting money from the private sector for the redevelopment of the Union Subway Station.”

Upon the question of the adoption of the foregoing motion (a) by Councillor Lindsay Luby, it was carried.

Upon the question of the adoption of the foregoing motion (b) by Councillor Moscoe, it was carried.

At this point in the proceedings, Councillor Walker, with the permission of Council, withdrew his foregoing motion (c).

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

783 **Clause No. 5 of Report No. 8 of The Strategic Policies and Priorities Committee, headed “New Logo for the City of Toronto”.**
(See Appendix “A”, page 4102.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 12, 1998) from Councillor Korwin-Kuczynski, High Park, forwarding submissions he received from a competition he held to produce creative ideas for Toronto’s Flag and Logo.

Upon the question of the adoption of the foregoing Clause, without amendment:

- (a) Councillor Korwin-Kuczynski, in amendment, moved that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

“It is recommended that the citizens of the City of Toronto be encouraged to submit their ideas on the design of the logo and flag for the new City of Toronto to the Strategic Policies and Priorities Committee for consideration at its meeting to be held on May 29, 1998.”

- (b) Councillor Bussin, in amendment, moved that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) Design Proposal ‘B’ be selected as the logo for the new City of Toronto; and
- (2) the Chief Administrative Officer be requested to investigate the possibility of utilizing a more substantial font for the word ‘Toronto’.”

- (c) Councillor Minnan-Wong, in amendment, moved that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

“It is recommended that Design Proposal ‘A’ be selected as the logo for the new City of Toronto.”

- (d) Councillor Moscoe, in amendment, moved that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

“It is recommended that the City Clerk be requested to conduct a balloted vote to determine Members’ preferences for the design logo, and that the votes be weighted as follows:

First Choice	-	3 points,
Second Choice	-	2 points,
Third Choice	-	1 point,

and that such vote be taken during the meeting of May 13, 1998.”

- (e) Councillor Saundercook, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the City Solicitor be requested to take the appropriate action to register the Design Proposal as an official mark of the City of Toronto under the Trade Marks Act and that the City Clerk be authorized to expend the necessary funds required for such registration; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the execution of any required documentation.”

At this point in the proceedings, Councillor Moscoe, moved that, in accordance with subsection 11(6) of the Council Procedural By-law, Council waive the requirement of the 6:30 p.m. recess, in order to conclude consideration of the foregoing Clause, which was lost, less than two-thirds of Members present having voted in the affirmative.

Council deferred further consideration of the foregoing Clause until later in the meeting. (See Minute No. 890)

At this point in the proceedings, Deputy Mayor Ootes, with the permission of Council, proposed that Council now recess and reconvene at 8:00 p.m.

Council concurred in the foregoing proposal.

Council recessed at 6:26 p.m.

8:15 P.M.

Council reconvened.

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

784 At the request of Council, the City Clerk called the Roll at 8:15 p.m., those Members present at the call of the Roll being:

Councillors: Adams, Altobello, Augimeri, Berger, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Layton, Lindsay Luby, Li Preti, Mahood, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Tzekas, Walker - 40.

785 Members present at the first evening session of the first day of this meeting.

Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Layton, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Tzekas, Walker - 45.

786 **Clause No. 4 of Report No. 5 of The Corporate Services Committee, headed "Provision of Food Services at Metro Hall".**
(See Appendix "A", page 3775.)

Council also had before it, during consideration of the foregoing Clause, a confidential report (May 12, 1998) from the City Solicitor responding to a request for a report on the legal ramifications of the recommendations adopted by the Corporate Services Committee at its meeting on April 27, 1998.

Council also had before it, during consideration of the foregoing Clause, the following confidential reports:

- (i) (May 13, 1998) from the Commissioner of Corporate Services; and
- (ii) (May 13, 1998) from the Commissioner of Corporate Services and the City Solicitor.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Jakobek, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the confidential report dated May 13, 1998, from the Commissioner of Corporate Services, entitled ‘Provision of Food Services at Metro Hall’, embodying the following recommendations, be adopted, subject to the Commissioner of Corporate Services being requested to submit to the next meeting of the Corporate Services Committee, if available, any or all of the report which was to be prepared for submission in December, in accordance with Recommendation No. (2):

‘It is recommended that:

- (1) the City of Toronto be authorized to finalize an interim agreement to provide food services at Metro Hall with Canada Catering Ltd., in a smoke-free environment occupying approximately 50 percent of the original space, for the period of April 1, 1998, until December 31, 1998, and then on a 60-day basis thereafter;
 - (2) the Commissioner of Corporate Services be directed to report back to Council, in December of 1998, on the status of food services agreements at Metro Hall and other corporately-owned and operated facilities; and
 - (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (2) the confidential joint report dated May 13, 1998, from the Commissioner of Corporate Services and the City Solicitor, entitled ‘Main Floor Cafe - City Hall (Ward 24)’, be referred to the Corporate Services Committee for consideration at its next meeting.”

Upon the question of the adoption of the foregoing motion by Councillor Jakobek, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Layton, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, Moeser, Moscoe, O’Brien, Ootes, Pantalone, Rae, Sgro, Shaw, Shiner, Silva, Tzekas, Walker - 37.

Nays: Councillors: Johnston, Kelly, Saundercook - 3.

Decided in the affirmative by a majority of 34.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

787 Deputy Mayor Ootes called upon Notice of Motion 9(a) appearing on the Order Paper, as follows:

Moved by: Councillor Walker

Seconded by: Councillor Adams

“**WHEREAS** there has been a great deal of speculation in the media regarding the possible purchase of the City of Toronto’s ‘Union Station lands’; and

WHEREAS the Mayor’s office has not supplied City of Toronto Councillors with any details regarding any such proposal; and

WHEREAS Councillor Michael Walker, by way of a letter dated February 18, 1998 (see attached) requested that the Mayor provide City Councillors with information regarding the proposed land deal; and

WHEREAS the Mayor has still not provided the requested information; and

WHEREAS it is vital that the negotiations for any possible disposition of these lands be done openly in a public forum; and

WHEREAS, it is essential that the City of Toronto receive ‘fair market value’ for its lands, which are worth well in excess of \$100 million;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council appoint a lead negotiator, who, along with City staff, negotiate the possible sale/lease of the Union Station lands with Maple Leaf Gardens;
- (2) City staff select three possible chief negotiators for final selection by City Council. In selecting the three possible negotiators, staff is to give consideration to those candidates with knowledge of these lands and with previous experience in negotiating their disposition to Maple Leaf Gardens;
- (3) City Council meet in special session to decide what instructions to give its negotiating team regarding any possible disposition of the lands; and
- (4) City Council continue to meet at regular intervals, in special session, to receive briefings from the City negotiators and to further instruct the negotiators.”

Council also had before it, during consideration of the foregoing Motion, a communication dated February 18, 1998, from Councillor Walker, and a copy thereof is on file in the office of the City Clerk.

Upon the question of the adoption of the foregoing Motion, without amendment, Councillor Jakobek, in amendment, moved that the foregoing Motion, together with the communication dated February 18, 1998, from Councillor Walker, be referred to the Corporate Services Committee for report thereon to the next regular meeting of Council to be held on June 3, 1998.

Upon the question of the adoption of the foregoing motion by Councillor Jakobek, it was carried.

788 Deputy Mayor Ootes called upon Notice of Motion 9(b) appearing on the Order Paper, as follows:

Moved by: Councillor Fotinos

Seconded by: Councillor Disero

“WHEREAS the Toronto Police Service has identified a need to find a new location for 14 Division headquarters; and

WHEREAS the Police have short-listed two potential sites for the new division headquarters; and

WHEREAS the former TTC Lansdowne garage is one of these two sites; and

WHEREAS the site is owned by the public (TTC/City); and

WHEREAS a police station at this site would be of great benefit to the Bloor/Lansdowne area;

NOW THEREFORE BE IT RESOLVED THAT the Toronto Police Service be requested to choose the Lansdowne garage site as the new location for 14 Division headquarters;

AND BE IT FURTHER RESOLVED THAT the Toronto Police Service be requested to abandon the other site.”

Upon the question of the adoption of the foregoing Motion, without amendment:

- (a) Councillor Fotinos, in amendment, moved that the foregoing Motion be referred to the Toronto Police Services Board and the Toronto Transit Commission for report thereon to the Emergency and Protective Services Committee.

- (b) Councillor Pantalone, in amendment, moved that the foregoing motion (a) by Councillor Fotinos be amended by adding thereto the words “and the Commissioner of Urban Planning and Development Services be requested to submit a report to the Emergency and Protective Services Committee, for consideration therewith, on other issues involved in the possible relocation of 14 Division headquarters”.

Upon the question of the adoption of the foregoing motion (b) by Councillor Pantalone, it was carried.

Upon the question of the adoption of the foregoing motion (a) by Councillor Fotinos, as amended, it was carried.

- 789 Deputy Mayor Ootes called upon Notice of Motion 9(c) appearing on the Order Paper, as follows:

Moved by: Councillor Berger

Seconded by: Councillor Moscoe

“**WHEREAS** the Parking Authority members will not be nominated for some time; and

WHEREAS the Authority has the responsibility to elect a president; and

WHEREAS it is important that the president reflect the policies of the City and be chosen by the new board;

NOW THEREFORE BE IT RESOLVED THAT the Parking Authority be requested to defer the appointment until the new board takes effect.”

Council also had before it, during consideration of the foregoing Motion, a communication (April 1, 1998) from the Chairman, Toronto Parking Authority. (See Attachment No. 2)

Upon the question of the adoption of the foregoing Motion, without amendment, Councillor King, in amendment, moved that the foregoing Motion, together with the communication dated April 1, 1998, from the Chairman, Toronto Parking Authority, be received.

Upon the question of the adoption of the foregoing motion by Councillor King, it was carried.

- 790 Deputy Mayor Ootes called upon Notice of Motion 9(d) appearing on the Order Paper, as follows:

Moved by: Councillor Walker

Seconded by: Councillor Disero

“**WHEREAS** the Mayor has promised the citizens of Toronto a 10-year tax freeze; and

WHEREAS the Province of Ontario has imposed an assessment that is not only unfair and haphazard but is literally unreasonable; and

WHEREAS a court is unlikely to uphold a law whose application bears no relation to the wording of the legislation, i.e. ‘value established by what a willing buyer would pay to a willing seller’;

NOW THEREFORE BE IT RESOLVED THAT City Council take no action to implement the unreasonable legislation respecting Current Value Assessment;

AND BE IT FURTHER RESOLVED THAT City Council be prepared to defend this action, if necessary, before a court by providing empirical evidence respecting the improper and incompetent way the assessment was conducted, including seeking a declaration that the said application of assessments is in contravention of the law;

AND BE IT FURTHER RESOLVED THAT, in the absence of any rational assessment scheme that would meet the test of the Courts, Council direct that the final 1998 property tax bills be sent based on the 1997 assessment rolls at 1997 mill rates;

AND BE IT FURTHER RESOLVED THAT the effect of Resolution Nos. (1), (2) and (3) shall mean a property tax freeze for all ratepayers in 1998;

AND BE IT FURTHER RESOLVED that, if Council requires further funds to meet its obligations, that those funds be drawn from tax collected on behalf of the Province by the City.”

Council also had before it, during consideration of the foregoing Motion, a communication (April 13, 1998) from Ms. D. Midwinter, Touch Wood, and a copy thereof is on file in the office of the City Clerk.

At this point, in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing Motion, ruled such Motion out of order.

Councillor Walker challenged the ruling of the Deputy Mayor.

Upon the question “Shall the ruling of the Deputy Mayor be upheld?”, the vote was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Berger, Brown, Cho, Chong, Duguid, Feldman, Flint, Giansante, Holyday, Jakobek, Kelly, Kinahan, King, Lindsay Luby, Mahood, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Prue, Saundercook, Sgro, Shaw, Shiner, Tzekas - 28.

Nays: Councillors: Adams, Bussin, Chow, Disero, Filion, Fotinos, Gardner, Johnston, Jones, Layton, Mihevc, Pantalone, Rae, Silva, Walker - 15.

Decided in the affirmative by a majority of 13.

At this point in the proceedings, Deputy Mayor Ootes proposed that, having regard to the grave disorder in the Council Chamber, Council now recess and reconvene in approximately ten minutes.

Council concurred in the foregoing proposal.

Council recessed at 8:44 p.m.

8:55 P.M.

Council reconvened.

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

791 Members present at second evening session of the first day of this meeting.

Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Tzekas, Walker - 49.

792 Deputy Mayor Ootes called upon Notice of Motion 10(f) appearing on the Order Paper, as follows:

Moved by: Councillor Jakobek

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS Olde Town Toronto Tours Limited wishes to operate a horse drawn trolley service to provide tours within the City of Toronto; and

WHEREAS the horse drawn trolleys intended for use by Olde Town Toronto Tours Limited have a passenger capacity of 25 persons; and

WHEREAS Metropolitan Toronto By-Law No. 20-85 requires owners and drivers of horse drawn trolleys to be licensed by the Toronto Licensing Commission; and

WHEREAS section 17 of Schedule 35 of the Metropolitan Toronto By-law restricts the passenger capacity of such horse drawn trolleys to 5 persons;

NOW THEREFORE BE IT RESOLVED THAT section 17 of Schedule 35 to Metropolitan Toronto By-law No. 20-85 be amended to permit the operation of horse drawn trolleys with a passenger capacity of 25 persons;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council to give effect thereto.”

Council deferred further consideration of the foregoing Motion until later in the meeting. (See also Minute No. 884)

793 Deputy Mayor Ootes called upon Notice of Motion 9(f) appearing on the Order Paper, as follows:

Moved by: Councillor Jakobek

Seconded by: Councillor Ootes

“**WHEREAS** the Budget Committee accepted the proposal of the Commissioner of Urban Planning and Development to discontinue the program previously delivered, only in the former City of Toronto, which paid on behalf of property owners and collected utility payments in like manner as realty property taxes when such utilities had been discontinued to tenanted properties, under the authority of Section 6 of the City of Toronto Act, 1936 (which applied only in the former City of Toronto); and

WHEREAS it is anticipated that the legislative authority for this program will be repealed or superseded by the Provincial Government in the spring of 1998; and

WHEREAS it is desirable to ensure regulations are in place that are applicable to the whole of the new City of Toronto; and

WHEREAS Bill 104, The Vital Services Act, authorizes Municipalities to pass By-laws requiring Vital Services Utilities to adopt a similar program;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be requested to draft a By-law in accordance with Bill 104 to be presented to the Urban Environment and Development Services Committee for consideration;

AND BE IT FURTHER RESOLVED THAT City Council communicate with the City's vital services utility providers requesting their co-operation in continuing this service under the authority of and as would be required by the By-law proposed in resolution No. (1);

AND BE IT FURTHER RESOLVED THAT the appropriate staff initiate discussions with the City's vital services utility providers to share information regarding the operational aspects of the former City of Toronto's utility restoration program."

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing Motion, proposed that such Motion be referred to the Urban Environment and Development Committee for consideration.

Council concurred in the foregoing proposal.

794 Deputy Mayor Ootes called upon Notice of Motion 9(g) appearing on the Order Paper, as follows:

Moved by: Councillor Sgro

Seconded by: Councillor Korwin-Kuczynski

"WHEREAS City Council at its meeting on March 4, 5, and 6, 1998, in its consideration of Item (e) headed 'Permanent Charity Gaming Clubs and Video Lottery Terminals' embodied in Clause No. 15 of Report No. 2 of The Urban Environment and Development Committee, headed 'Other Items Considered by the Committee', struck out the action taken by the Committee and, inter alia, adopted the following recommendation:

'(2) in place of the Sub-Committee on Permanent Charity Gaming Clubs and Video Lottery Terminals established by The Urban Environment and Development Committee, a Sub-Committee on Gambling be formed to address the appropriate distribution of gambling revenues between the Province of Ontario and charities.'; and

WHEREAS the City Clerk was requested to poll Members of Council for their interest in serving as members of the Sub-Committee on Gambling; and

WHEREAS the following Members of Council have expressed an interest in being appointed to the Sub-Committee on Gambling:

Councillor Brown;
Councillor Bussin;
Councillor Faubert;
Councillor Korwin-Kuczynski;

Councillor Mammoliti; and
Councillor Sgro;

NOW THEREFORE BE IT RESOLVED THAT Councillors Brown, Bussin, Faubert, Korwin-Kuczynski, Mammoliti and Sgro be appointed to the Sub-Committee on Gambling.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

795 Deputy Mayor Ootes called upon Notice of Motion 9(h) appearing on the Order Paper, moved by Councillor Pantalone, seconded by Mayor Lastman, and, in the absence of Mayor Lastman, moved by Councillor Pantalone, seconded by Councillor Shiner, as follows:

Moved by: Councillor Pantalone

Seconded by: Councillor Shiner

“**WHEREAS** section 3 of the Building Code Act, 1992, requires the Council of each municipality to appoint a chief building official; and

WHEREAS the Commissioner of Urban Planning and Development Services has conducted an internal competition in accordance with the guidelines established by the Executive Director of Human Resources; and

WHEREAS the panel that conducted the interviews for selection of the candidate included the Commissioner of Urban Planning and Development Services, a representative of the Human Resources Department and the Assistant Deputy Minister of Housing Policy and Programs; and

WHEREAS the Chief Administrative Officer, who has delegated authority to appoint for positions at the Level 3 and below, was briefed on the selection process and concurs in the selection; and

WHEREAS, as a result, Yaman Uzumeri, has been hired as Executive Director of the Building Division of the Urban Planning and Development Services Department;

WHEREAS Council must pass a by-law to designate the Chief Building Official under the Building Code Act;

WHEREAS it is expedient to appoint Yaman Uzumeri, Chief Building Official for the City of Toronto;

WHEREAS, until the restructuring of the Building Division is completed and Directors/Deputy Chief Building Officials are appointed, it is necessary to maintain existing authorities within the six (6) former municipalities to process applications and issue orders;

WHEREAS the continuation of the powers and duties of all current Chief Building Officials and Deputy Chief Building Officials is appropriate to maintain the authority structure on an interim basis;

NOW THEREFORE BE IT RESOLVED THAT Yaman Uzumeri be appointed Chief Building Official for the City of Toronto;

AND BE IT FURTHER RESOLVED THAT Bruce Ashton, Beate Bowron, Harold Bratten, Pamela Coburn, Tony Chow, Rick Mori, and Bernie Roth be appointed Deputy Chief Building Officials for the City of Toronto;

AND BE IT FURTHER RESOLVED THAT leave be granted to introduce a Bill in Council substantially in the form attached to this Notice of Motion to give effect to the appointments.”

Council also had before it, during consideration of the foregoing Motion, a communication (May 6, 1998) from the Commissioner of Urban Planning and Development Services regarding the appointment of the Chief Building Official, and a copy thereof is on file in the office of the City Clerk.

Upon the question of the adoption of the foregoing Motion, without amendment, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Giansante, Jakobek, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mihevc, Ootes, Pantalone, Rae, Saundercook, Sgro, Shiner, Silva, Tzekas - 27.

Nays: Councillors: Berger, Bossons, Bussin, Filion, Jones, Layton, Mahood, Miller, Minnan-Wong, Moscoe, Nunziata, Prue - 12.

Decided in the affirmative by a majority of 15.

796 Deputy Mayor Ootes called upon Notice of Motion 9(i) appearing on the Order Paper, moved by Councillor Balkissoon, seconded by Councillor Saundercook, and, in the absence of Councillor Balkissoon, moved by Councillor Mahood, seconded by Councillor Saundercook, as follows:

Moved by: Councillor Mahood

Seconded by: Councillor Saundercook

“**WHEREAS** a major issue facing the new City of Toronto is being competitive with the GTA region in creating jobs and attracting industries through aggressive economic development initiatives; and

WHEREAS the new City of Toronto, through its economic development program, must carefully review its inventory of available lands; and

WHEREAS this review must consider the continued viability of many existing older industrial (employment) lands and, in the interest of economic development, their conversion to other higher and better uses; and

WHEREAS the conversion of older industrial lands will have a direct impact on the inventory of available employment lands especially the undeveloped employment (industrial) lands (greenfields); and

WHEREAS Scarborough Community Council is currently considering a land use study of 753 acres of undeveloped industrial lands for redesignation for other uses;

NOW THEREFORE BE IT RESOLVED THAT the Interim Functional Lead, Economic Development, be requested to report on this application and its impact from an economic development perspective to the meeting of the Urban Environment and Development Committee scheduled to be held May 19, 1998;

AND BE IF FURTHER RESOLVED THAT the Urban Environment and Development Committee be requested to advise the Scarborough Community Council of any interest, from an economic development perspective, regarding this application at its meeting scheduled to be held on May 27, 1998.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

797 Deputy Mayor Ootes called upon Notice of Motion 9(j) appearing on the Order Paper, as follows:

Moved by: Councillor Jakobek

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** representatives from the Legal and Housing Departments of the former City of Toronto have been meeting with the Province’s representatives under the Province’s ‘File Close Out Process’ with a view to negotiating claims that the City and Cityhome have against the Province arising out of the cancellation of the Province’s social housing programs; and

WHEREAS the Province is prepared to make a partial payment to the City at this time in respect of all outstanding non-land related claims; and

WHEREAS in order to receive the settlement funds in a timely manner and in order to continue with the negotiations with the Province for the remaining portion of the City and Cityhome's claims, it is important that City Council consider this matter at its meeting of April 16, 1998;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council consider the confidential report from the City Solicitor dealing with the partial settlement of the former City of Toronto and Cityhome's claim against the Province arising out of the cancellation of the Province's social housing programs; and
- (2) City Council approve the proposed partial settlement for the reasons set out in the confidential report and adopt the recommendations of the City Solicitor."

Council also had before it, during consideration of the foregoing Motion, a confidential report (April 15, 1998) from the City Solicitor.

Upon the question of the adoption of the foregoing Motion, without amendment:

- (a) Councillor Chow, in amendment, moved that the foregoing Motion be amended by adding to the Operative Paragraph, the following new Recommendation:

“(3) the funds received with respect to this settlement be placed in the Social Housing Reserve.”
- (b) Councillor Moeser, in amendment, moved that the foregoing Motion be referred to the Community and Neighbourhood Services Committee for consideration.
- (c) Councillor Jakobek, in amendment, moved that the foregoing motion (a) by Councillor Chow be referred to the Chief Financial Officer and Treasurer with a request that she submit a report to the Budget Committee and Council advising of the appropriate reserve fund for the placement of this settlement.
- (d) Councillor Moscoe, in amendment, moved that the foregoing Motion be amended to provide that:
 - (1) the money be temporarily placed in the Social Housing Reserve Fund; and

- (2) the matter of the disposition of the funding be referred to the Community and Neighbourhood Services Committee, and the Chief Financial Officer and Treasurer be requested to report thereon to the Committee.
- (e) Councillor Mahood, in amendment, moved that consideration of the foregoing Motion be deferred until Thursday, May 14, 1998, and the Chief Financial Officer and Treasurer be requested to submit a report to Council, for consideration therewith, on the appropriate reserve account for placement of these funds.

At this point in the proceedings, Councillor Chow, with the permission of Council, withdrew her foregoing motion (a), and requested the leave of Council to again speak to this matter.

Council concurred in the foregoing request.

- (f) Councillor Chow, in amendment, moved that the foregoing Motion be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer and the Commissioner of Community and Neighbourhood Services be requested to submit a joint report to Council, through the Community and Neighbourhood Services Committee and the Budget Committee, regarding the disposition of such funds and the possibility of it being allocated to the Social Housing Reserve Fund.”

At this point in the proceedings, and with the permission of Council, Councillors Moeser, Jakobek, Moscoe and Mahood withdrew their foregoing motions (b), (c), (d) and (e), respectively.

Upon the question of the adoption of the foregoing motion (f) by Councillor Chow, it was carried.

Upon the question of the adoption of the foregoing Motion, as amended, it was carried.

Council subsequently adopted the confidential report dated April 15, 1998, from the City Solicitor, entitled “Cancellation of Social Housing - Partial Releases - JobsOntario”, embodying the following recommendations:

“It is recommended that:

- (1) the proposed settlement of certain amounts claimed in respect of the former City of Toronto’s social housing projects listed herein be approved; and
- (2) the appropriate signing authorities of Cityhome and the City execute partial Releases in respect of these partial settlements.”

798 Deputy Mayor Ootes called upon Notice of Motion 9(k) appearing on the Order Paper, as follows:

Moved by: Councillor Chow

Seconded by: Councillor McConnell

“WHEREAS the Children’s Action Committee on April 6, 1998, recommended that:

- ‘(1) the Provincial Government be advised of Council’s extreme concern that the Provincial Government’s new education funding model will jeopardize the services currently provided in Toronto to children and their families;
- (2) the Provincial Government be requested to review its education funding allocation and broaden its definition of classroom and student needs to include the whole education community to ensure that there are adequate resources available to address children’s needs such as: nutrition programs; child care; adult education; after four programs; community use of schools; programs and services for newly arrived students and their families; additional staff and programs for inner City students; and other services that improve a student’s ‘readiness to learn’;
- (3) the Provincial Government be invited to appoint two MPPs from its caucus representing the Toronto area to work with City and Toronto School Board officials to ensure that the programs listed in Recommendation No. (2) are protected; and
- (4) the Toronto School Board be requested to continue its immigration settlement activities by creating a partnership approach which involves the Toronto School Boards, the City and the Provincial and Federal governments.’; and

WHEREAS it is critical that City Council express its concern in this regard to the Provincial government as soon as possible;

NOW THEREFORE BE IT RESOLVED THAT City Council adopt the recommendations of the Children’s Action Committee as outlined above.”

Council also had before it, during consideration of the foregoing Motion, a communication (April 23, 1998) from the City Clerk advising that the Community and Neighbourhood Services Committee concurred in the recommendations embodied in the foregoing Motion, and a copy thereof is on file in the office of the City Clerk.

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

799 Deputy Mayor Ootes called upon Notice of Motion 9(l) appearing on the Order Paper, moved by Councillor Silva, seconded by Councillor Disero, and, in the absence of Councillor Silva, moved by Councillor Mihevc, seconded by Councillor Disero, as follows:

Moved by: Councillor Mihevc

Seconded by: Councillor Disero

“**WHEREAS** Council on March 4, 5 and 6, 1998, adopted Clause No. 1 of Report No. 2 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed ‘Appointment to the Toronto Arts Council’;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize an amendment to the Grant Agreement between the Toronto Cultural Advisory Corporation and the City of Toronto to provide as follows:

- that Section 1.5.1(a) of the Agreement shall read ‘five directors appointed by the Council who shall be members of Council.’
- that Section 5.3 of the Agreement shall read ‘Council at its inaugural meeting following a regular municipal election will appoint five members of Council to the Board of Directors’; and
- that ‘such other amendments as are necessary to give effect to City Council’s motion from its March 4, 5 and 6, 1998, meeting at which three additional Councillors were appointed to the Board of the Toronto Arts Council.’ ”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

800 Deputy Mayor Ootes called upon Notice of Motion 9(m) appearing on the Order Paper, as follows:

Moved by: Councillor Jakobek

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council at its meeting held on April 16, 1998, adopted, as amended, Clause No. 14 of Report No. 4 of The Strategic Policies and Priorities Committee, headed ‘Toronto City Council’s Response to Draft Greater Toronto Services Board Act’;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Clause No. 14 of Report No. 4 of The Strategic Policies and Priorities Committee, headed ‘Toronto City Council’s Response to Draft Greater Toronto Services Board Act’, be reopened for further consideration.”

At this point in the proceedings, and with the permission of Council, Councillor Jakobek withdrew the foregoing Motion.

- 801 Deputy Mayor Ootes called upon Notice of Motion 10(a) appearing on the Order Paper, as follows:

Moved by: Councillor Mammoliti

Seconded by: Councillor Li Preti

“**WHEREAS** the Ontario Government’s Health Services Restructuring Commission recommended the closure of Northwestern Hospital and its ‘merger’ with Humber River Regional Hospital; and

WHEREAS this will require the expansion of the Church Street site of the Humber River Regional Hospital, which has already submitted a rezoning application to facilitate this expansion; and

WHEREAS the Humber River Regional Hospital is situated in the planning jurisdictions of the former cities of York and North York;

NOW THEREFORE BE IT RESOLVED THAT Council indicate to the Humber River Regional Hospital that in order to facilitate their rezoning application, community concerns will have to be addressed through a wider consultation process;

AND BE IT FURTHER RESOLVED THAT Council support the establishment of an Advisory Committee, composed of the six Councillors representing York Humber, North York Humber and Black Creek, along with representatives from the communities of Keele/Eglinton, Jane and Lawrence, Jane and Finch, and a representative of the Humber River Regional Hospital;

AND BE IT FURTHER RESOLVED THAT public consultation meetings on the Church Street expansion proposal be held at the York Civic Service Centre and the North York Civic Service Centre.”

At this point in the proceedings, Deputy Mayor Ootes, having regard to the action taken by North York Community Council with respect to this matter, proposed that the foregoing Motion be received.

Council concurred in the foregoing proposal.

- 802 Deputy Mayor Ootes called upon Notice of Motion 10(b) appearing on the Order Paper, as follows:

Moved by: Councillor Rae

Seconded by: Councillor Chow

“**WHEREAS** Eric Ross Arthur was an Architect, writer and educator who had a great deal of influence on the design and preservation of some of the most significant buildings in the City of Toronto; and

WHEREAS the St. Lawrence Hall and University College restoration were completed under his supervision; and

WHEREAS Eric Ross Arthur was the professional advisor of the competition for the design of the award winning Toronto City Hall; and

WHEREAS Eric Ross Arthur was a professor at the University of Toronto School of Architecture from 1923 until 1982, influencing three generations of Toronto architects; and

WHEREAS Eric Ross Arthur wrote the book, ‘Toronto, No Mean City’ in 1964 that became the most influential text for the movement to appreciate and preserve Toronto’s rich architectural legacy; and

WHEREAS 1998 is the centenary of the birth of Eric Ross Arthur;

NOW THEREFORE BE IT RESOLVED THAT Canada Post Corporation be urged to design and issue a stamp to commemorate Eric Ross Arthur’s outstanding achievements in the field of architecture and historical, architectural preservation.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

803 Deputy Mayor Ootes called upon Notice of Motion 10(c) appearing on the Order Paper, as follows:

Moved by: Councillor McConnell

Seconded by: Councillor Disero

“**BE IT RESOLVED THAT** the Clerk report on the feasibility of establishing a help-line to provide information about the new tax to residents, to operate for the month of June;

AND BE IT FURTHER RESOLVED THAT the Clerk report on the feasibility of notifying Toronto residents of the help-line in material accompanying their tax bill;

AND BE IT FURTHER RESOLVED THAT the Clerk report on the cost of providing the services identified above in the 13 languages most often used by residents of the new City.”

Upon the question of the adoption of the foregoing Motion, without amendment:

- (a) Councillor Moscoe, in amendment, moved that the foregoing Motion be adopted, subject to the Chief Financial Officer and Treasurer, instead of the City Clerk, being requested to submit the reports requested in the first and second Operative paragraphs; and subject also to deleting the third Operative Paragraph and inserting in lieu thereof the following:

“AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the Corporate Services Committee on the cost of providing the services identified above in the languages most often used by residents of the new City, and Members of Council be requested to notify the Chief Financial Officer and Treasurer of the languages required.”

- (b) Councillor Moeser, in amendment, moved that the foregoing Motion be referred to the Corporate Services Committee.

Upon the question of the adoption of the foregoing motion (b) by Councillor Moeser, the vote was taken as follows:

Yeas: Councillors: Altobello, Berger, Cho, Duguid, Gardner, Holyday, Jakobek, Kelly, Kinahan, King, Moeser, Nunziata, Ootes, Saundercook, Shiner - 15.

Nays: Councillors: Adams, Augimeri, Brown, Bussin, Chong, Chow, Disero, Feldman, Filion, Flint, Fotinos, Giansante, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, McConnell, Mihevc, Miller, Moscoe, O'Brien, Pantalone, Prue, Rae, Tzekas, Walker - 27.

Decided in the negative by a majority of 12.

Upon the question of the adoption of the foregoing motion (a) by Councillor Moscoe, it was carried.

Upon the question of the adoption of the foregoing Motion, as amended, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Filion, Fotinos, Gardner, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Mahood, McConnell, Mihevc, Miller, Moscoe, Ootes, Pantalone, Prue, Rae, Tzekas, Walker - 31.

Nays: Councillors: Berger, Feldman, Flint, Giansante, Holyday, Kelly, Lindsay Luby, Moeser, Nunziata, O'Brien, Saundercook, Shiner - 12.

Decided in the affirmative by a majority of 19.

804 **Clause No. 1 of Report No. 5 of The Toronto Community Council, headed "Draft Official Plan Amendment and Zoning By-law Amendment for the Carlaw Avenue Industrial Area (Don River)".**

(See Appendix "A", page 4432.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 11, 1998) from the City Clerk forwarding, for consideration with the draft Official Plan Amendment and Zoning By-law Amendments for the Carlaw Avenue Industrial Area (Don River), various submissions with respect thereto.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

805 **Clause No. 2 of Report No. 5 of The Toronto Community Council, headed "Hearing - Alteration of Glengrove Avenue West and Installation of Speed Humps and Reduction of Speed (North Toronto)".**

(See Appendix "A", page 4454.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

806 **Clause No. 3 of Report No. 5 of The Toronto Community Council, headed "Hearing - Alteration of Highland Avenue, Roxborough Drive and Scholfield Avenue (Midtown)".**

(See Appendix "A", page 4467.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

807 **Clause No. 4 of Report No. 5 of The Toronto Community Council, headed "Scarborough Road/Wooddale Avenue Intersection - Design Refinement to Intersection Realignment (East Toronto)".**

(See Appendix "A", page 4472.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

808 **Clause No. 5 of Report No. 5 of The Toronto Community Council, headed "Enforcement of Unauthorized Parking City Parks - Appointment of City Parks and Recreation Staff as Provincial Offences Officers-Enforcement of Municipal Code Chapter 255-Parks".**

(See Appendix "A", page 4475.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 809 **Clause No. 6 of Report No. 5 of The Toronto Community Council, headed "Narrowing of the Pavement - Palmerston Avenue (Midtown)".**

(See Appendix "A", page 4477.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 810 **Clause No. 7 of Report No. 5 of The Toronto Community Council, headed "Forman Avenue - 'Student Pick-Up and Drop-Off Area' - Manor Montessori School (North Toronto)".**

(See Appendix "A", page 4480.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 811 **Clause No. 8 of Report No. 5 of The Toronto Community Council, headed "Walmer Road, Austin Terrace and Spadina Road - Reduction of Speed Limit (Midtown)".**

(See Appendix "A", page 4481.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 812 **Clause No. 9 of Report No. 5 of The Toronto Community Council, headed "Strachan Avenue and Fleet Street - Parking Regulations (Trinity-Niagara)".**

(See Appendix "A", page 4483.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 813 **Clause No. 10 of Report No. 5 of The Toronto Community Council, headed "Roselawn Avenue, North Side, West of Oriole Parkway - Rescindment of 'No Parking 8:00 a.m. to 4:00 p.m. Monday to Friday' Parking Regulations (North Toronto)".**

(See Appendix "A", page 4484.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 814 **Clause No. 11 of Report No. 5 of The Toronto Community Council, headed "Mackay Avenue, from Dufferin Street to Greenlaw Avenue - Implementation of Alternate Side Parking (Davenport)".**

(See Appendix "A", page 4486.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 815 **Clause No. 12 of Report No. 5 of The Toronto Community Council, headed "Installation/Removal of On-Street Disabled Persons Parking Spaces (Trinity-Niagara, Davenport, Midtown and East Toronto)".**

(See Appendix "A", page 4489.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 816 **Clause No. 13 of Report No. 5 of The Toronto Community Council, headed "Rathnally Area Residents' Association - Authorization of the Development of a Neighbourhood Traffic Management Plan (Midtown)".**

(See Appendix "A", page 4491.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 817 **Clause No. 14 of Report No. 5 of The Toronto Community Council, headed "Installation of Speed Bumps in Public Laneways (Trinity-Niagara, Davenport)".**

(See Appendix "A", page 4492.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 818 **Clause No. 15 of Report No. 5 of The Toronto Community Council, headed "Niagara Street, West Side, from King Street West to Wellington Street West - Rescindment of 'No Parking' - Parking Regulation (Trinity-Niagara)".**

(See Appendix "A", page 4503.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 819 **Clause No. 16 of Report No. 5 of The Toronto Community Council, headed "Braemar Avenue, College View Avenue and Elmsthorpe Avenue in the Vicinity of Oriole Park Public School - Changes to Parking Regulations (North Toronto)".**

(See Appendix "A", page 4504.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 820 **Clause No. 17 of Report No. 5 of The Toronto Community Council, headed "Harvard Avenue from Roncesvalles Avenue to Callender Street - Amendments to the Alternate Side Parking Regulations (High Park)".**

(See Appendix "A", page 4507.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 821 **Clause No. 18 of Report No. 5 of The Toronto Community Council, headed “Lane System Bounded by Rhodes Avenue, Danforth Avenue, Coxwell Avenue and Hanson Street - Adjustment to the Height Requirements Respecting Speed Bumps (East Toronto)”.**

(See Appendix “A”, page 4509.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 822 **Clause No. 19 of Report No. 5 of The Toronto Community Council, headed “Area Bounded by Bloor Street East/West, Bay Street, Wellesley Street East/West and Church Street - Provision of Parking Meters and a ‘Daycare Pick-up and Drop-off Area’ (Downtown)”.**

(See Appendix “A”, page 4514.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 823 **Clause No. 20 of Report No. 5 of The Toronto Community Council, headed “De Lisle Avenue, from Yonge Street to Deer Park Crescent - Adjustment of Parking Regulations (Midtown)”.**

(See Appendix “A”, page 4517.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 824 **Clause No. 21 of Report No. 5 of The Toronto Community Council, headed “Draft Sign By-law Amending The Municipal Code Chapter 297 Respecting No. 241 Wellington Street West (Downtown)”.**

(See Appendix “A”, page 4520.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 825 **Clause No. 22 of Report No. 5 of The Toronto Community Council, headed “Extension of Interim Control By-law 1997-0321 to Allow for the Completion of a Study of Parking Standards for Medical Clinics”.**

(See Appendix “A”, page 4545.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 826 **Clause No. 23 of Report No. 5 of The Toronto Community Council, headed “Interim Control By-law Respecting 16 Avondale Road Within the Avondale Ravine (Midtown)”.**
(See Appendix “A”, page 4548.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 827 **Clause No. 24 of Report No. 5 of The Toronto Community Council, headed “Hearing - Stopping Up and Closing Public Highway - Part of Queens Quay West (Downtown)”.**
(See Appendix “A”, page 4551.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 828 **Clause No. 25 of Report No. 5 of The Toronto Community Council, headed “Hearing - Stopping Up, Closing and Leasing - Lane Abutting Grenadier Pond and Road Allowance of Grenadier Ravine Drive (High Park)”.**
(See Appendix “A”, page 4565.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 829 **Clause No. 26 of Report No. 5 of The Toronto Community Council, headed “Extension of Hours of Operation - Boulevard Cafe on the Kenilworth Avenue Flankage of 1961 Queen Street East, Whitlock’s Restaurant (East Toronto)”.**
(See Appendix “A”, page 4575.)

Council also had before it, during consideration of the foregoing Clause, communications from the following individuals expressing opposition to the request to extend the hours of operation of the boulevard cafe at Whitlock’s Restaurant, from 10:00 p.m. to 11:00 p.m.:

- (i) (May 12, 1998) from L. Lotzer, Toronto; and
- (ii) (May 12, 1998) from Ms. V. Moran, Toronto.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 830 **Clause No. 27 of Report No. 5 of The Toronto Community Council, headed “Appeal of Boulevard Cafe - Logan Avenue Flankage of 889 Queen Street East (Don River)”.**
(See Appendix “A”, page 4579.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 831 **Clause No. 28 of Report No. 5 of The Toronto Community Council, headed “Application for Commercial Boulevard Parking - 25 Musgrave Street (East Toronto)”.**

(See Appendix “A”, page 4583.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 832 **Clause No. 29 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 156 St. Clements Avenue (North Toronto)”.**

(See Appendix “A”, page 4586.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 833 **Clause No. 30 of Report No. 5 of The Toronto Community Council, headed “Tree Removals - 19 Ridgewood Road (Midtown)”.**

(See Appendix “A”, page 4587.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 834 **Clause No. 31 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 192 Glencairn Avenue (North Toronto)”.**

(See Appendix “A”, page 4588.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 835 **Clause No. 32 of Report No. 5 of The Toronto Community Council, headed “Commercial Boulevard Parking Appeal - Triller Avenue Flankage of 1605 Queen Street West (High Park)”.**

(See Appendix “A”, page 4590.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 836 **Clause No. 34 of Report No. 5 of The Toronto Community Council, headed “Boulevard Cafe Appeal - George Street Flankage of 185 King Street East (Downtown)”.**

(See Appendix “A”, page 4598.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 837 **Clause No. 35 of Report No. 5 of The Toronto Community Council, headed “Operation of Boulevard Cafe during 1997 Cafe Season and Appeal for an Extension of Hours - 1071 Shaw Street (Davenport)”.**
(See Appendix “A”, page 4601.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 838 **Clause No. 36 of Report No. 5 of The Toronto Community Council, headed “Boulevard Cafe - Craighurst Avenue Flankage of 2630 Yonge Street (North Toronto)”.**
(See Appendix “A”, page 4605.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 839 **Clause No. 37 of Report No. 5 of The Toronto Community Council, headed “Naming of Public Lane Extending Southerly from Stephanie Street Between Beverley and John Streets - Cayley Lane (Downtown)”.**
(See Appendix “A”, page 4609.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 840 **Clause No. 39 of Report No. 5 of The Toronto Community Council, headed “Naming of Public Lane West of Markham Street Between Barton Avenue and Palmerston Square St. Peter’s Lane (Midtown)”.**
(See Appendix “A”, page 4615.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 841 **Clause No. 40 of Report No. 5 of The Toronto Community Council, headed “Closing of Lane Containing Encroaching Below Grade Levels of Garage - Rear of 323 Richmond Street East (Don River)”.**
(See Appendix “A”, page 4617.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 842 **Clause No. 41 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 465 Armadale Avenue (High Park)”.**
(See Appendix “A”, page 4620.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 843 **Clause No. 42 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 166 Warren Road (Midtown)”.**

(See Appendix “A”, page 4621.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 844 **Clause No. 43 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 480, 496 and 516 Richmond Street West (Downtown)”.**

(See Appendix “A”, page 4622.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 845 **Clause No. 44 of Report No. 5 of The Toronto Community Council, headed “Tree Removal - 1241 St. Clair Avenue West (Davenport)”.**

(See Appendix “A”, page 4623.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 846 **Clause No. 45 of Report No. 5 of The Toronto Community Council, headed “Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code - Corporate Services, Property Services Division (High Park, Davenport, Midtown, Downtown, Don River)”.**

(See Appendix “A”, page 4624.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 847 **Clause No. 46 of Report No. 5 of The Toronto Community Council, headed “High Park Traffic and Circulation Improvements (High Park)”.**

(See Appendix “A”, page 4648.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Miller, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that, in implementing the changes to the High Park traffic restrictions, staff ensure safe use for pedestrians, cyclists and rollerbladers continues, including adjusting speed bumps, with the intent that the access previously enjoyed by pedestrians, cyclists and rollerbladers on Sundays and holidays when roads were closed is maintained as far as possible.”

Upon the question of the adoption of the foregoing motion by Councillor Miller, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 848 **Clause No. 47 of Report No. 5 of The Toronto Community Council, headed “Request for an Extended Road Closure - Crawford Street (Trinity-Niagara)”.**
(See Appendix “A”, page 4655.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 849 **Clause No. 48 of Report No. 5 of The Toronto Community Council, headed “Decorative Sidewalk Plaque Installation - Walk of Fame (Downtown)”.**
(See Appendix “A”, page 4657.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 850 **Clause No. 49 of Report No. 5 of The Toronto Community Council, headed “Direction Report - Official Plan and Zoning By-law Amendments and Site Plan Approval - 123 Eglinton Avenue East and 108 Redpath Avenue (North Toronto)”.**
(See Appendix “A”, page 4660.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 851 **Clause No. 50 of Report No. 5 of The Toronto Community Council, headed “Lansdowne Avenue, from Davenport Road to St. Clair Avenue West - Adjustment and Removal of Temporal Parking Regulation (Davenport)”.**
(See Appendix “A”, page 4672.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 852 **Clause No. 51 of Report No. 5 of The Toronto Community Council, headed “Traffic Calming Project (Phase I) - Status Report South Eglinton Area (East) (North Toronto)”.**
(See Appendix “A”, page 4675.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 853 **Clause No. 52 of Report No. 5 of The Toronto Community Council, headed “Harbourfront Community Centre - Board of Management”.**
(See Appendix “A”, page 4677.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor O'Brien, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the Harbourfront Community Centre Board of Management be advised that these appointments are interim pending the final report of the Task Force on Agencies, Boards and Commissions and the establishment by City Council of a new policy for appointments to Agencies, Boards and Commissions.”

Upon the question of the adoption of the foregoing motion by Councillor O'Brien, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 854 **Clause No. 53 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for Liquor Licence Purposes - Festival of Fort York (Trinity-Niagara)”.**
(See Appendix “A”, page 4678.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 855 **Clause No. 54 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for LLBO Purposes - High Park Montessori School (High Park)”.**
(See Appendix “A”, page 4679.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 856 **Clause No. 55 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for LLBO Purposes - Festival - Brotherhood of the Devine Holy Spirit - Dovercourt Park (Trinity-Niagara)”.**
(See Appendix “A”, page 4679.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 857 **Clause No. 56 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for LLBO Purposes - Senhor Da Pedra Festival - Trinity Bellwoods Park (Trinity-Niagara)”.**
(See Appendix “A”, page 4680.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 858 **Clause No. 57 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for LLBO Purposes - 1998 Benson & Hedges Symphony of Fire - VIP Reception at Ontario Place (Trinity-Niagara)”.**
(See Appendix “A”, page 4681.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 859 **Clause No. 58 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for LLBO Purposes - du Maurier Downtown Jazz Toronto 1998 (Downtown)”.**
(See Appendix “A”, page 4682.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 860 **Clause No. 59 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for LLBO Purposes - Outdoor Solstice Party in the Courtyard known as ‘Berkeley Castle’ at the Corner of Berkeley Street and the Esplanade (Downtown)”.**
(See Appendix “A”, page 4684.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 861 **Clause No. 60 of Report No. 5 of The Toronto Community Council, headed “Request for Endorsement of Event for LLBO Purposes - 1998 Artbeat/Mariposa Festival (High Park)”.**
(See Appendix “A”, page 4684.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 862 **Clause No. 62 of Report No. 5 of The Toronto Community Council, headed “Variance from Chapter 297, Signs, of the City of Toronto Municipal Code - 1669 Queen Street East (East Toronto)”.**
(See Appendix “A”, page 4727.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 863 **Clause No. 63 of Report No. 5 of The Toronto Community Council, headed “Ontario Municipal Board Appeal - 2278 Queen Street East (East Toronto)”.**
(See Appendix “A”, page 4732.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 864 **Clause No. 64 of Report No. 5 of The Toronto Community Council, headed “1340 St. Clair Avenue West - Boyz & Galz Inc. (Davenport)”.**
(See Appendix “A”, page 4733.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 865 **Clause No. 65 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - African Medical and Research Foundation (Canada) (Downtown)”.**
(See Appendix “A”, page 4733.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 866 **Clause No. 66 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Wedding Reception - Historic Fort York (Trinity-Niagara)”.**
(See Appendix “A”, page 4735.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 867 **Clause No. 67 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Taste of the Danforth Community Festival (Don River)”.**
(See Appendix “A”, page 4735.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 868 **Clause No. 68 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Toronto Fiesta - Earls court Park (Davenport)”.**
(See Appendix “A”, page 4736.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 869 **Clause No. 69 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - The Black and White Polo Ball - Docks Restaurant/Night Club (Downtown)”.**
(See Appendix “A”, page 4738.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 870 **Clause No. 71 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - 577 College Street (Trinity-Niagara)”.**
(See Appendix “A”, page 4740.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 871 **Clause No. 72 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Festival on Bloor Street from Spadina Avenue to Bathurst Street (Downtown)”.**
(See Appendix “A”, page 4742.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 872 **Clause No. 73 of Report No. 5 of The Toronto Community Council, headed “Crossing Guard at Woodfield Road and Gerrard Street East (East Toronto)”.**
(See Appendix “A”, page 4742.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 873 **Clause No. 74 of Report No. 5 of The Toronto Community Council, headed “Endorsement of Event for Liquor Licence Purposes - Parkdale Then and Now Festival (High Park)”.**
(See Appendix “A”, page 4743.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 874 **Clause No. 75 of Report No. 5 of The Toronto Community Council, headed “Settlement Report - Ontario Municipal Board Appeal - 446 King Street West (Downtown)”.**
(See Appendix “A”, page 4743.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 875 **Clause No. 4 of Report No. 6 of The Special Committee to Review to Final Report of The Toronto Transition Team, headed “Staffing Levels and Resources to Support Cycling and Pedestrian Programs”.**
(See Appendix “A”, page 4930.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 1, 1998) from the City Clerk advising that the Metropolitan Cycling and Pedestrian Committee and the North York Cycling and Pedestrian Committee at a joint meeting on April 21, 1998, endorsed the recommendations embodied in the joint report dated (April 16, 1998) addressed to the Special Committee to Review the Final Report of the Toronto Transition Team, from the Interim Functional Leads for Transportation and Planning, headed “Staffing Levels and Resources to Support Cycling and Pedestrian Programs”, and directed that Council be advised accordingly.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

- 876 **Clause No. 27 of Report No. 5 of The North York Community Council, headed “Other Items Considered by the Community Council”.**
(See Appendix “A”, page 4343.) (See also Minute No. 898)

Upon the question of the receipt for information of the foregoing Clause, save and except Item (j), entitled “Best Practices - Development in North York”, without amendment, it was carried.

- 877 **Clause No. 2 of Report No. 3 of The Nominating Committee, headed “Other Item Considered by the Committee”.**
(See Appendix “A”, page 4836.)

Upon the question of the receipt for information of the foregoing Clause, without amendment, it was carried.

- 878 At this point in the proceedings, Councillor Adams, with the permission of Council, moved that Council vary the order of its proceedings to now consider the following Notice of Motion 11(f) on the Order Paper, and, seconded by Councillor Bossons, further moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of such Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Adams

Seconded by: Councillor Bossons

“**WHEREAS** the premise known as the Bedford Academy located at 36 Prince Arthur Avenue (Midtown) has applied to the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario for an expansion of their licensed area to include an outdoor area; and

WHEREAS the deadline for submissions to the Alcohol and Gaming Commission of Ontario concerning this application is May 15,1998; and

WHEREAS Subsection 6(2)(h) of the Act provides that an applicant is entitled to be issued a licence to sell liquor except if the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located; and

WHEREAS Section 7.1 of Regulation 719 under the Act states that, in the absence of receiving submissions to the contrary, the Commission shall consider a resolution of the Council of the municipality, in which are located the premises for which a person holds a licence to sell liquor, as proof of the needs and wishes of the residents of a municipality for the purpose of Clause 6(2)(h) of the Act; and

WHEREAS I, as Ward Councillor, have received calls and letters expressing concerns with the application and its proposal for an expansion of the outdoor licensed area and how it may impact negatively on the adjacent residential neighbourhood;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario that the request for an expansion of the outdoor licensed area for the Bedford Academy, is not in the public interest having regard to the needs and wishes of the residents for the municipality, and request the issuance of a proposal by the Alcohol and Gaming Commission of Ontario to refuse the application;

AND BE IT FURTHER RESOLVED THAT if the Alcohol and Gaming Commission is inclined to support the application and issue the licence, that a public interest hearing be conducted during evening hours at a location in the neighbourhood of 36 Prince Arthur Avenue;

AND BE IT FURTHER RESOLVED THAT City Council request the City Solicitor to attend the public interest hearing to oppose the application.”

At this point in the proceedings, Councillor Adams, moved that, in accordance with subsection 11(6) of the Council Procedural By-law, Council waive the requirement of the

10:00 p.m. recess, in order to conclude consideration of the foregoing Motion, which was carried, more than two-thirds of Members present having voted in the affirmative.

Upon the question of the adoption of the foregoing Motion, without amendment, Councillor Mihevc, in amendment, moved that the foregoing Motion be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Planning and Urban Development Services be requested to submit a report to the Urban Environment and Development Committee respecting the policy governing the appearance of City staff at Liquor Licence hearings, with a view to developing a uniform policy to govern these matters in the future.”

Upon the question of the adoption of the foregoing motion by Councillor Mihevc, it was carried.

Upon the question of the adoption of the foregoing Motion, as amended, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Sgro, Shiner, Tzekas, Walker - 41.

Nay: Councillor: Saundercook - 1.

Decided in the affirmative by a majority of 40.

879 Councillor Disero, seconded by Councillor Fotinos, moved that leave be granted to introduce:

“Bill No. 271 To confirm the first portion of the proceedings of the Council at its meeting held on the 13th day of May, 1998.”,

which was carried.

Upon the question, “Shall this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law?”, as follows:

“By-law No. 219-1998 To confirm the first portion of the proceedings of the Council at its meeting held on the 13th day of May, 1998.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Tzekas, Walker - 42.

Nays: Nil.

Decided in the affirmative, without dissent.

Council recessed at 10:10 p.m., to reconvene at 9:30 a.m. on Thursday, May 14, 1998.

THURSDAY, MAY 14, 1998, 9:41 A.M.

Council reconvened.

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

880 At the request of Council, the City Clerk called the Roll at 9:42 a.m., those Members present at the call of the Roll being:

Councillors: Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Feldman, Flint, Gardner, Holyday, Jakobek, Johnston, Jones, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shiner, Silva, Walker - 41.

881 Members present at the morning session of the second day of this meeting:

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Fillion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker - 52.

882 Deputy Mayor Ootes called upon Notice of Motion 10(d) appearing on the Order Paper, as follows:

Moved by: Councillor Layton

Seconded by: Councillor Faubert

“WHEREAS City Council, by its adoption, as amended, of Clause No. 2 of Report No. 1 of The Striking Committee, headed ‘1998 Schedule of Meetings’, established the schedule of meetings for Council, Community Councils and Standing Committees; and

WHEREAS there are Members of Council who are also members of the Board of Directors of FCM, and the meeting of Council scheduled to be held on June 3 and 4, 1998, conflicts with the timing of the Annual Meeting of FCM; and

WHEREAS, in order for Members of Council to attend the Annual Meeting of FCM which is to be held in Regina, Saskatchewan, from June 5 to 8, 1998, there must be sufficient lead time provided for travel requirements and attendance at preliminary workshops related to the meeting; and

WHEREAS if the Council meeting is not rescheduled, those Members of Council planning to attend FCM would probably have to leave the meeting of Council prior to its conclusion;

NOW THEREFORE BE IT RESOLVED THAT the meeting of City Council scheduled to be held on June 3 to 5, 1998, be rescheduled to June 10 to 12, 1998.”

Council also had before it, during consideration of the foregoing Motion, a communication dated May 5, 1998, from Councillor Berardinetti, advising that he is in support of the proposed revision to the Schedule of Meetings, and a copy thereof is on file in the office of the City Clerk.

Upon the question of the adoption of the foregoing Motion, without amendment:

- (a) Councillor Pantalone, in amendment, moved that the foregoing Motion be amended by deleting the Operative Paragraph and inserting in lieu thereof the following:

“NOW THEREFORE BE IT RESOLVED THAT, in order to facilitate those members of Council attending the FCM Annual Conference, the meeting of Council scheduled for June 3 and 4, 1998, be rescheduled to June 15 and 16, 1998, and the meetings of the Urban Environment and Development Committee and Emergency and Protective Services Committee scheduled to be held on June 15 and 16, 1998, be rescheduled to occur concurrently on June 18, 1998.”

- (b) Councillor Moscoe, in amendment, moved that the foregoing Motion be amended by deleting from the Operative Paragraph the dates “June 10 to 12, 1998”, and inserting in lieu thereof the dates “June 1 and 2, 1998”.

- (c) Councillor Mihevc, in amendment, moved that consideration of the foregoing Motion be deferred until 2:00 p.m. today, and the City Clerk be requested to canvass Members of Council to determine the preferred meeting schedule.

At this point in the proceedings, Councillor Mahood, with the permission of Council, moved that, in accordance with subsection 38(c) of the Council Procedural By-law, the vote be now taken, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Berger, Chong, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Moeser, Nunziata, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Sinclair, Walker - 32.

Nays: Councillors: Augimeri, Bossons, Brown, Bussin, Chow, Johnston, Jones, Layton, Miller, Minnan-Wong, Moscoe, O'Brien, Sgro - 13.

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

Upon the question of the adoption of the foregoing motion (c) by Councillor Mihevc, the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Bossons, Brown, Chow, Johnston, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, O'Brien, Sgro, Sinclair - 15.

Nays: Councillors: Altobello, Balkissoon, Bussin, Chong, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, Jones, Kelly, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Walker - 30.

Decided in the negative by a majority of 15.

Upon the question of the adoption of the foregoing motion (a) by Councillor Pantalone, the vote was taken as follows:

Yeas: Councillors: Augimeri, Balkissoon, Bossons, Chow, Disero, Fotinos, Layton, Mihevc, Miller, Pantalone, Shaw - 11.

Nays: Councillors: Adams, Altobello, Berger, Brown, Bussin, Chong, Duguid, Feldman, Flint, Gardner, Holyday, Jakobek, Johnston, Jones, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti,

McConnell, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Prue, Rae, Saundercook, Sgro, Shiner, Sinclair, Walker - 34.

Decided in the negative by a majority of 23.

Upon the question of the adoption of the foregoing Motion, without amendment, the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Balkissoon, Bussin, Chow, Layton, McConnell, Mihevc, Miller, Ootes, Rae, Saundercook, Shaw, Sinclair - 14.

Nays: Councillors: Altobello, Berger, Bossons, Brown, Chong, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mahood, Mammoliti, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Pantalone, Prue, Sgro, Shiner, Walker - 32.

Decided in the negative by a majority of 18.

Upon the question of the adoption of the foregoing motion (b) by Councillor Moscoe, the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Balkissoon, Chow, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw - 12.

Nays: Councillors: Altobello, Berger, Bossons, Brown, Bussin, Chong, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Lindsay-Luby, Li Preti, Mahood, Mammoliti, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Prue, Saundercook, Sgro, Shiner, Sinclair, Walker - 34.

Decided in the negative by a majority of 22.

Having regard to the foregoing decisions of Council, the Schedule of Meetings was not amended.

883 Deputy Mayor Ootes called upon Notice of Motion 10(e) appearing on the Order Paper, as follows:

Moved by: Councillor Adams

Seconded by: Councillor O'Brien

"BE IT RESOLVED THAT a Special Meeting of City Council be held on June 22 and 23, 1998, to deal with tax policy and tax rate matters;

AND BE IT FURTHER RESOLVED THAT, in order to accommodate this Special Meeting of Council, the meeting of the Corporate Services Committee,

scheduled to be held on June 22, 1998, be rescheduled to June 29, 1998, and the meeting of the Budget Committee, scheduled to be held on June 23, 1998, be rescheduled to the afternoon of June 29, 1998;

AND BE IT FURTHER RESOLVED THAT a Special Meeting of the Strategic Policies and Priorities Committee be held on June 17, 1998, to consider the report of the Assessment and Tax Policy Task Force for report thereon to Council.”

Deputy Mayor Ootes, having regard that the foregoing matter was considered by the Strategic Policies and Priorities Committee at its meeting held on May 5, 1998, and subsequently reported to Council in Clause No. 15 of Report No. 8 of The Strategic Policies and Priorities Committee, which was adopted by Council, without amendment, proposed that the foregoing Motion be received.

Council concurred in the foregoing proposal.

884 Council resumed its consideration of Notice of Motion 10(f), as follows (see also Minute No. 792):

Moved by: Councillor Jakobek

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** Olde Town Toronto Tours Limited wishes to operate a horse drawn trolley service to provide tours within the City of Toronto; and

WHEREAS the horse drawn trolleys intended for use by Olde Town Toronto Tours Limited have a passenger capacity of 25 persons; and

WHEREAS Metropolitan Toronto By-Law No. 20-85 requires owners and drivers of horse drawn trolleys to be licensed by the Toronto Licensing Commission; and

WHEREAS section 17 of Schedule 35 of the Metropolitan Toronto By-law restricts the passenger capacity of such horse drawn trolleys to 5 persons;

NOW THEREFORE BE IT RESOLVED THAT section 17 of Schedule 35 to Metropolitan Toronto By-law No. 20-85 be amended to permit the operation of horse drawn trolleys with a passenger capacity of 25 persons;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council to give effect thereto.”

Upon the question of the adoption of the foregoing Motion, without amendment:

- (a) Councillor Jakobek, in amendment, moved that the foregoing Motion be amended by adding thereto the following new Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** the Commissioner of Works and Emergency Services be requested to submit a report to the next meeting of the Emergency and Protective Services Committee on any other conditions applicable to granting permission for the operation of horse-drawn trolleys, especially with respect to the issue of the skill level of the driver, insurance, etc., such report to also address the issue of the passenger capacity for the trolleys.”
- (b) Councillor Brown, in amendment, moved that the foregoing Motion be amended by adding thereto the following new Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** the Emergency and Protective Services Committee be requested to investigate how the consolidated by-law should be modelled to also accommodate other businesses of this type.”
- (c) Councillor Jones, in amendment, moved that the foregoing Motion be received.
- (d) Councillor Moscoe, in amendment, moved that the foregoing Motion be referred to the Emergency and Protective Services Committee for consideration.
- (e) Councillor Mammoliti, in amendment, moved that the foregoing Motion be amended by adding thereto the following new Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** Members of Council be given the first opportunity to ride on this horse-drawn trolley.”
- (f) Councillor Bossons, in amendment, moved that the foregoing Motion be amended by adding thereto the following new Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** the horse drawn trolleys be restricted from using arterial roads and that a list of streets which may be used by these trolleys be provided and be a condition of their licence.”
- (g) Councillor Rae, in amendment, moved that the foregoing Motion be amended by adding thereto the following new Operative Paragraph:
- “AND BE IT FURTHER RESOLVED THAT** the Commissioner of Works and Emergency Services and the Chief General Manager of the Toronto Transit Commission be requested to submit a joint report to the Emergency and Protective Services Committee on the capacity of downtown streets to accommodate horse drawn trolleys and recommending times of operation and routes.”

Upon the question of the foregoing (d) by Councillor Moscoe, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Bossons, Bussin, Chong, Duguid, Feldman, Flint, Jones, Kelly, King, Lindsay Luby, Mahood, Miller, Moeser, Moscoe, Prue, Rae, Saundercook, Walker - 21.

Nays: Councillors: Augimeri, Brown, Chow, Disero, Fotinos, Holyday, Jakobek, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Nunziata, Ootes, Sgro, Sinclair - 15.

Decided in the affirmative by a majority of 6.

885 Deputy Mayor Ootes called upon Notice of Motion 10(g) appearing on the Order Paper, as follows:

Moved by: Councillor Bossons

Seconded by: Councillor Miller

“**WHEREAS** municipalities charge 1.25 per cent monthly (15 per cent annually) interest rate on unpaid property tax bills; and

WHEREAS many taxpayers have complained about this high interest rate; and

WHEREAS if CVA-related tax increases begin to apply in 1998, many taxpayers will have difficulties in coming up with the extra tax, at least in the beginning; and

WHEREAS many must default on taxes while they begin planning for the sale of their homes;

NOW THEREFORE BE IT RESOLVED THAT for 1998, 1999 and 2000, the City of Toronto adjust this interest rate downward.”

Deputy Mayor Ootes, having regard to the nature of the foregoing Motion, proposed that consideration of such Motion be deferred to the Special Meeting of City Council to be held on June 22 and 23, 1998, and the Chief Financial Officer and Treasurer be requested to submit a report directly to Council for such meeting on the actions recommended therein.

Council concurred in the foregoing proposal.

886 Deputy Mayor Ootes called upon Notice of Motion 10(h) appearing on the Order Paper, as follows:

Moved by: Councillor Giansante

Seconded by: Councillor O'Brien

“**WHEREAS** City Council at its meeting held on January 2, 6, 8 and 9, 1998, by its adoption, as amended, of Clause No. 1 of Report No. 1 of The Striking Committee, appointed Councillor Giansante to the Toronto and Region Conservation Authority; and

WHEREAS due to a conflict of meeting dates between the Board of Governors of Exhibition Place and the Authority, I am unable to attend the meetings of the Toronto and Region Conservation Authority;

NOW THEREFORE BE IT RESOLVED THAT City Council accept the resignation of Councillor Mario Giansante, Kingsway-Humber, from the Toronto and Region Conservation Authority.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

887 Deputy Mayor Ootes called upon Notice of Motion 10(i) appearing on the Order Paper, as follows:

Moved by: Councillor Jakobek

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council at its meeting held on April 16, 1998, received, for information, Item (p), entitled ‘Fences Within the City Street Allowance (All Wards in the Former City of Toronto)’, embodied Clause No. 96 of Report No. 3 of Toronto Community Council, headed ‘Other Items Considered by the Community Council’;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Item (p), entitled ‘Fences Within the City Street Allowance (All Wards in the Former City of Toronto)’, embodied in Report No. 3 of Toronto Community Council, headed ‘Other Items Considered by the Community Council’, be reopened and referred back to the Toronto Community Council for further consideration.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried, more than two-thirds of Members present having voted in the affirmative.

888 Deputy Mayor Ootes called upon Notice of Motion 10(j) appearing on the Order Paper, as follows:

Moved by: Councillor Nunziata

Seconded by: Councillor Mammoliti

“**WHEREAS** the Ontario Government’s Health Services Restructuring Commission recommended the closure of Northwestern Hospital and its ‘merger’ with Humber River Regional Hospital; and

WHEREAS this will result in the expansion of the Church Street site of the Humber River Regional Hospital, which has already submitted a rezoning application to facilitate this expansion; and

WHEREAS the Hospital is situated in the planning jurisdictions of the former Cities of York and North York;

NOW THEREFORE BE IT RESOLVED THAT the Planning staff of the City be directed to hold the official public meetings on the hospital expansion in both the Civic Centres of York and North York, prior to the applications being submitted to City of Toronto Council for approval;

AND BE IT FURTHER RESOLVED THAT, since the premature closing of the Northwestern Hospital site has contributed to emergency room overcrowding, lack of acute-care beds and a reduction in the quality of health care service to the community, that Council requests Cabinet, through the Minister of Health, to overturn the recommendation of the Health Services Restructuring Commission to close the Northwestern Hospital site.”

At this point in the proceedings, Deputy Mayor Ootes proposed that the foregoing Motion be received, having regard that a copy thereof had been submitted to the Urban Environment and Development Committee for consideration.

Council concurred in the foregoing proposal.

889 Deputy Mayor Ootes called upon Notice of Motion 10(k) appearing on the Order Paper, as follows:

Moved by: Councillor Sgro

Seconded by: Councillor Brown

“WHEREAS Toronto Community Council at its meeting held on April 1 and 2, 1998, received a report dated March 3, 1998, from the Toronto Community Council Solicitor, respecting Park Drive Ravine, Ontario Municipal Board Decision, Dismissal of Two Appeals to Zoning By-law No. 1997-0369 (Midtown), together with additional communications in this regard, and this action was reported to City Council as Item (ff), embodied in Clause No. 96, headed ‘Other Items Considered by the Community Council’; and

WHEREAS City Council at its meeting held on April 28 and May 1, 1998, struck out and referred the aforementioned matter back to the Toronto Community Council for further consideration; and

WHEREAS there are serious legal and financial implications for the new City of Toronto; and

WHEREAS the issues surrounding this matter are complex and require additional information;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Item No. (ff), entitled ‘Park Drive Ravine, Ontario Municipal Board Decision, Dismissal of Two Appeals to Zoning By-law No. 1997-0369 (Midtown)’, as embodied in Clause No. 96 of Report No. 3 of The Toronto Community Council, headed ‘Other Items Considered by the Community Council’, be reopened for further consideration at the meeting of City Council to be held on May 13, 1998;

AND BE IT FURTHER RESOLVED THAT this matter be referred to the Corporate Services Committee for consideration at its meeting to be held on May 25, 1998;

AND BE IT FURTHER RESOLVED THAT the City Solicitor and the Commissioner of Urban Planning and Development Services be requested to submit reports to the Corporate Services Committee for its meeting to be held on May 25, 1998, on the status of 15 Beaumont Road.”

Council also had before it, during consideration of the foregoing Motion, a confidential report dated April 15, 1998, from the City Solicitor.

Upon the question of the adoption of the recommendation embodied in the first operative paragraph, it was carried, more than two-thirds of Members present having voted in the affirmative.

Upon the question of the adoption of the foregoing Motion, without amendment, Councillor Sgro, in amendment, moved that the foregoing Motion, together with the confidential report dated April 15, 1998, from the City Solicitor, be referred to the Corporate Services Committee for consideration; and the Commissioner of Corporate Services, in consultation with the Commissioner of Economic Development and the Chief Administrative Officer/Secretary-Treasurer, Toronto and Region Conservation Authority, be requested to submit a further report to the Corporate Services Committee, for consideration therewith, on the real estate aspects of this matter.

Upon the question of the adoption of the foregoing motion by Councillor Sgro, it was carried.

890 Council resumed its consideration of Clause No. 5 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "New Logo for the City of Toronto". (See also Minute No. 783)

(f) Councillor Kelly, in amendment, moved that the foregoing Clause be struck out and referred back to the Strategic Policies and Priorities Committee for further consideration.

(g) Councillor Mihevc, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the Chief Administrative Officer be requested to develop a marketing strategy, such strategy to include the development of appropriate products (e.g. pens, cups, ties, pins, etc.) using the new City of Toronto logo."

(h) Councillor Lindsay Luby, in amendment, moved that the foregoing motion (d) by Councillor Moscoe be amended to provide that the design option which places third after the first vote be dropped, with Members voting on the remaining two options.

Upon the question of the adoption of the foregoing motion (f) by Councillor Kelly, viz.:

"that the foregoing Clause be struck out and referred back to the Strategic Policies and Priorities Committee for further consideration.",

the vote was taken as follows:

Yeas: Councillors: Augimeri, Balkissoon, Chong, Kelly, Korwin-Kuczynski, Nunziata, O'Brien, Prue, Shiner - 9.

Nays: Councillors: Adams, Altobello, Bossons, Brown, Bussin, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Holyday, Jakobek, Johnston, Jones, King, Lindsay-Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shaw, Silva, Sinclair, Tzekas, Walker - 35.

Decided in the negative by a majority of 26.

Upon the question of the adoption of the foregoing motion (a) by Councillor Korwin-Kuczynski, viz.:

“that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

‘It is recommended that the citizens of the City of Toronto be encouraged to submit their ideas on the design of the logo and flag for the new City of Toronto to the Strategic Policies and Priorities Committee for consideration at its meeting to be held on May 29, 1998.’ ”,

the vote was taken as follows:

Yeas: Councillors: Augimeri, Chong, Filion, Holyday, Korwin-Kuczynski, Li Preti, Nunziata, O’Brien, Prue, Shiner, Sinclair - 11.

Nays: Councillors: Adams, Altobello, Balkissoon, Bossons, Brown, Bussin, Disero, Duguid, Feldman, Flint, Fotinos, Jakobek, Johnston, Jones, King, Layton, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Rae, Saundercook, Shaw, Silva, Tzekas, Walker - 33.

Decided in the negative by a majority of 22.

Upon the question of the adoption of the foregoing motion (h) by Councillor Lindsay Luby, viz.:

“that the foregoing motion (d) by Councillor Moscoe be amended to provide that the design option which places third after the first vote be dropped, with Members voting on the remaining two options.”,

the vote was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Balkissoon, Bossons, Brown, Chong, Duguid, Feldman, Filion, Giansante, Holyday, Johnston, Jones, Layton, Lindsay Luby, Mahood, Mammoliti, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Saundercook, Shiner, Silva, Sinclair, Tzekas - 29.

Nays: Councillors: Adams, Bussin, Disero, Flint, Fotinos, Jakobek, King, Korwin-Kuczynski, Li Preti, McConnell, Mihevc, Minnan-Wong, Prue, Rae, Shaw, Walker - 16.

Decided in the affirmative by a majority of 13.

Upon the question of the adoption of the foregoing motion (d) by Councillor Moscoe, as amended, viz.:

“that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

‘It is recommended that:

- (1) the City Clerk be requested to conduct a balloted vote to determine Members’ preferences for the design logo, and that the votes be weighted as follows:

First Choice	-	3 points,
Second Choice	-	2 points,
Third Choice	-	1 point,

and that such vote be taken during the meeting of May 13, 1998; and

- (2) the design option which places third after the first vote be dropped, with Members voting on the remaining two options.’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Bossons, Brown, Bussin, Chong, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, King, Layton, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Tzekas, Walker - 40.

Nays: Councillors: Korwin-Kuczynski, Li Preti, O'Brien, Prue, Shaw - 5.

Decided in the affirmative by a majority of 35.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared Part (1) of the foregoing motion (b) by Councillor Bussin, redundant, viz.:

“that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

‘It is recommended that:

- (1) Design Proposal ‘B’ be selected as the logo for the new City of Toronto;’.”

Upon the question of the adoption of Part (2) of the foregoing motion (b) by Councillor Bussin, viz.:

“that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

‘It is recommended that:

- (2) the Chief Administrative Officer be requested to investigate the possibility of utilizing a more substantial font for the word “Toronto”.’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Brown, Bussin, Chow, Duguid, Feldman, Giansante, Holyday, King, Lindsay Luby, Li Preti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Rae, Saundercook, Sgro, Shaw, Sinclair, Tzekas, Walker - 28.

Nays: Councillors: Augimeri, Bossons, Chong, Disero, Filion, Flint, Fotinos, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Mahood, Miller, Prue - 15.

Decided in the affirmative by a majority of 13.

Upon the question of the adoption of the foregoing motion (e) by Councillor Saundercook, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that:

- (1) the City Solicitor be requested to take the appropriate action to register the Design Proposal as an official mark of the City of Toronto under the Trade Marks Act and that the City Clerk be authorized to expend the necessary funds required for such registration; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the execution of any required documentation.’ ”,

it was carried.

Upon the question of the adoption of the foregoing motion (g) by Councillor Mihevc, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the Chief Administrative Officer be requested to develop a marketing strategy, such strategy to include the development of appropriate products (e.g. pens, cups, ties, pins, etc.) using the new City of Toronto logo.’ ”,

it was carried.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decisions of Council, declared the foregoing motion (c) by Councillor Minnan-Wong, redundant, viz.:

“that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

‘It is recommended that Design Proposal “A” be selected as the logo for the new City of Toronto.’ ”

At this point in the proceedings, Deputy Mayor Ootes proposed that Council now proceed with the selection of the Corporate logo by written ballot and that the results of such ballot be reported back to Council at 2:00 p.m.

Council concurred in the foregoing proposal. (See also Minute No. 890)

- 891 **Clause No. 1 of Report No. 7 of The Strategic Policies and Priorities Committee, headed “Provincial Property Tax System”.**
(See Appendix “A”, page 4033.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Duguid, in amendment, moved that consideration of the foregoing Clause be deferred to the Special Meeting of Council to be held on June 22 and 23, 1998.

Upon the question of the adoption of the foregoing motion by Councillor Duguid, it was carried.

- 892 **Clause No. 2 of Report No. 7 of The Strategic Policies and Priorities Committee, headed “Independent Review of Provincial Current Value Assessments”.**
(See Appendix “A”, page 4041.)

Council also had before it, during consideration of the foregoing Clause, the following communications:

- (i) (May 12, 1998) from the City Clerk, advising that the Assessment and Tax Policy Task Force on May 12, 1998, directed that the report dated May 7, 1998, from the Chief Financial Officer and Treasurer, entitled “Independent Review of Provincial Assessments”, be submitted to City Council without recommendation; and
- (ii) (April 22, 1998) from Mr. Phil K. West, Vice President and General Manager, Central Canada Valuation and Consulting Services, Royal LePage Professional Services Inc., addressed to Councillor John Adams, Chair of the Assessment and Tax Policy Task Force, providing details with respect to the proposal for an independent review of the quality of the current value assessments provided by the Province.

Having regard that the foregoing Clause was submitted without recommendation:

- (a) Councillor Duguid moved that consideration of the foregoing Clause be deferred to the Special Meeting of Council to be held on June 22 and 23, 1998.
- (b) Councillor Augimeri moved that Council adopt the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer, upon receipt of the final assessment rolls from the Province of Ontario, be requested to conduct an evaluation study for the specific purposes of ascertaining the quality and accuracy of the final assessment rolls.”

At this point in the proceedings, Councillor Duguid, with the permission of Council, withdrew his foregoing motion (a), and requested the leave of Council to again speak to this matter.

Council concurred in the foregoing request.

(c) Councillor Duguid moved that Council adopt the following recommendation:

“It is recommended that the report dated May 7, 1998, from the Chief Financial Officer and Treasurer, entitled ‘Independent Review of Provincial Assessments’, as appended to the communication dated May 12, 1998, from the City Clerk, be adopted, subject to deleting Recommendation No. (2), so that the recommendations embodied in such report shall now read as follows:

- ‘(1) no action be taken with the unsolicited proposal from Royal LePage to conduct a limited scope review of the quality of the provincial assessments; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.’ ”

(d) Councillor Walker moved that Council adopt the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer engage Royal LePage Ltd. to undertake a limited scope review of the quality and accuracy of the provincial assessments at a cost not to exceed \$54,000.00 (excluding G.S.T.).”

Council deferred further consideration of the foregoing Clause until later in the meeting.
(See also Minute No. 899)

Council recessed at 12:30 p.m.

2:14 P.M.

Council reconvened.

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

893 At the request of Council, the City Clerk called the Roll at 2:14 p.m., those Members present at the call of the Roll being:

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Brown, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Sinclair, Walker - 43.

894 Members present at the afternoon session of second day of this meeting.

Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Shiner, Sinclair, Tzekas, Walker - 50.

895 Council resumed its consideration of Clause No. 5 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "New Logo for the City of Toronto". (See also Minute No. 890)

At the request of Council, the City Clerk tallied the results of the election by ballot, the results being as follows:

Option "A"	-	88 votes,
Option "B"	-	86 votes, and
Option "C"	-	90 votes.

Deputy Mayor Ootes, having regard to the foregoing decision of Council that the design option which places third after the first vote be dropped, proposed that the vote be now taken with respect to selecting either Option "A" or Option "C".

Council concurred in the foregoing proposal.

Upon the question of the adoption of Option "A", the vote was taken as follows:

Yeas: Councillors: Berger, Brown, Feldman, Filion, Giansante, Johnston, Li Preti, Miller, Minnan-Wong, Moeser, Pantalone, Sgro, Shiner -13.

Nays: Councillor: Adams, Altobello, Augimeri, Balkissoon, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Flint, Holyday, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Moscoe, Nunziata, Ootes, Prue, Rae, Saundercook, Shaw, Sinclair, Walker - 32.

Decided in the negative by a majority of 19.

Upon the question of the adoption of Option "C", the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Balkissoon, Cho, Chong, Chow, Disero, Duguid, Flint, Giansante, Jakobek, Jones, Kinahan, King, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Moscoe, Ootes, Rae, Saundercook, Shaw, Sinclair, Tzekas, Walker - 27.

Nays: Councillors: Augimeri, Berger, Bossons, Brown, Bussin, Feldman, Filion, Johnston, Kelly, Korwin-Kuczynski, Li Preti, Miller, Minnan-Wong, Moeser, Nunziata, Pantalone, Prue, Sgro, Shiner - 19.

Decided in the affirmative by a majority of 8.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council with respect to Option "B", declared the previous decision of Council in regard to Part (2) of the foregoing motion (b) by Councillor Bussin, redundant, viz.:

"that the foregoing Clause be amended by striking out the recommendations of the Strategic Policies and Priorities Committee and inserting in lieu thereof the following:

'It is recommended that:

- (2) the Chief Administrative Officer be requested to investigate the possibility of utilizing a more substantial font for the word "Toronto".'

Upon the question of the adoption of the foregoing Clause, as amended, viz.:

"that the foregoing Clause be amended by adding thereto the following:

'It is further recommended that:

- (1) the Chief Administrative Officer be requested to develop a marketing strategy, such strategy to include the development of appropriate products (e.g. pens, cups, ties, pins, etc.) using the new City of Toronto logo;
- (2) the City Solicitor be requested to take the appropriate action to register the Design Proposal as an official mark of the City of Toronto under the Trade Marks Act, and the City Clerk be authorized to expend the necessary funds required for such registration; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the execution of any required documentation.'

it was carried.

At this point in the proceedings, and with the permission of Council, Councillor Walker moved that Council vary the order of its proceedings to now consider Clauses Nos. 33 and 61 of Report No. 5 of The Toronto Community Council, headed "Boulevard

Cafe Appeal - Holly Street Flankage of 45 Eglinton Avenue East (North Toronto)” and “Traffic Area Management Plan for the Teddington Park/Wanless Park Area (North Toronto)”, respectively, which was carried.

- 896 **Clause No. 61 of Report No. 5 of The Toronto Community Council, headed “Traffic Area Management Plan for the Teddington Park/Wanless Park Area (North Toronto)”.**
(See Appendix “A”, page 4685.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Walker, in amendment, moved that consideration of the foregoing Clause be deferred to the meeting of City Council to be held on July 8, 1998, and the Ward Councillors be requested to hold a public meeting in this regard, if necessary.

Upon the question of the adoption of the foregoing motion by Councillor Walker, it was carried.

- 897 **Clause No. 33 of Report No. 5 of The Toronto Community Council, headed “Boulevard Cafe Appeal - Holly Street Flankage of 45 Eglinton Avenue East (North Toronto)”.**
(See Appendix “A”, page 4594.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Walker, in amendment, moved that the foregoing Clause be amended by striking out the recommendations of the Toronto Community Council and inserting in lieu thereof the following:

“It is recommended that the application for a boulevard cafe on the Holly Street flankage of 45 Eglinton Avenue East be refused in view of the negative result of the poll.”

Upon the question of the adoption of the foregoing motion by Councillor Walker, the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Bussin, Filion, Holyday, Jones, Layton, Lindsay Luby, Li Preti, Sgro, Walker - 11.

Nays: Councillors: Balkissoon, Berger, Bossons, Brown, Cho, Chong, Duguid, Flint, Giansante, Johnston, Kelly, King, Korwin-Kuczynski, Mahood, McConnell, Mihevc, Miller, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Sinclair - 25.

Decided in the negative by a majority of 14.

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

898 **Clause No. 27 of Report No. 5 of The North York Community Council, headed “Other Items Considered by the Community Council”.**

(See Appendix “A”, page 4343.) (See also Minute No. 876)

Upon the question of the receipt for information of the foregoing Clause, insofar as it pertains to Item (j), entitled “Best Practices - Development in North York”, without amendment, Councillor Moscoe, in amendment, moved that the foregoing Clause be received as information, subject to adding thereto the following:

“Notwithstanding subsection 128(5) of the Council Procedural By-law, the following Resolution embodied in Item (j), entitled ‘Best Practices - Development in North York’, be adopted by City Council:

‘BE IT RESOLVED THAT should a cheque tendered for development or levy purposes for any reason bounce, that it be reported immediately to the next Community Council meeting;

AND BE IT FURTHER RESOLVED THAT cheques deposited with the City to pay for levies be cashed immediately;

AND BE IT FURTHER RESOLVED THAT all deposits for security purposes in excess of \$10,000.00 be either certified or in the form of a letter of credit and staff be prohibited from accepting anything less.’ ”

Upon the question of the adoption of the foregoing motion by Councillor Moscoe, it was carried, more than two-thirds of Members present having voted in the affirmative.

899 Council resumed consideration of Clause No. 2 of Report No. 7 of The Strategic Policies and Priorities Committee, headed “Independent Review of Provincial Current Value Assessments”. (See also Minute No. 892)

(e) Councillor Bossons moved that Council adopt the following recommendation:

“It is recommended that Council request a limited scope review of the quality of the provincial assessments and the Chief Financial Officer and Treasurer solicit proposals from interested parties in a competitive procurement process, following receipt of the final assessment roll.”

(f) Councillor King moved that Council adopt the following recommendation:

“It is recommended that the Ontario Property Assessment Corporation be requested to carry out an independent review of the quality and accuracy of the provincial assessments for the City of Toronto.”

(g) Councillor Johnston moved that:

- (1) Council adopt the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer be requested to engage Royal LePage Ltd. to undertake an independent limited scope review of the quality and accuracy of the provincial assessments, for the residential class only, based upon the communication dated April 28, 1998, from the Vice President and General Manager, Central Canada Valuation and Consulting Services, Royal LePage, at a cost not to exceed \$54,000.00, including G.S.T.”; and

- (2) the foregoing motion (e) by Councillor Bossons be amended by inserting the words “for the residential class only”, after the word “assessments”.

Upon the question of the adoption of the foregoing motion (c) by Councillor Duguid, viz.:

“that Council adopt the following recommendation:

‘It is recommended that the report dated May 7, 1998, from the Chief Financial Officer and Treasurer, entitled ‘Independent Review of Provincial Assessments’, as appended to the communication dated May 12, 1998, from the City Clerk, be adopted, subject to deleting Recommendation No. (2), so that the recommendations embodied in such report shall now read as follows:

- “(1) no action be taken with the unsolicited proposal from Royal LePage to conduct a limited scope review of the quality of the provincial assessments; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.” ’ ’ ’,

the vote was taken as follows:

Yeas: Councillors: Altobello, Balkissoon, Brown, Cho, Duguid, Feldman, Giansante, Holyday, Jones, Kelly, Kinahan, King, Lindsay Luby, Li Preti Moeser, Nunziata, O’Brien, Ootes, Saundercook, Sgro, Shaw, Sinclair, Tzekas - 23.

Nays: Councillors: Adams, Augimeri, Berger, Bossons, Chow, Disero, Filion, Flint, Gardner, Jakobek, Johnston, Korwin-Kuczynski, Layton, Mahood, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae - 22.

Decided in the affirmative by a majority of 1.

At this point in the proceedings, Deputy Mayor Ootes, having regard to foregoing decision of Council, declared the foregoing motions (e) and (g) by Councillors Bossons and Johnston, respectively, redundant.

Upon the question of the adoption of the foregoing motion (b) by Councillor Augimeri, viz.:

“that Council adopt the following recommendation:

‘It is recommended that the Chief Financial Officer and Treasurer, upon receipt of the final assessment rolls from the Province of Ontario, be requested to conduct an evaluation study for the specific purposes of ascertaining the quality and accuracy of the final assessment rolls.’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Brown, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Sgro, Shaw, Sinclair, Tzekas - 42.

Nays: Councillors: Bossons, Kelly, Moeser - 3.

Decided in the affirmative by a majority of 39.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared the foregoing motions (d) and (f) by Councillors Walker and King, respectively, redundant.

In summary, Council adopted the following recommendations:

“It is recommended that:

- (a) the report dated May 7, 1998, from the Chief Financial Officer and Treasurer, entitled ‘Independent Review of Provincial Assessments’, as appended to the communication dated May 12, 1998, from the City Clerk, be adopted, subject to deleting Recommendation No. (2), so that the recommendations embodied in such report shall now read as follows:

- ‘(1) no action be taken with the unsolicited proposal from Royal LePage to conduct a limited scope review of the quality of the provincial assessments; and

(2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.'; and

(b) the Chief Financial Officer and Treasurer, upon receipt of the final assessment rolls from the Province of Ontario, be requested to conduct an evaluation study for the specific purposes of ascertaining the quality and accuracy of the final assessment rolls.”

900 At this point in the proceedings, Councillor King, with the permission of Council, moved that Council vary the order of its proceedings to now consider the following Notice of Motion 11(a) on the Order Paper, and, seconded by Councillor Ootes, further moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of such Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor King

Seconded by: Councillor Ootes

“**WHEREAS** City Council, at its meeting held on April 16, 1998, by its adoption of Clause No. 15 of Report No. 4 of The Strategic Policies and Priorities Committee, headed ‘Municipal Referendum Legislation’, requested the City Clerk, in consultation with the Chief Administrative Officer and the City Solicitor, to submit a further report to Council for its meeting to be held on May 13, 1998 on the proposed referendum legislation, through the Strategic Policies and Priorities Committee; and

WHEREAS the Minister of Transportation, The Honourable Tony Clement, has undertaken a consultation process for the Draft Provincial Referendum Act and the proposed Municipal Referendum Framework and has established April 30, 1998, as the date that the consultation process in this regard was to be concluded; and

WHEREAS the City Clerk, in consultation with the City Solicitor, has prepared a report dated May 6, 1998, entitled ‘Proposed Referendum Legislation’, and, having regard for time constraints, has submitted such report directly to Council for consideration at its meeting to be held on May 13, 1998;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 6, 1998, from the City Clerk, be considered by City Council at its meeting to be held on May 13, 1998, and that such report be adopted.”

Council also had before it, during consideration of the foregoing Motion, a report (May 6, 1998) from the City Clerk, entitled “Proposed Referendum Legislation”. (See Attachment No. 3)

Upon the question of the adoption of the foregoing Motion, without amendment, the vote was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Berger, Bossons, Cho, Chow, Disero, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jones, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Prue, Rae, Sgro, Sinclair, Tzekas - 33.

Nays: Councillors: Mahood, Minnan-Wong - 2.

Decided in the affirmative by a majority of 31.

Council subsequently adopted, without amendment, the report dated May 6, 1998, from the City Clerk, entitled "Proposed Referendum Legislation", embodying the following recommendations:

"It is recommended that:

- (1) the Minister of Transportation be advised that City Council does not support Municipal Referendum Legislation that advocates citizen-initiated referendums that are binding on Municipal Councils;
- (2) should the Province of Ontario proceed with the proposed Municipal Referendum Legislation, the Province be requested to incorporate the following amendments to the legislation:
 - (a) the powers of local boards and the Minister to require that a question be submitted to the voters be clarified;
 - (b) the rule that a referendum question must concern a matter within the municipality's jurisdiction be amended to specifically exclude a question on a proposal which is dependent on the enactment of provincial legislation;
 - (c) the Statutory Powers and Procedures Act not apply to decisions of the municipal clerk under the proposed legislation;
 - (d) the Treasurer of the municipality, and not the Clerk, be assigned responsibility for reviewing and preparing cost estimates where necessary under the legislation;
 - (e) the sponsor of a question be required to provide reasonable evidence in support of the estimate of cost satisfactory to the appropriate municipal official, prior to the question being approved;

- (f) the municipality be required to prepare an estimate of the cost of implementing a proposal at any time prior to the question being submitted to eligible voters in a referendum vote;
- (g) large urban municipalities be given the authority to enact by-laws dividing the municipality into two or more geographical areas for the purpose of ensuring that 10 percent of the eligible voters in each of the geographical areas must sign a petition for a referendum before it may be effective;
- (h) the persons collecting signatures be responsible for demonstrating that signatures on a petition are eligible voters for the purpose of meeting the 10 percent threshold requirement, with the provision that a person whose name is listed as an eligible voter in the last election conducted in accordance with the Municipal Elections Act shall be deemed to be an eligible voter unless the contrary is shown;
- (i) a municipal council be given the authority to enact a by-law changing the date of a referendum which is established under the Act, to a date which coincides with the polling day of a regular municipal election so long as the by-law is passed more than 30 days before the municipal election; and
- (j) the sections regarding the number of organizers and campaign finances be clarified.”

901 At this point in the proceedings, Councillor King, with the permission of Council, moved that Council vary the order of its proceedings to now consider the following Notice of Motion 11(b) on the Order Paper, and, seconded by Councillor Ootes, further moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of such Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor King

Seconded by: Councillor Ootes

“**WHEREAS** the City Clerk has received an application from an eligible elector requesting a compliance audit of the election campaign finances of a candidate from the municipal election; and

WHEREAS the Municipal Elections Act provides for an eligible elector to make application to City Council for a compliance audit of the election campaign finances of a candidate; and

WHEREAS the Municipal Elections Act further provides that such a request must be either granted or rejected by City Council within 30 days of receiving the application; and

WHEREAS, in response to this request, the City Clerk has submitted a report dated May 6, 1998, entitled 'Request for a Compliance Audit', recommending appropriate action in this regard;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 6, 1998, from the City Clerk, be considered by City Council at its meeting to be held on May 13, 1998, and that such report be adopted."

Council also had before it, during consideration of the foregoing Motion, a report (May 6, 1998) from the City Clerk, entitled "Request for a Compliance Audit". (See Attachment No. 4)

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

Council subsequently adopted, without amendment, the report dated May 6, 1998, from the City Clerk, entitled "Request for a Compliance Audit", embodying the following recommendations:

"It is recommended that:

- (1) Council grant the application;
- (2) the City Auditor be appointed as the Auditor for the purposes of this audit; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto."

Councillor Moscoe declared his interest in the foregoing Notice of Motion, in that he is in the business of manufacturing and selling election signs to municipal candidates.

902 **Clause No. 6 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "Corporate Management Framework".**
(See Appendix "A", page 4107.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Kinahan, in amendment, moved that the foregoing Clause be amended by inserting in Recommendation No. (4) embodied in the report dated April 27, 1998, from the Chief Administrative Officer, after the words "Chief Financial Officer and Treasurer", the words "to the Budget Committee", so that such recommendation shall now read as follows:

- “(4) the Chief Administrative Officer, in conjunction with the Chief Financial Officer and Treasurer, report to the Budget Committee on a revised budget submission format and review process;”.

Upon the question of the adoption of the foregoing motion by Councillor Kinahan, the vote was taken as follows:

Yeas: Councillors: Bossons, Cho, Chow, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Nunziata, O'Brien, Ootes, Prue, Rae, Sgro, Sinclair, Tzekas - 24.

Nays: Councillors: Altobello, Berger, Disero, Filion, Jones, Mahood, Miller, Moscoe - 8.

Decided in the affirmative by a majority of 16.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

903 **Clause No. 8 of Report No. 8 of The Strategic Policies and Priorities Committee, headed “Solid Waste Management Fees”.**

(See Appendix “A”, page 4113.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Disero, in amendment, moved that the foregoing Clause be amended by:

- (1) deleting from Recommendation No. (1) embodied in the report dated April 6, 1998, from the Interim Functional Lead, Solid Waste Management, the figure “\$53.59” and inserting in lieu thereof the figure “\$55.00”, so that such recommendation shall now read as follows:

“(1) the solid waste management fee at the Keele Valley landfill be increased to \$55.00 per tonne effective November 1, 1998;” and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to advise the private sector that further changes will be recommended by the Works and Utilities Committee, following submission of a report by the Commissioner of Works and Emergency Services on waste disposal options.”

Upon the question of the adoption of the foregoing motion by Councillor Disero, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 904 **Clause No. 12 of Report No. 8 of The Strategic Policies and Priorities Committee, headed “Ad Hoc Requests for City Grants”.**
(See Appendix “A”, page 4135.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 12, 1998) from the Interim Secretary, Strategic Policies and Priorities Committee, advising that the Strategic Policies and Priorities Committee on May 5, 1998, considered an additional request from the Municipal Grants Review Committee, and forwarding the Committee’s recommendation in this regard.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor O’Brien, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that staff of the Public Health Department, in consultation with appropriate City staff, be requested to see if the equipment previously used to measure the noise at the Toronto Island Airport could be made available to assist with the measurement of noise at Pearson Airport.”

Upon the question of the adoption of the foregoing motion by Councillor O’Brien, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 905 **Clause No. 16 of Report No. 8 of The Strategic Policies and Priorities Committee, headed “Establishment of an Auditor General’s Office”.**
(See Appendix “A”, page 4152.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Kinahan, in amendment, moved that the foregoing Clause be struck out and referred back to the Audit Committee for further consideration, in conjunction with the previously requested report from the City Auditor regarding the City of Ottawa model.

Upon the question of the adoption of the foregoing motion by Councillor Kinahan, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Cho, Chow, Disero, Duguid, Filion, Flint, Gardner, Giansante, Holyday, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Prue, Rae Saundercook, Sgro, Sinclair - 29.

Nays: Councillors: Berger, Bossons, Mammoliti, Mihevc, O’Brien, Ootes, Pantalone, Tzekas - 8.

Decided in the affirmative by a majority of 21.

906 Clause No. 3 of Report No. 8 of The Strategic Policies and Priorities Committee, headed "Audit Services".

(See Appendix "A", page 4077.)

Council also had before it, during consideration of the foregoing Clause, the following communications:

- (i) (May 11, 1998) from the Acting President, CUPE Local 79 recommending that the attest audit responsibilities for the Audit Department be contracted-out and the remaining work be carried out by managerial staff only; and
- (ii) (May 4, 1998) from Councillor Rae submitting a letter from Ms. Rosie Schwartz suggesting that an in-house audit department cannot be independent of political pressures.

Council also had before it, during consideration of the foregoing Clause, the following communications:

- (i) (May 12, 1998) from the President and Secretary-Treasurer, Ontario Division, Canadian Union of Public Employees, urging Councillors to reject the recommendations to contract out the audit function and retain unionized employees; and
- (ii) (April 15, 1998) from the City Auditor, addressed to Councillor David Miller, responding to questions and concerns raised by Councillor Miller in regard to contracting out the external audit function.

Upon the question of the adoption of the foregoing Clause, without amendment:

- (a) Councillor Miller, in amendment, moved that:
 - (1) the foregoing Clause be struck out and referred to the Audit Committee for further consideration, and the City Auditor be requested to undertake a cost-benefit analysis of the proposal and submit a report thereon to the Audit Committee, including the costs involved in contracting out this service; and
 - (2) the City Auditor be requested to submit a report to the Audit Committee on alternate work possibilities for affected Bargaining Unit staff.

Councillor Miller, having spoken to the matter for a period of five minutes, Councillor Mihevc, seconded by Councillor Johnston, moved that Section 24 of the Council Procedural By-law be waived and that Councillor Miller be granted a further period of five minutes in order to permit the conclusion of his remarks, which was carried, more than two-thirds of Members present having voted in the affirmative.

- (b) Councillor Prue, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the City Auditor be requested to submit a report to the next meeting of Council to be held on June 3 and 4, 1998, through the Audit Committee, on the efforts made to accommodate the 30 employees affected within the Corporation.”

Upon the question of the adoption of Part (1) of the foregoing motion (a) by Councillor Miller, the vote was taken as follows:

Yeas: Councillors: Augimeri, Cho, Chow, Filion, Gardner, Johnston, Jones, Kinahan, Layton, Mammoliti, McConnell, Mihevc, Miller, Nunziata, Prue, Rae, Sinclair, Tzekas - 18.

Nays; Councillors: Adams, Altobello, Balkissoon, Berger, Bossons, Brown, Chong, Disero, Duguid, Feldman, Flint, Holyday, Jakobek, Kelly, King, Lindsay Luby, Li Preti, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Saundercook, Sgro, Shaw - 25.

Decided in the negative by a majority of 7.

Upon the question of the adoption of Part (2) of the foregoing motion (a) by Councillor Miller, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Bossons, Brown, Cho, Chow, Duguid, Feldman, Filion, Gardner, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, O'Brien, Prue, Rae, Saundercook, Sgro, Shaw, Sinclair, Tzekas - 36.

Nays: Councillors: Berger, Chong, Disero, Flint, Holyday, Moeser, Ootes - 7.

Decided in the affirmative by a majority of 29.

Upon the question of the adoption of the foregoing motion (b) by Councillor Prue, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Balkissoon, Berger, Bossons, Brown, Cho, Chow, Disero, Duguid, Filion, Gardner, Jakobek, Johnston, Jones, Kinahan, King, Layton, Li Preti, Mahood Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, O'Brien, Ootes, Prue, Rae, Saundercook, Shaw, Sinclair, Tzekas - 35.

Nays: Councillors: Chong, Feldman, Flint, Holyday, Kelly, Lindsay Luby, Moeser, Sgro - 8.

Decided in the affirmative by a majority of 27.

Upon the question of the adoption of the foregoing Clause, as amended, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the City Auditor be requested to:

- (1) submit a report to the Audit Committee on alternate work possibilities for affected Bargaining Unit staff; and
- (2) submit a report to the next meeting of Council to be held on June 3 and 4, 1998, through the Audit Committee, on the efforts made to accommodate the 30 employees affected within the Corporation.’ ”,

the vote was taken as follows:

Yeas: Councillor: Adams, Altobello, Balkissoon, Berger, Bossons, Brown, Cho, Chong, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Kelly, Kinahan, King, Lindsay Luby, Li Preti, Mahood, Minnan-Wong, Moeser, O’Brien, Ootes, Prue, Saundercook, Sgro, Shaw, Sinclair, Tzekas - 33.

Nays: Councillors: Augimeri, Chow, Johnston, Jones, Layton, Mammoliti, McConnell, Mihevc, Miller, Nunziata, Pantalone, Rae - 12.

Decided in the affirmative by a majority of 21.

At this point in the proceedings, Councillor Chong, with the permission of Council, moved that Council vary the order of its proceedings to now consider Clause No. 1 of Report No. 3 of The Nominating Committee, headed “Citizen Appointments to Agencies, Boards and Commissions”, the vote upon which was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Berger, Bossons, Brown, Chong, Chow, Disero, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, King, Lindsay Luby, Li Preti, Mammoliti, Miller, Moeser, Nunziata, O’Brien, Ootes, Sgro, Sinclair, Tzekas - 28.

Nays: Councillors: Adams, Cho, Filion, Jones, Kinahan, Layton, McConnell, Mihevc, Minnan-Wong, Pantalone, Prue, Rae, Saundercook - 13.

Decided in the affirmative by a majority of 15.

- 907 **Clause No. 1 of Report No. 3 of The Nominating Committee, headed “Citizen Appointments to Agencies, Boards and Commissions”.**
(See Appendix “A”, page 4825.)

Toronto Police Services Board

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Toronto Police Services Board, without amendment:

- (a) Councillor Sgro, in amendment, moved that the foregoing Clause be amended by striking out and referring Recommendation No. (5) of the Nominating Committee pertaining to a citizen appointment to the Toronto Police Services Board back to the Nominating Committee for further consideration.
- (b) Councillor Miller, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the Nominating Committee be requested to review whether it is appropriate to interview members for the Toronto Police Services Board or any other Agency, Board or Commission if they have a conflict of interest.”

Upon the question of the adoption of the foregoing motion (a) by Councillor Sgro, the vote was taken as follows:

Yeas: Councillors: Adams, Balkissoon, Bossons, Brown, Chong, Disero, Duguid, Flint, Gardner, Holyday, Jakobek, Kinahan, King, Li Preti, Mahood, Minnan-Wong, Moeser, Nunziata, O’Brien, Ootes, Pantalone, Prue, Saundercook, Sgro, Shaw, Sinclair, Tzekas - 27.

Nays: Councillors: Altobello, Augimeri, Berger, Cho, Chow, Feldman, Filion, Johnston, Jones, Kelly, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Rae - 17.

Decided in the affirmative by a majority of 10.

Upon the question of the foregoing motion (b) by Councillor Miller, it was carried.

Canadian National Exhibition Association (CNEA), Municipal Section

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Canadian National Exhibition Association (CNEA), Municipal Section, without amendment:

- (c) Councillor Johnston, in amendment, moved that the foregoing Clause be amended by deleting from Recommendation No. (1)(a) of the Nominating Committee the name "Mr. Richard Gretzinger".

Upon the question of the adoption of the foregoing motion (c) by Councillor Johnston, the vote was taken as follows:

Yeas: Councillors: Augimeri, Bossons, Chow, Johnston, Jones, Kinahan, McConnell, Rae, Tzekas - 9.

Nays: Councillors: Altobello, Berger, Brown, Cho, Chong, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Kelly, King, Layton, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Moeser, O'Brien, Ootes, Pantalone, Sgro, Sinclair - 25.

Decided in the negative by a majority of 16.

- (d) Councillor Miller, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that:

- (1) as part of the process for future appointments to the CNEA, Municipal Section, the introduction seminar for interested persons be held at Exhibition Place;
- (2) at least two citizen members of the CNEA, Municipal Section, appointed by the City of Toronto, be local residents; and
- (3) Mr. Fred Sampliner be added to the membership of the Canadian National Exhibition Association (CNEA), Municipal Section."

- (e) Councillor Chow, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that:

- (1) Members of Council receive a list of all applicants for various appointments;
- (2) the Curriculum Vitae of such applicants be made available to interested Councillors through the City Clerk;
- (3) the Nominating Committee notify Members of Council, prior to the next appointments, on how they can get involved in the nominating process, such

as establishing the criteria for selection, short-listings and interviewing of candidates; and

- (4) all Members of Council be notified 48 hours prior to the selection and interviewing process.”
- (f) Councillor O'Brien, seconded by Councillor Brown, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that City Council request the Provincial Government to review the composition of the Canadian National Exhibition Association and the Board of Governors of Exhibition Place in concert with officials of the City of Toronto.”

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing motion (f) by Councillor O'Brien, seconded by Councillor Brown, ruled that such motion should be submitted as a Notice of Motion.

At this point in the proceedings, Councillor O'Brien, with the permission of Council, gave notice of the foregoing Motion to permit consideration at the next regular meeting of City Council to be held on June 3, 1998.

- (g) Councillor Filion, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the Nominating Committee be disbanded and the function of the Nominating Committee be handled by City Council.”

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing motion (g) by Councillor Filion, ruled such motion out of order.

- (h) Councillor Prue, in amendment, moved that the foregoing Clause, be amended by striking out and referring Recommendation No. (1) of the Nominating Committee pertaining to the citizen appointments to the Canadian National Exhibition Association (CNEA), Municipal Section, back to the Nominating Committee for the express purpose of including at least one representative of the local community and determining which members of the current slate should be deleted as a result.
- (i) Councillor King, in amendment, moved that the foregoing motions (d) and (e) by Councillors Miller and Chow, respectively, be referred to the Nominating Committee for consideration.

Upon the question of the adoption of the foregoing motion (h) by Councillor Prue, the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Bossons, Chow, Disero, Gardner, Johnston, Kinahan, Layton, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Pantalone, Prue, Rae, Sgro, Tzekas - 20.

Nays: Councillors: Altobello, Berger, Chong, Duguid, Feldman, Filion, Flint, Giansante, Holyday, Jones, Kelly, King, Lindsay Luby, Li Preti, Moeser, O'Brien, Ootes - 17.

Decided in the affirmative by a majority of 3.

Upon the question of the adoption of the foregoing motion (i) by Councillor King, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Berger, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Johnston, Kinahan, King, Lindsay Luby, Li Preti, Mammoliti, Miller, Minnan-Wong, Moeser, O'Brien, Ootes, Pantalone, Prue, Rae, Tzekas - 24.

Nays: Councillors: Augimeri, Bossons, Chong, Chow, Filion, Flint, Jones, Kelly, Layton, McConnell, Mihevc, Nunziata, Sgro - 13.

Decided in the affirmative by a majority of 11.

Metropolitan Toronto Convention Centre Corporation, Board of Directors

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Metropolitan Toronto Convention Centre Corporation, Board of Directors, without amendment:

(j) Councillor Layton, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the two representatives on the Metropolitan Toronto Convention Centre, Board of Directors, be requested to submit a written report to Council, on an annual basis, on the activities of the Metropolitan Toronto Convention Centre.”

Upon the question of the adoption of the foregoing motion (j) by Councillor Layton, it was carried.

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Metropolitan Toronto Convention Centre Corporation, Board of Directors, as amended, it was carried.

Toronto Parking Authority

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Toronto Parking Authority, without amendment:

- (k) Councillor Berger, in amendment, moved that the foregoing Clause be amended by striking out Recommendation No. (4) of the Nominating Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) the five citizen members on the Toronto Parking Authority be replaced with Members of Council; and
- (2) Councillors Brown, Bussin, Flint, Nunziata and Tzekas be appointed for the remainder of the term ending May, 1999, and/or until their successors are appointed.”

At this point in the proceedings, Councillor Lindsay Luby moved that, in accordance with subsection 11(6) of the Council Procedural By-law, Council waive the requirement of the 6:30 p.m. recess, in order to conclude consideration of the foregoing Clause, the vote upon which was taken as follows:

Yeas: Councillors: Berger, Chong, Disero, Flint, Jakobek, Kelly, Lindsay Luby, Li Preti, Mammoliti, Miller, Minnan-Wong, Moeser, O'Brien, Ootes, Pantalone, Sgro, Tzekas - 17.

Nays: Councillors: Adams, Altobello, Augimeri, Bossons, Duguid, Feldman, Filion, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, Layton, McConnell, Mihevc, Nunziata, Prue, Rae - 19.

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

Council deferred further consideration of the foregoing Clause until later in the meeting. (See Minute No. 911)

Council recessed at 6:30 p.m.

8:13 P.M.

Council reconvened.

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

- 908 At the request of Council, the City Clerk called the Roll at 8:15 p.m., those Members present at the call of the Roll being:

Councillors: Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Layton, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Rae, Saundercook, Shaw, Shiner, Tzekas, Walker - 35.

909 Members present at the evening session of the second day of this meeting:

Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Feldman, Fillion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Tzekas, Walker - 44.

910 At this point in the proceedings, Councillor Saundercook, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 3 of The Striking Committee,

and moved, seconded by Councillor Kelly, that the provisions of Section 44 of the Council Procedural By-law be waived in connection with the foregoing Report and that Council now give consideration to such Report, which was carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes requested Members of Council to indicate whether they had an interest in the Clause embodied in the foregoing Report, together with the nature of the interest.

There were no declarations of interest.

Upon the question of the adoption of Report No. 3 of The Striking Committee, without amendment, it was held in its entirety.

911 Council resumed its consideration of Clause No. 1 of Report No. 3 of The Nominating Committee, headed "Citizen Appointments to Agencies, Boards and Commissions". (See also Minute No. 907)

Toronto Parking Authority (cont'd):

(1) Councillor Lindsay Luby, in amendment, moved that the foregoing Clause, insofar as it pertains to the Toronto Parking Authority, be amended by adding thereto the following:

“It is further recommended that Councillors Bussin, Brown, Flint, Nunziata and Tzekas also be appointed to the Parking Authority, in addition to the slate recommended by the Nominating Committee.”

Deputy Mayor Ootes, having regard to the nature of the foregoing motion (l) by Councillor Lindsay-Luby, ruled such motion out of order.

At this point in the proceedings, Councillor Mammoliti moved that, in accordance with subsection 38(c) of the Council Procedural By-law, the vote be now taken, the vote upon which was taken as follows:

Yeas: Councillors: Augimeri, Bossons, Bussin, Feldman, Giansante, Jakobek, Jones, Kelly, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Moeser, Nunziata, Prue, Sinclair - 16.

Nays: Councillors: Adams, Berger, Brown, Cho, Chong, Disero, Duguid, Filion, Flint, Fotinos, Gardner, Kinahan, Layton, Miller, Minnan-Wong, O'Brien, Ootes, Pantalone, Rae, Shaw, Shiner, Walker - 22.

Decided in the negative, less than two-thirds of Members present having voted in the negative.

(m) Councillor Disero, in amendment, moved that Part (2) of the foregoing motion (k) by Councillor Berger be referred to the Striking Committee for consideration.

(n) Councillor Shiner, seconded by Councillor Flint, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) By-law No. 28-1998 be amended to increase the Toronto Parking Authority membership by four members;
- (2) the additional four members be Members of Council; and
- (3) the appointment of the additional four members to the Toronto Parking Authority be referred to the Striking Committee for consideration.”

(o) Councillor Miller, in amendment, moved that the foregoing motion (n) by Councillor Shiner be referred to the Striking Committee.

At this point in the proceedings, Councillor Miller, with the permission of Council, withdrew his foregoing motion (o).

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing motion (n) by Councillor Shiner, ruled that such motion should be submitted as a Notice of Motion.

Councillor Shiner, with the permission of Council, moved that the provisions of the Council Procedural By-law be waived in regard to his foregoing motion (n) and that such motion be considered in connection with the foregoing Clause.

Upon the question of the adoption of the foregoing motion by Councillor Shiner, the vote was taken as follows:

Yeas: Councillors: Altobello, Berger, Cho, Chong, Feldman, Filion, Flint, Gardner, Giansante, Jones, Lindsay Luby, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Prue, Shiner, Sinclair, Tzekas - 19.

Nays: Councillors: Adams, Augimeri, Bossons, Brown, Bussin, Disero, Duguid, Fotinos, Holyday, Jakobek, Johnston, Kelly, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, O'Brien, Ootes, Pantalone, Rae, Saundercook, Shaw, Walker - 25.

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

At this point in the proceedings, Councillor Shiner gave Notice of the foregoing Motion to permit consideration at the next regular meeting of City Council to be held on June 3 and 4, 1998.

Upon the question of the adoption of the foregoing motion (m) by Councillor Disero, viz:

“that Part (2) of the foregoing motion (k) by Councillor Berger be referred to the Striking Committee for consideration.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Berger, Brown, Cho, Chong, Disero, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Prue, Shaw, Shiner, Sinclair, Tzekas, Walker - 29.

Nays: Councillors: Augimeri, Bossons, Bussin, Duguid, Johnston, Kelly, Kinahan, Korwin-Kuczynski, Layton, Miller, Minnan-Wong, O'Brien, Pantalone, Rae, Saundercook - 15.

Decided in the affirmative by a majority of 14.

Upon the question of the adoption of Part (1) of the foregoing motion (k) by Councillor Berger, viz.:

“that the foregoing Clause be amended by striking out Recommendation No. (4) of the Nominating Committee and inserting in lieu thereof the following:

‘It is recommended that:

- (1) the five citizen members on the Toronto Parking Authority be replaced with Members of Council;’ ”,

the vote was taken as follows:

Yeas: Councillors: Berger, Feldman, Flint, Gardner, Giansante, Li Preti, Mammoliti, Minnan-Wong, Nunziata, Shaw, Shiner, Sinclair - 12.

Nays: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Filion, Fotinos, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Tzekas, Walker - 32.

Decided in the negative by a majority of 20.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared the action of Council, insofar as it pertains to the foregoing motion (m) by Councillor Disero, redundant.

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Toronto Parking Authority, without amendment, it was carried.

Toronto District Heating Corporation, Board of Directors

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Toronto District Heating Corporation, Board of Directors, without amendment, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

- 912 At this point in the proceedings, Councillor Jones, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, Clause No. 20 of Report No. 5 of The Etobicoke Community Council, headed “Application for Amendment to the Zoning Code - Toys R Us, 690 Evans Avenue - File No. Z-2260”, be re-opened for further consideration, which was carried, more than two-thirds of Members present having voted in the affirmative. (See Minutes Nos. 763 and 916)

At this point in the proceedings, Councillor Prue moved that, in accordance with subsection 11(6) of the Council Procedural By-law, Council waive the requirement of the 10:00 p.m. adjournment, in order to conclude consideration of all matters remaining on the Order Paper, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Berger, Bossons, Brown, Bussin, Cho, Disero, Duguid, Feldman, Fillion, Giansante, Holyday, Jakobek, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, O'Brien, Ootes, Rae, Shaw - 30.

Nays: Councillors: Augimeri, Chong, Flint, Gardner, Kinahan, Pantalone, Prue, Saundercook, Shiner, Sinclair, Tzekas, Walker - 12.

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

- 913 **Clause No. 1 of Report No. 5 of The Etobicoke Community Council, headed "All-Way Stop Study: Wimbleton Road and St. Georges Road".**
(See Appendix "A", page 4217.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 6, 1998) from Mr. I. Nishisato, The Humber Valley Village Residents' Association, regarding the report on the all-way stop at Wimbleton Road and St. George's Road and requesting that the matter be referred back to the Etobicoke Community Council for further consideration.

Council also had before it, during consideration of the foregoing Clause, a communication (May 13, 1998) from Councillor Blake F. Kinahan, Lakeshore-Queensway, advising Council of the proceedings of the Etobicoke Community Council with respect to the foregoing matter, and submitting a communication dated May 7, 1998, from Mr. D. Richards, Headmaster, Kingsway College School.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Lindsay Luby, in amendment, moved that the foregoing Clause be amended by:

- (1) deleting from Recommendation No. (1) of the Etobicoke Community Council the number "(1)", so that such recommendation shall now read as follows:

"The Etobicoke Community Council recommends that:

- (1) Recommendations (2), (3) and (5) of the following report (May 6, 1998) from the Commissioner of Works, Etobicoke District, be adopted;" and

(2) adding thereto the following:

“It is further recommended that ‘all-way’ stop signs be installed at the Wimbledon Road and St. Georges Road intersection.”

Upon the question of the adoption of the foregoing motion by Councillor Lindsay Luby, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Brown, Bussin, Cho, Chong, Duguid, Feldman, Fillion, Fotinos, Giansante, Jakobek, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moeser, Nunziata, O’Brien, Ootes, Prue, Rae, Shaw, Sinclair, Tzekas, Walker - 35.

Nays: Councillors: Flint, Holyday, Kinahan, Saundercook - 4.

Decided in the affirmative by a majority of 31.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

914 **Clause No. 9 of Report No. 5 of The Etobicoke Community Council, headed “Redesignation of Traffic Lanes on Rathburn Road between The East Mall and the Mimico Creek to Include Bicycle Lanes”.**
(See Appendix “A”, page 4241.)

Upon the question of the adoption of the foregoing Clause, without amendment, the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Berger, Bossons, Bussin, Cho, Duguid, Feldman, Fillion, Flint, Giansante, Jakobek, Johnston, Jones, Kinahan, Layton, Lindsay-Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Nunziata, O’Brien, Ootes, Prue, Rae, Saundercook, Shaw, Tzekas, Walker - 32.

Nays: Councillors: Brown, Chong, Holyday, Korwin-Kuczynski, Sinclair - 5.

Decided in the affirmative by majority of 27.

915 **Clause No. 21 of Report No. 5 of The Etobicoke Community Council, headed “Application for Amendment to the Official Plan and Zoning Code - Zanini Developments, 4185 Dundas Street West”.**
(See Appendix “A”, page 4270.)

Upon the question of the adoption of the foregoing Clause, without amendment, it was carried.

916 **Clause No. 20 of Report No. 5 of The Etobicoke Community Council, headed “Application for Amendment to the Zoning Code - Toys R Us, 690 Evans Avenue - File No. Z-2260”.**

(See Appendix “A”, page 4265.) (See also Minutes Nos. 763 and 912.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 12, 1998) from Mr. Paul J. Peterson, McCarthy Tetrault, Barristers and Solicitors, on behalf of their client, The Canada Life Assurance Company, owner of the majority of the Sherway Gardens Shopping Centre, expressing concern and opposition to the approval of zoning amendments for the adjacent Toys R Us site.

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Jones, in amendment, moved that the foregoing Clause be amended by striking out Recommendation No. (4) of the Etobicoke Community Council and inserting in lieu thereof the following:

- “(4) that the Commissioner of Urban Planning and Development Services be requested to prepare an area-specific development charge for the Sherway Centre Area.”

Upon the question of the adoption of the foregoing motion by Councillor Jones, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

917 **Clause No. 1 of Report No. 6 of The Special Committee to Review the Final Report of The Toronto Transition Team, headed “Preliminary Revisions to the Interim Procedural By-law”.**

(See Appendix “A”, page 4857.)

Council also had before it, during consideration of the foregoing Clause, a communication (May 6, 1998) from Lumia-Alexandra Heyno, LUMIA Evangelistic Association, requesting that the Lord’s Prayer be included on the Council Agenda.

Upon the question of the adoption of the foregoing Clause, without amendment:

- (a) Councillor Mihevc, in amendment, moved that the foregoing Clause be amended by amending Appendix 1, entitled “Summary of Recommended Changes to the Procedural By-law”, to provide that the Chairs of the Standing Committees be selected by the Members of those relevant Committees.
- (b) Councillor Pantalone, in amendment, moved that the foregoing Clause be amended:
 - (1) to provide that:

- (a) the "Other Items Clause" be strictly received for information purposes only and not be subject to any referral or any debate at Council; and
 - (b) the quorum of Committees of Council, with the exception of the East York Community Council, be 50 percent of the membership excluding the Mayor, ex-officio; and
- (2) by amending Appendix 1, entitled "Summary of Recommended Changes to the Procedural By-law" by deleting from the second portion of Recommendation No. (30), as recommended by the Special Committee to Review the Final Report of the Toronto Transition Team, the word "required", and inserting in lieu thereof the word "requested", so that the second portion shall now read as follows:
- "that Members of Council who hold items at the beginning of Council meetings be requested to discuss those items with the relevant staff prior to the lunch break; and that the Chair canvass Council immediately after the lunch break to determine which items Members wish to release;"
- (c) Councillor Miller, in amendment, moved that the foregoing Clause be amended by deleting from Recommendation No. (1)(ix) of the Special Committee to Review the Final Report of the Toronto Transition Team the word "required" and inserting in lieu thereof the word "requested".
 - (d) Councillor Rae, in amendment, moved that the foregoing Clause be amended to provide that:
 - (1) Notices of Motion be considered at 2:00 p.m. following the lunch break on the first day of Council meetings; and
 - (2) reports pertaining to Notices of Motion be attached to the appropriate Notice of Motion.
 - (e) Councillor Saundercook, in amendment, moved that the foregoing Clause be amended:
 - (1) to provide that the dinner break during meetings of Council be from 6:00 p.m. to 8:00 p.m.; and
 - (2) by amending Appendix 1, entitled "Summary of Recommended Changes to the Procedural By-law" by deleting therefrom the following Recommendation No. (19)(d):

“(d) that only the Chair, or in his absence, the Councillor chairing the meetings be permitted to call staff to the floor for questioning later during the debate if necessary.”.

- (f) Councillor Moeser, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the following procedure for hearing deputations from the public and from Councillors at Committee meetings who are not members of the Committee be forwarded to the Special Committee to Review the Final Report of the Toronto Transition Team for consideration:

- ‘(1) introduction by the Chair of the subject matter. (Ward Councillors are informed in advance of the meeting by the Committee Secretary with regard to items on the Agenda relating to his/her Ward to which requests have been communicated to the Clerk to appear before Committee.);
- (2) deputant(s) appear before Committee on the subject matter;
- (3) Committee Members and non-Committee Members may ask questions of deputant(s) through the Chair of the Committee;
- (4) Non-Committee Members who wish to address the Committee are then permitted to speak as deputants;
- (5) subject matter is then considered and debated by Committee Members only and decision made; and
- (6) public informed of Committee decision.”

- (g) Councillor Duguid, in amendment, moved that the foregoing Clause be amended by amending Appendix 1, entitled “Summary of Recommended Changes to the Procedural By-law” by adding to Recommendation No. (33) the words “and further that the Mayor be authorized to incorporate a non-denominational invocation in place of the Moment of Silence and Personal Reflection”.

- (h) Councillor Layton, in amendment, moved that the foregoing Clause be amended:

- (1) by amending Appendix 1, entitled “Summary of Recommended Changes to the Procedural By-law”, by inserting in the first portion of Recommendation No. (30), as recommended by the Special Committee to Review the Final Report of the Toronto Transition Team, after the words “that Members”, the words “be requested to”, so that the first portion shall now read as follows:

“(30) that Members be requested to submit to the Clerk, in writing by 4:30 p.m. of the day prior to Council, a list of those items that they wish to be held;” and

(2) to provide that Clauses and Motions not disposed of at a Council meeting be placed prior to other Reports on the Agenda of the subsequent Council meeting.

(i) Councillor Flint, in amendment, moved that the foregoing Clause be amended by amending Appendix 1, entitled “Summary of Recommended Changes to the Procedural By-law”, to provide that the matter of an invocation be referred to the Access and Equity Committee for consideration at the appropriate time and that all Members of Council be informed as to the date and time this matter will be considered and invited to provide input.

(j) Councillor Adams, in amendment, moved that the foregoing Clause be amended by amending Appendix 1, entitled “Summary of Recommended Changes to the Procedural By-law”, by adding thereto the following new section:

“The following may be introduced at any Council meeting on a simple majority:

(1) staff reports on matters previously requested by Council to be reported directly to Council; and

(2) interim control by-laws on the advice of the Commissioner of Planning and Urban Development Services.”

(k) Councillor McConnell, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the following items be referred to the City Clerk for consideration and report thereon to the Special Committee to Review the Final Report of the Toronto Transition Team:

(1) the numbering system and handling of correspondence and Notices of Motion;

(2) colour coding of Committee Reports;

(3) including in the Agenda package for Council a Table of Contents; and

(4) a mechanism for making items more suitably available to the public.”

(l) Councillor Shiner, in amendment, moved that the foregoing Clause be amended by amending Appendix 1, entitled “Summary of Recommended Changes to the

Procedural By-law”, to provide that consideration of Recommendation No. (19)(b) be deferred sine die.

- (m) Councillor Giansante, in amendment, moved that the foregoing Clause be amended to provide that the dinner break for Council meetings be from 6:00 p.m. to 7:30 p.m.
- (n) Councillor Johnston, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the Special Committee to Review the Final Report of the Toronto Transition Team be requested to give consideration to not holding Council meetings during the evening.”

Upon the question of the adoption of the foregoing motion (l) by Councillor Shiner, viz.:

“that the foregoing Clause be amended by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, to provide that consideration of Recommendation No. (19)(b) be deferred sine die.”

the vote was taken as follows:

Yeas: Councillors: Cho, Chong, Duguid, Filion, Flint, Jones, Kinahan, Lindsay Luby, Li Preti, Mihevc, Moeser, Ootes, Shiner, Sinclair, Tzekas - 15.

Nays: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Disero, Feldman, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Miller, Minnan-Wong, Nunziata, O’Brien, Pantalone, Prue, Rae, Saundercook, Shaw - 27.

Decided in the negative by a majority of 12.

Upon the question of the adoption of the foregoing motion (i) by Councillor Flint, viz.:

“that the foregoing Clause be amended by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, to provide that the matter of an invocation be referred to the Access and Equity Committee for consideration at the appropriate time and that all Members of Council be informed as to the date and time this matter will be considered and invited to provide input.”

the vote was taken as follows:

Yeas: Councillors: Adams, Chong, Duguid, Flint, Gardner, Giansante, Holyday, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Ootes, Shaw, Sinclair, Tzekas - 16.

Nays: Councillors: Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Disero, Feldman, Fillion, Fotinos, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Miller, Moeser, Nunziata, O'Brien, Pantalone, Prue, Rae, Saundercook, Shiner - 26.

Decided in the negative by a majority vote of 10.

Upon the question of the adoption of the foregoing motion (g) by Councillor Duguid, viz.:

“that the foregoing Clause be amended by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, by adding to Recommendation No. (33) the words ‘and further that the Mayor be authorized to incorporate a non-denominational invocation in place of the Moment of Silence and Personal Reflection’.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Chong, Duguid, Giansante, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Ootes, Shaw, Sinclair, Tzekas - 12.

Nays: Councillors: Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Disero, Feldman, Fillion, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Miller, Moeser, Nunziata, O'Brien, Pantalone, Prue, Rae, Saundercook, Shiner - 30.

Decided in the negative by a majority of 18.

Upon the question of the adoption of the foregoing motion (k) by Councillor McConnell, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the following items be referred to the City Clerk for consideration and report thereon to the Special Committee to Review the Final Report of the Toronto Transition Team:

- (1) the numbering system and handling of correspondence and Notices of Motion;
- (2) colour coding of Committee Reports;
- (3) including in the Agenda package for Council a Table of Contents; and

- (4) a mechanism for making items more suitably available to the public.;" "

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Brown, Bussin, Cho, Disero, Duguid, Feldman, Filion, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Sinclair, Tzekas - 36.

Nays: Councillors: Bossons, Chong, Flint, Fotinos, Johnston, Li Preti - 6.

Decided in the affirmative by a majority of 30.

Upon the question of the adoption of the foregoing (f) by Councillor Moeser, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the following procedure for hearing deputations from the public and from Councillors at Committee meetings who are not members of the Committee be forwarded to the Special Committee to Review the Final Report of the Toronto Transition Team for consideration:

- “(1) introduction by the Chair of the subject matter. (Ward Councillors are informed in advance of the meeting by the Committee Secretary with regard to items on the Agenda relating to his/her Ward to which requests have been communicated to the Clerk to appear before Committee.);
- (2) deputant(s) appear before Committee on the subject matter;
- (3) Committee Members and non-Committee Members may ask questions of deputant(s) through the Chair of the Committee;
- (4) Non-Committee Members who wish to address the Committee are then permitted to speak as deputants;
- (5) subject matter is then considered and debated by Committee Members only and decision made; and
- (6) public informed of Committee decision.” ’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Bussin, Cho, Chong, Feldman, Fillion, Flint, Johnston, Lindsay Luby, Li Preti, Mihevc, Miller, Moeser, Ootes, Saundercook, Shaw, Sinclair, Tzekas - 21.

Nays: Councillors: Brown, Disero, Duguid, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, Layton, Mammoliti, McConnell, Minnan-Wong, Nunziata, O'Brien, Pantalone, Prue, Rae, Shiner - 20.

Decided in the affirmative by a majority of 1.

Upon the question of the adoption of the foregoing motion (h) by Councillor Layton, viz.:

“that the foregoing Clause be amended:

- (1) by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, by inserting in the first portion of Recommendation No. (30), as recommended by the Special Committee to Review the Final Report of the Toronto Transition Team, after the words ‘that Members’, the words ‘be requested to’, so that the first portion shall now read as follows:

‘(30) that Members be requested to submit to the Clerk, in writing by 4:30 p.m. of the day prior to Council, a list of those items that they wish to be held;’; and

- (2) to provide that Clauses and Motions not disposed of at a Council meeting be placed prior to other Reports on the Agenda of the subsequent Council meeting.’ ”,

it was carried.

Upon the question of the adoption of Part (1)(a) of the foregoing motion (b) by Councillor Pantalone, viz.:

“that the foregoing Clause be amended:

- (1) to provide that:
 - (a) the “Other Items Clause” be strictly received for information purposes only and not be subject to any referral or any debate at Council;”,

the vote was taken as follows:

Yeas: Councillors: Adams, Brown, Chong, Disero, Duguid, Flint, Fotinos, Gardner, Holyday, Jakobek, Johnston, Mihevc, Ootes, Pantalone, Prue, Saundercook, Shaw - 17.

Nays: Councillors: Altobello, Augimeri, Bossons, Bussin, Cho, Feldman, Filion, Giansante, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Rae, Shiner, Sinclair, Tzekas - 25.

Decided in the negative by a majority of 8.

Upon the question of the adoption of Part (1)(b) of the foregoing motion (b) by Councillor Pantalone, viz.:

“that the foregoing Clause be amended:

(1) to provide that:

(b) the quorum of Committees of Council, with the exception of the East York Community Council, be 50 percent of the membership excluding the Mayor, ex-officio;”,

the vote was taken as follows:

Yeas: Councillors: Adams, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Feldman, Filion, Fotinos, Gardner, Giansante, Jakobek, Johnston, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Ootes, Pantalone, Prue, Saundercook, Shaw, Shiner, Sinclair, Tzekas - 34.

Nays: Councillors: Altobello, Flint, Holyday, Jones, Kinahan, Nunziata, O'Brien, Rae - 8.

Decided in the affirmative by a majority of 26.

Upon the question of the adoption of the Part (2) of the foregoing motion (b) by Councillor Pantalone, viz.:

“that the foregoing Clause be amended:

(2) by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’ by deleting from the second portion of Recommendation No. (30), as recommended by the Special Committee to

Review the Final Report of the Toronto Transition Team, the word 'required', and inserting in lieu thereof the word 'requested', so that the second portion shall now read as follows:

'that Members of Council who hold items at the beginning of Council meetings be requested to discuss those items with the relevant staff prior to the lunch break; and that the Chair canvass Council immediately after the lunch break to determine which items Members wish to release;'

it was carried.

Upon the question of the adoption of the foregoing motion (a) by Councillor Mihevc, viz.:

"that the foregoing Clause be amended by amending Appendix 1, entitled 'Summary of Recommended Changes to the Procedural By-law', to provide that the Chairs of the Standing Committees be selected by the Members of those relevant Committees."

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Prue, Rae, Shiner, Sinclair, Tzekas - 36.

Nays: Councillors: Chong, Gardner, Jakobek, Pantalone, Saundercook, Shaw - 6.

Decided in the affirmative by a majority of 30.

Upon the question of the adoption of Part (1) of the foregoing motion (d) by Councillor Rae, viz.:

"that the foregoing Clause be amended to provide that:

(1) Notices of Motion be considered at 2:00 p.m. following the lunch break on the first day of Council meetings;"

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Bossons, Bussin, Cho, Disero, Feldman, Filion, Fotinos, Johnston, Jones, Layton, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, Ootes, Prue, Rae, Saundercook - 21.

Nays: Councillors: Augimeri, Brown, Chong, Duguid, Flint, Gardner, Giansante, Holyday, Jakobek, Kinahan, Korwin-Kuczynski, Li Preti, Mammoliti, Miller, Nunziata, O'Brien, Pantalone, Shaw, Shiner, Sinclair, Tzekas - 21.

Decided in the negative, there being an equality of votes.

Upon the question of the adoption of Part (2) of the foregoing motion (d) by Councillor Rae, viz.:

“that the foregoing Clause be amended to provide that:

- (2) reports pertaining to Notices of Motion be attached to the appropriate Notice of Motion.”,

it was carried.

Upon the question of the adoption of Part (1) of the foregoing motion (e) by Councillor Saundercook, viz.:

“that the foregoing Clause be amended:

- (1) to provide that the dinner break during meetings of Council be from 6:00 p.m. to 8:00 p.m.”,

the vote was taken as follows:

Yeas: Councillors: Bossons, Brown, Bussin, Cho, Chong, Disero, Fillion, Flint, Fotinos, Johnston, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Miller, Moeser, Ootes, Prue, Saundercook, Shiner, Sinclair, Tzekas - 23.

Nays: Councillors: Adams, Altobello, Augimeri, Duguid, Feldman, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, Lindsay Luby, Mihevc, Minnan-Wong, Nunziata, O'Brien, Pantalone, Rae, Shaw - 19.

Decided in the affirmative by a majority 4.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared the foregoing motion (m) by Councillor Giansante, redundant, viz.:

“that the foregoing Clause be amended to provide that the dinner break for Council meetings be from 6:00 p.m. to 7:30 p.m.”

Upon the question of the adoption of Part (2) of the foregoing motion (e) by Councillor Saundercook, viz.:

“that the foregoing Clause be amended:

(2) by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’ by deleting therefrom the following Recommendation No. (19)(d):

‘(d) that only the Chair, or in his absence, the Councillor chairing the meetings be permitted to call staff to the floor for questioning later during the debate if necessary.’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Duguid, Feldman, Filion, Gardner, Giansante, Holyday, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Nunziata, O’Brien, Pantalone, Saundercook, Shaw, Shiner, Sinclair, Tzekas - 32.

Nays: Councillors: Disero, Flint, Fotinos, Jakobek, Johnston, Kinahan, Miller, Ootes, Prue, Rae - 10.

Decided in the affirmative by a majority of 22.

Upon the question of the adoption Part (1) of the foregoing motion (j) by Councillor Adams, viz.:

“that the foregoing Clause be amended by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, by adding thereto the following new section:

‘The following may be introduced at any Council meeting on a simple majority:

(1) staff reports on matters previously requested by Council to be reported directly to Council;’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Disero, Duguid, Filion, Fotinos, Holyday, Jakobek, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell,

Mihevc, Miller, Minnan-Wong, Nunziata, Ootes, Prue, Rae, Shiner, Sinclair, Tzekas - 30.

Nays: Councillors: Chong, Feldman, Flint, Gardner, Giansante, Kinahan, Lindsay Luby, Moeser, O'Brien, Pantalone, Saundercook, Shaw - 12.

Decided in the affirmative by a majority of 18.

Upon the question of the adoption of Part (2) of the foregoing motion (j) by Councillor Adams, viz.:

“that the foregoing Clause be amended by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, by adding thereto the following new section:

‘The following may be introduced at any Council meeting on a simple majority:

(2) interim control by-laws on the advice of the Commissioner of Planning and Urban Development Services.’ ”,

it was carried.

At this point in the proceedings, Councillor Miller, with the permission of Council, withdrew his foregoing motion (c), viz.:

“that the foregoing Clause be amended by deleting from Recommendation No. (1)(ix) of the Special Committee to Review the Final Report of the Toronto Transition Team the word ‘required’ and inserting in lieu thereof the word ‘requested’.”

Upon the question of the adoption of the foregoing motion (n) by Councillor Johnston, viz.:

“that the foregoing Clause be amended by adding thereto the following:

‘It is further recommended that the Special Committee to Review the Final Report of the Toronto Transition Team be requested to give consideration to not holding Council meetings during the evening.’ ”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Bussin, Cho, Chong, Disero, Filion, Johnston, Jones, Kinahan, McConnell, Mihevc, Miller, Prue, Saundercook, Sinclair, Tzekas - 19.

Nays: Councillors: Brown, Chow, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Rae, Shaw, Shiner - 24.

Decided in the negative by a majority of 5.

Upon the question of the adoption of the foregoing Clause, as amended, viz.:

“that the foregoing Clause be amended:

- (1) by amending Appendix 1, entitled ‘Summary of Recommended Changes to the Procedural By-law’, by:
 - (a) deleting therefrom the following Recommendation No. (19)(d):

‘(d) that only the Chair, or in his absence, the Councillor chairing the meetings be permitted to call staff to the floor for questioning later during the debate if necessary.’;
 - (b) inserting in the first portion of Recommendation No. (30), as recommended by the Special Committee to Review the Final Report of the Toronto Transition Team, after the words ‘that Members’, the words ‘be requested to’, so that the first portion shall now read as follows:

‘(30) that Members be requested to submit to the Clerk, in writing by 4:30 p.m. of the day prior to Council, a list of those items that they wish to be held;’;
 - (c) deleting from the second portion of Recommendation No. (30), as recommended by the Special Committee to Review the Final Report of the Toronto Transition Team, the word ‘required’, and inserting in lieu thereof the word ‘requested’, so that the second portion shall now read as follows:

‘that Members of Council who hold items at the beginning of Council meetings be requested to discuss those items with the relevant staff prior to the lunch break; and that the Chair canvass Council immediately after the lunch break to determine which items Members wish to release;’; and
 - (d) adding thereto the following new section:

'The following may be introduced at any Council meeting on a simple majority:

- (i) staff reports on matters previously requested by Council to be reported directly to Council; and
- (ii) interim control by-laws on the advice of the Commissioner of Planning and Urban Development Services.';

(2) to provide that:

- (a) the quorum of Committees of Council, with the exception of the East York Community Council, be 50 percent of the membership excluding the Mayor, ex-officio;
- (b) the Chairs of the Standing Committees be selected by the Members of those relevant Committees;
- (c) the dinner break during meetings of Council be from 6:00 p.m. to 8:00 p.m.;
- (d) Clauses and Motions not disposed of at a Council meeting be placed prior to other Reports on the Agenda of the subsequent Council meeting; and
- (e) reports pertaining to Notices of Motion be attached to the appropriate Notice of Motion; and

(3) by adding thereto the following:

'It is further recommended that:

- (a) the following procedure for hearing deputations from the public and from Councillors at Committee meetings who are not members of the Committee be forwarded to the Special Committee to Review the Final Report of the Toronto Transition Team for consideration:
 - (i) introduction by the Chair of the subject matter. (Ward Councillors are informed in advance of the meeting by the Committee Secretary with regard to items on the Agenda relating to his/her Ward to which requests have been communicated to the Clerk to appear before Committee.);
 - (ii) deputant(s) appear before Committee on the subject matter;

- (iii) Committee Members and non-Committee Members may ask questions of deputant(s) through the Chair of the Committee;
 - (iv) Non-Committee Members who wish to address the Committee are then permitted to speak as deputants;
 - (v) subject matter is then considered and debated by Committee Members only and decision made; and
 - (vi) public informed of Committee decision; and
- (b) the following items be referred to the City Clerk for consideration and report thereon to the Special Committee to Review the Final Report of the Toronto Transition Team:
- (i) the numbering system and handling of correspondence and Notices of Motion;
 - (ii) colour coding of Committee Reports;
 - (iii) including in the Agenda package for Council a Table of Contents; and
 - (iv) a mechanism for making items more suitably available to the public.’ ”,

it was carried.

- 918 **Clause No. 1 of Report No. 3 of The Striking Committee, headed “Appointment of Members of Council to Various Committees and Boards”.**
(See Appendix “A”, page 4837.)

Upon the question of the adoption of the foregoing Clause, without amendment, Councillor Ootes, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that Councillor Joan King, Seneca Heights, be appointed as the Mayor’s designate on the Toronto Public Library Board, such appointment to commence upon the enactment of the necessary by-law establishing the new Toronto Public Library Board, and expiring on November 30, 2000, and/or until her successor is appointed.”

Upon the question of the adoption of the foregoing motion by Councillor Ootes, it was carried.

Upon the question of the adoption of the foregoing Clause, as amended, it was carried.

At this point in the proceedings, Councillor Layton, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, Clause No.1 of Report No. 3 of The Striking Committee, headed "Appointment of Members of Council to Various Committees and Boards", insofar as it pertains to the Audit Committee and the Nominating Committee, be re-opened for further consideration, which was carried, more than two-thirds of Members present having voted in the affirmative. (See Minute No. 919)

- 919 **Clause No. 1 of Report No. 3 of The Striking Committee, headed "Appointment of Members of Council to Various Committees and Boards".**
(See Appendix "A", page 4837.)

Nominating Committee

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Nominating Committee, without amendment, Councillor Layton, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

"It is further recommended that the Council Procedural By-law be amended to provide that the membership of the Nominating Committee be increased to eight members and that Councillor Bussin be appointed to the Nominating Committee."

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing motion by Councillor Layton, ruled that such motion should be submitted as a Notice of Motion.

Councillor Layton, with the permission of Council, moved that section 103 of the Council Procedural By-law be waived in order to permit the appointment of Councillor Bussin to the Nominating Committee at this time and that this be deemed notice of the proposed amendment to the Council Procedural By-law to increase the membership of the Nominating Committee to eight members, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Tzekas - 38.

Nays: Councillors: Li Preti, Minnan-Wong, Moeser, Shiner - 4.

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

Upon the question of the adoption of the foregoing Clause, as amended, insofar as it pertains to the Nominating Committee, it was carried.

Audit Committee

Upon the question of the adoption of the foregoing Clause, insofar as it pertains to the Audit Committee, without amendment, Councillor Kinahan, in amendment, moved that the foregoing Clause be amended by adding thereto the following:

“It is further recommended that the Council Procedural By-law be amended to provide that the membership of the Audit Committee be increased to seven members and that Councillors Adams and Sgro be appointed to the Audit Committee.”

At this point in the proceedings, Deputy Mayor Ootes, having regard to the nature of the foregoing motion by Councillor Kinahan, ruled that such motion should be submitted as a Notice of Motion.

Councillor Kinahan, with the permission of Council, moved that section 100 of the Council Procedural By-law be waived in order to permit the appointment of Councillors Adams and Sgro to the Audit Committee at this time and that this be deemed notice of the proposed amendment to the Council Procedural By-law to increase the membership of the Audit Committee to seven members, the vote upon which was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Shaw, Shiner, Sinclair Tzekas - 36.

Nays: Councillors: Brown, Feldman, Filion, Jakobek, Jones, Lindsay Luby, Saundercook - 7.

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

Upon the question of the adoption of the foregoing Clause, as amended, insofar as it pertains to the Audit Committee, it was carried.

920 At this point in the proceedings, and with the permission of Council, Councillor Johnston moved that those Notices of Motions on the Order Paper which do not require consideration by Council at this meeting be referred to the appropriate Standing Committees, the vote upon which was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Bossons, Bussin, Cho, Chong, Disero, Filion, Flint, Johnston, Jones, Layton, Lindsay Luby, Li Preti, McConnell,

Mihevc, Miller, Moeser, O'Brien, Saundercook, Shaw, Shiner, Sinclair, Tzekas - 24.

Nays: Councillors: Adams, Brown, Chow, Duguid, Feldman, Fotinos, Gardner, Giansante, Holyday, Jakobek, Kinahan, Korwin-Kuczynski, Mammoliti, Minnan-Wong, Nunziata, Ootes, Pantalone, Prue, Rae - 19.

Decided in the affirmative by a majority of 5.

921 At this point in the proceedings, and with the permission of Council, Councillor Pantalone, seconded by Councillor Disero, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Pantalone

Seconded by: Councillor Disero

“WHEREAS By-law No. 57-1998 establishes an interim procedure and authority for the calling of bids and the award of contracts; and

WHEREAS Council at its meeting held on March 4, 5 and 6, 1998, amended Clause No. 1 of Report No. 2 of the Corporate Services Committee entitled ‘Interim Purchasing By-law’ to provide that all quotations and tender calls over \$1.0 million shall be reported to the appropriate Standing Committee of Council and/or Community Council, and subsequently submitted with a recommendation to Council for award; and

WHEREAS the requirement that Council award all contracts will extend the approval process and create scheduling problems for construction contracts given the limited duration of the construction season, and delivery problems for contracts for goods, services and materials required in day-to-day operations; and

WHEREAS if all the conditions contained in Section 5(3) of By-law No. 57-1998 are met, except for the \$1.0 million limitation in the amount of the award, it is appropriate that the Standing Committee or Community Council responsible for the program or service to which the Call or Request is related be authorized to award the contract;

NOW THEREFORE BE IT RESOLVED THAT, in order to streamline the process for award of contracts over \$1.0 million, By-law No. 57-1998 be amended to provide that the appropriate Standing Committee of Council and/or Community Council be authorized to approve such contract awards and that these approvals be forwarded to Council for information;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction in Council of the Bill necessary to give effect thereto.”

Upon the question of the re-opening of the aforementioned Clause, insofar as it relates to the award of contracts outlined above only, it was carried, more than two-thirds of Members present having voted in the affirmative.

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, proposed that such Motion be referred to the Corporate Services Committee.

Council concurred in the foregoing proposal.

- 922 At this point in the proceedings, and with the permission of Council, Councillor Adams, seconded by Councillor Kinahan, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Adams

Seconded by: Councillor Kinahan

“**WHEREAS** at its meeting held on May 12, 1998, the Assessment and Tax Policy Task Force heard a presentation from officials of the Ministry of Municipal Affairs and Housing respecting proposed regulations under the Tenant Protection Act, 1997 on automatic rent reductions and municipal tax reductions; and

WHEREAS these Provincial officials advised the Task Force that the deadline for receiving comments on the proposed regulations is the end of May 1998, making it time critical for City Council to provide its comments on these proposed regulations; and

WHEREAS it is important that City Council take a position as soon as possible and give its comments to the Government of Ontario, on behalf of the citizens of Toronto affected by the Tenant Protection Act, 1997 and the pass-through regulations as they relate to tenants and landlords;

NOW THEREFORE BE IT RESOLVED THAT the communication dated May 12, 1998, from the City Clerk, forwarding the action of the Assessment and Tax Policy Task Force, be considered by City Council at its meeting to be held on May 13, 1998, and that such report be adopted.”

Council also had before it, during consideration of the foregoing Motion, a communication (May 12, 1998) from the City Clerk forwarding recommendations of the Assessment and Tax Policy Task Force in this regard.

Upon the question of the adoption of the foregoing Motion, without amendment, Councillor Adams, in amendment, moved that the foregoing Motion be amended by:

- (1) deleting from the Operative Paragraph the words “and that such report be adopted”; and
- (2) adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT:

- (a) the following recommendations of the Assessment and Tax Policy Tax Force embodied in the communication dated May 12, 1998, from the City Clerk, be adopted:

‘That the Province of Ontario be requested:

- (1) to amend the Tenant Protection Act, 1997 to reduce “maximum rent” by the same percentage that the lawful rent may be decreased as a result of property tax decreases; and
- (2) to amend the Tenant Protection Act, 1997 to allow tenants in a building to be enjoined to the application if only one tenant applies for a rent decrease, if taxes are reduced;’;

- (b) the following Recommendations Nos. (3) and (4) of the Assessment and Tax Policy Task Force embodied in the communication dated May 12, 1998, from the City Clerk, be referred to the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer for a joint report thereon to the Assessment and Tax Policy Task Force for its meeting to be held on May 26, 1998:

‘The Province of Ontario be requested:

- (3) not to impose a percentage threshold for automatic decreases in rent to flow through to tenants as a result of tax decreases; and
- (4) to provide in the regulations under the Tenant Protection Act, 1997 for the flow through of any municipal tax decrease applicable to the entire year, 1998, to the tenants of record on December 1, 1998, so that Landlords benefitting from property tax decreases in 1998 do not receive a windfall.’; and

- (c) the City Clerk be requested to advise the Minister of Municipal Affairs and Housing that the Council of the City of Toronto will be dealing with this item at its meeting to be held on June 3 and 4, 1998, and that City Council requests that no decisions be made by the Province of Ontario in this regard until Council's position has been considered."

Upon the question of the adoption of the foregoing motion by Councillor Adams, it was carried.

Upon the question of the adoption of the foregoing Motion, as amended, it was carried.

- 923 At this point in the proceedings, and with the permission of Council, Councillor Fotinos, seconded by Councillor Miller, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Fotinos

Seconded by: Councillor Miller

"WHEREAS natural health practitioners offer a respected and legitimate therapeutic alternative to thousands of people in our City; and

WHEREAS the City of Toronto licensing enforcement officers have attempted to shut down many such health practitioners on the grounds that they are operating illegal body-rub parlours; and

WHEREAS an Advisory Committee examining Natural Health Practitioners has been established by the former Metropolitan Licensing Commission;

NOW THEREFORE BE IT RESOLVED THAT the Advisory Committee be expanded to reflect the diversity in the therapeutic practitioner community;

AND BE IT FURTHER RESOLVED THAT the Toronto Licensing Commission declare a moratorium on charging Natural Health Therapists until the report of the Advisory Committee;

AND BE IT FURTHER RESOLVED THAT the Toronto Licensing Commission raise any concerns of any suspicious Natural Health Therapists through the Advisory Committee prior to laying charges;

AND BE IT FURTHER RESOLVED THAT the City Solicitor delay court actions on current charges in relation to Natural Health Therapists until Council resolves the issue of appropriate licensing for Natural Health Therapists."

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

- 924 At this point in the proceedings, and with the permission of Council, Councillor Layton, seconded by Councillor Chow, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Chow

“WHEREAS the Council Strategy Committee for People Without Homes on May 11, 1998, had before it a report (April 16, 1998) from the Federation of Canadian Municipalities headed ‘Municipal Perspectives on Housing’; and

WHEREAS the noted report will be considered by the Federation of Canadian Municipalities at its annual meeting to be held from June 5 to 8, 1998, and the May 13, 1998 meeting of Council is the last available meeting prior to the annual conference to consider the noted report; and

WHEREAS the Council Strategy Committee for People Without Homes reports for the information of Council having endorsed the noted report;

NOW THEREFORE BE IT RESOLVED THAT City Council consider and endorse the Policy Statement adopted by the Board of Directors of the Federation of Canadian Municipalities, entitled ‘Municipal Perspectives on Housing’, embodied in the aforementioned report dated April 16, 1998.”

Council also had before it, during consideration of the foregoing Motion, a communication dated May 11, 1998, from the City Clerk forwarding to Council a report dated April 16, 1998, from the Canadian Federation of Municipalities (FCM) headed “Municipal Government Perspectives on Housing”, which will be considered at the FCM annual meeting of June 5 to 8, 1998. (See Attachment No. 5)

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

- 925 At this point in the proceedings, and with the permission of Council, Councillor Duguid, seconded by Councillor Fotinos, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Duguid**

Seconded by: **Councillor Fotinos**

“**WHEREAS** the Fire Services and Ambulance Services Facilities Study - Terms of Reference was referred back to the Emergency and Protective Services Committee for consideration by the Working Group on Fire and Ambulance Services, by Toronto City Council at its meeting of April 16, 1998; and

WHEREAS the Working Group on Fire and Ambulance Services is unanimous in urging that the Fire Services and Ambulance Services Facilities Study be undertaken and completed in time to realize potential financial savings achieved through implementation of the study recommendations, prior to the 1999 Capital Budget process; and

WHEREAS the Working Group on Fire and Ambulance Services has requested that the Chair of that Working Group bring the Report on the Fire and Ambulance Services Study - Terms of Reference forward to Council through this Notice of Motion;

NOW THEREFORE BE IT RESOLVED THAT in accordance with Section 46 of the Council Procedural By-law, Appendix A of the Fire Services and Ambulance Services Facilities Study - Terms of Reference, under the heading Response Time Standards, sections 3 and 6, and under heading Consultation Process and Communication Plan, be re-opened for further consideration at the meeting of City Council to be held on May 13 and 14, 1998;

AND BE IT FURTHER RESOLVED THAT the Council of the City of Toronto adopt the recommendations of the Emergency and Protective Services Committee, as presented to Council on April 16, 1998, in addition to the following minor amendments:

- (1) That Appendix A of the Fire Services and Ambulance Services Facilities Study-Terms of Reference be amended by adding, under the Response Time Standards section (page 3 of Appendix A), subsection 3, that “The consultant is required to: Recommend response time standards that should be adopted by the Toronto Fire Services, **to deliver best practices**;
- (2) That Appendix A be further amended by adding under the Response Time Standards section (page 4 of Appendix A), sub-section 6, that **in addition, response times should be determined and measured from the time the 911 call is received**;

- (3) That Appendix A, pages 6 and 8, be further amended by adding, under the Consultation Process and Communications Plan section, after the first sentence, **and that the steering committee report on a monthly basis to the Working Group on Fire and Ambulance Services, on the state of progress made involving all key stakeholders in the consultation process, including Fire Services and Ambulance Services management, union representatives, association representatives, and facilities management staff;’;**

AND BE IT FURTHER RESOLVED THAT the Working Group recommends the establishment of a forum for discussion between primary unions and associations of Fire, Ambulance, and Paramedic personnel, and that the parties to this forum provide no more than three names each of people to act as representatives of their respective organizations at this forum, which will be open to the public;

AND BE IT FURTHER RESOLVED THAT once the Chair of the Working Group has received these names, a meeting be convened to informally discuss a variety of issues of concern to firefighters, paramedics, and ambulance personnel, and that the format and schedule of future meetings be determined at that time.”

Upon the question of the adoption of the first Operative Paragraph embodied in the foregoing Motion, without amendment, it was carried, more than two-thirds of Members present having voted in the affirmative.

Upon the question of the adoption of the balance of the foregoing Motion, without amendment, it was carried.

- 926 At this point in the proceedings, and with the permission of Council, Councillor Bossons, seconded by Councillor Chong, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bossons

Seconded by: Councillor Chong

“BE IT RESOLVED THAT the City Solicitor be requested to draft a by-law which would ensure that no natural, Federal or Provincial law shall apply except by permission of Toronto City Council.”

At this point in the proceedings, Deputy Mayor Ootes, having regard to the foregoing decision of Council, proposed that such Motion be referred to the Corporate Services Committee.

Council concurred in the foregoing proposal.

- 927 At this point in the proceedings, and with the permission of Council, Councillor Miller, seconded by Councillor Korwin-Kuczynski, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“WHEREAS the premises known as Mimmo’s located at 2907 Dundas Street West has applied to the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario for a liquor licence; and

WHEREAS the deadline for submissions to the Alcohol and Gaming Commission of Ontario concerning this application is forthcoming; and

WHEREAS Subsection 6(2)(h) of the Act provides that an applicant is entitled to be issued a licence to sell liquor except if the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located; and

WHEREAS Section 7.1 of the Regulation 719 under the Act states that, in the absence of receiving submissions to the contrary, the Commission shall consider a Resolution of the Council of the municipality, in which are located the premises for which a person holds a licence to sell liquor, as proof of the needs and wishes of the residents of a municipality for the purpose of Clause 6(2)(h) of the Act; and

WHEREAS I, as Ward Councillor, have received numerous complaints regarding the application and how it may impact negatively on the adjacent residential neighbourhood;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario that the request for a liquor licence at 2907 Dundas Street West is not in the public interest having regard to the needs and wishes of the residents of the municipality, and request the issuance of a proposal by the Alcohol and Gaming Commission of Ontario to refuse the application;

AND BE IT FURTHER RESOLVED THAT if the Alcohol and Gaming Commission is inclined to support the application and issue the licence, that a public interest hearing be conducted during evening hours at a location in the neighbourhood of The Junction;

AND BE IT FURTHER RESOLVED THAT City Council request the City Solicitor to attend the hearing to oppose the application.”

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

- 928 At this point in the proceedings, and with the permission of Council, Councillor Minnan-Wong, seconded by Councillor Duguid, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Duguid

“**WHEREAS** City Council wishes to promote, by means of the licensing, regulating and governing of businesses in the City of Toronto, the public interest in ensuring safe and efficient services by such businesses to members of the public; and

WHEREAS City Council wishes to ensure that the Toronto Licensing Commission and City Council are able to exercise their respective authority in respect of the licensing, regulating and governing of businesses in the City of Toronto in an open, accessible and consultative manner for the purposes of promoting safe and efficient services by regulated businesses to members of the public; and

WHEREAS the meeting of City Council to be held on May 13 and 14, 1998, is the last meeting of City Council prior to the hearing of public deputations by the Task Force to Review the Taxicab Industry;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 20-85 of the former Municipality of Metropolitan Toronto, as amended, be further amended to regulate the taking of action by way of threats or reprisals against licensed persons who participate in proceedings under or in respect of By-law No. 20-85 of the former Municipality of Metropolitan Toronto, as amended;

AND BE IT FURTHER RESOLVED THAT the report dated May 14, 1998, from the City Solicitor be adopted.”

Council also had before it, during consideration of the foregoing Motion a report dated May 14, 1998, from the City Solicitor, entitled “Protection for Licensed Persons Who Give Deputations”. (See Attachment No. 6)

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

Council subsequently adopted, without amendment, the report dated May 14, 1998, from the City Solicitor, entitled "Protection for Licensed Persons Who Give Deputations", embodying the following recommendation:

"It is recommended that the draft Bill, attached hereto as Appendix 'A', be adopted, if City Council decides to amend By-law No. 20-85 of the former Metropolitan Council to address the matters discussed in this report."

- 929 At this point in the proceedings, and with the permission of Council, Councillor Rae, seconded by Councillor Chow, moved that, in accordance with Section 27 of the Council Procedural By-law, subsections 28(1) and (2) of said By-law be waived to permit consideration of the following Notice of Motion, which was carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Chow

"**WHEREAS** City Council at its meeting held on April 16, 1998, by its adoption of Clause No. 41 of Report No. 3 of The Toronto Community Council, entitled 'Railway Lands Central and West (Downtown)', requested the City Solicitor to report directly to Council on May 13, 1998 and June 3, 1998, upon any potential settlement regarding the Ontario Municipal Board hearing scheduled to commence on June 15, 1998, in respect of the Railway Lands Central and West official plan amendments and zoning by-laws;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 14, 1998 from the City Solicitor be considered by City Council at its meeting on May 14, 1998, and that such report be adopted."

Council also had before it, during consideration of the foregoing Motion, a report dated May 14, 1998, from the City Solicitor, entitled "Railway Lands Central and West - OMB Settlement (Ward 24 - Downtown)." (See Attachment No. 7)

Upon the question of the adoption of the foregoing Motion, without amendment, it was carried.

Council subsequently adopted, without amendment, the report dated May 14, 1998, from the City Solicitor, entitled "Railway Lands Central and West - OMB Settlement (Ward 24 - Downtown)", embodying the following recommendations:

"It is recommended that:

- (1) the City Solicitor be authorized to advise the Ontario Municipal Board that the City agrees the Railway Lands Central and West Part II Official Plans

and Zoning By-laws may be amended as described in the May 14, 1998 memorandum of the Commissioner of Urban Planning and Development Services to the City Solicitor, with such technical amendments as the City Solicitor considers appropriate; and

- (2) authority be granted to amend the Railway Lands Central Environmental Agreement to implement the proposed new Section 9.7 of the Part II Plan and to incorporate the provisions contained in Schedule 'C' of the May 14, 1998 memorandum of the Commissioner of Urban Planning and Development Services to the City Solicitor."

930 Councillor Prue moved that leave be granted to introduce:

- "Bill No. 223 To amend By-law No. 88-1998 respecting the acquisitions of certain interests in land for or in connection with the Rapid Transit Expansion Program (R.T.E.P.)"
- "Bill No. 224 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads."
- "Bill No. 225 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads."
- "Bill No. 226 To amend further Metropolitan By-law No. 107-86 respecting parking meters on former Metropolitan Roads."
- "Bill No. 227 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads."
- "Bill No. 228 To confirm the effective date for the exemption as municipal capital facilities of certain lands of Harbourfront Corporation (1990) from taxation for municipal and school purposes."
- "Bill No. 229 To appoint and delineate certain duties and responsibilities of the Chief Building Official for the City of Toronto."
- "Bill No. 230 To amend Procedural By-law No. 23-1998 respecting the Corporate Services Committee's responsibility for matters respecting City buildings and properties."
- "Bill No. 231 To appoint a committee to hear applications for cancellation, reduction or refund of taxes by reason of any gross or manifest error in the preparation of the assessment roll that was an error of fact."

- “Bill No. 232 To provide for the temporary closure to vehicular traffic on Cortleigh Boulevard for the purpose of conducting the annual Victoria Day street party and fireworks display.”
- “Bill No. 233 To amend Scarborough Zoning By-law No. 8978, with respect to the Clairlea Community.”
- “Bill No. 234 To amend Scarborough By-law No. 10827 with respect to the Highland Creek Community.”
- “Bill No. 235 To amend Scarborough By-laws Nos. 10217 and 14402, with respect to the Malvern Community.”
- “Bill No. 236 To amend further By-law No. 23503, respecting the regulation of traffic on Toronto Roads.”
- “Bill No. 237 To amend further By-law No. 23503, respecting the regulation of traffic on Toronto Roads.”
- “Bill No. 238 To designate certain lands on a registered plan not subject to Part Lot Control in the Centennial Community.”
- “Bill No. 239 To designate certain lands on a registered plan not subject to Part Lot Control in the Centennial Community.”
- “Bill No. 240 To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting No. 241 Wellington Street West.”
- “Bill No. 241 To adopt an amendment to the Official Plan for the former City of Toronto respecting the lands generally bounded by Logan Avenue, Boston Avenue, the rear of the Queen Street East properties and the Canadian National Railway right-of-way north of Dundas Street East and referred to as the Carlaw Study Area.”
- “Bill No. 242 To amend the General Zoning By-law No. 438-86 with respect to lands generally bounded by Logan Avenue, Boston Avenue, the rear of the Queen Street East properties and the Canadian National Railway right-of-way north of Dundas Street East and referred to as the Carlaw Study Area.”
- “Bill No. 243 To exempt 1090 Shaw Street from the provisions of subsection 50(5) of the Planning Act.”
- “Bill No. 244 To amend By-law No. 1997-0270, as amended, to extend the period of interim control on certain lands known municipally as 16 Avondale Road.”

- “Bill No. 245 To amend By-law No. 1997-0321, to extend the period of interim control in the MCR district along St. Clair Avenue West between Lansdowne Avenue and Westmount Avenue.”
- “Bill No. 246 To amend the former City of Toronto Municipal Code Ch.20, Business Improvement Areas, to reflect legislative changes to the municipal taxation system arising from the passage of the Fair Municipal Finance Act, 1997.”
- “Bill No. 247 To name the public lane 92.3 metres north of Kingston Road, extending westerly between 24 and 26 Lawlor Avenue ‘Jim Samuel Lane’.”
- “Bill No. 248 To further amend former City of Toronto By-law No. 108-89 respecting the improvement of certain lanes at various locations by the construction of lane pavements and drains.”
- “Bill No. 249 To amend By-law No. 1997-0403 being a by-law to further amend former City of Toronto By-law No. 602-89, being ‘A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Scarborough Road by the narrowing of the pavement on the west side of Scarborough Road near Woodale Avenue.”
- “Bill No. 250 To further amend former City of Toronto By-law No. 379-80 appointing Provincial Offences Officers.”
- “Bill No. 251 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue, Clairmont Street, Copeland Avenue, Ellsworth Avenue, Hallam Avenue, Wheeler Avenue.”
- “Bill No. 252 To further amend former City of Toronto By-law No. 602-89, being ‘A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Highland Avenue, Roxborough Drive and Scholfield Avenue by narrowing the pavement by the installation of a traffic circle.”
- “Bill No. 253 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.”
- “Bill No. 254 To further amend former City of Toronto By-law No. 602-89, being “A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Glengrove Avenue West by the installation of speed humps from Yonge Street to Avenue Road.”

- “Bill No. 255 To allow the maintenance of a certain encroachment on Holmesdale Road, in the City of Toronto regarding 26 Holmesdale Road.”
- “Bill No. 256 To amend Borough of York By-law No. 3387-79, ‘Being a by-law with respect to Fire Routes’.”
- “Bill No. 257 To authorize the execution of an Encroachment Agreement between Anjuman-E-Islahul-Muslemin of Toronto and the City of Toronto, regarding 277 Scott Road, Toronto.”
- “Bill No. 258 A By-law respecting the size and composition of the Toronto Public Library Board.”
- “Bill No. 259 To amend By-law No. 83-89 of the former City of Toronto authorizing the improvement and extension of the City’s water works by the construction of certain works at various locations.”
- “Bill No. 260 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Austin Terrance, Braemar Avenue, Charles Street East, College View Avenue, DeLisle Avenue, Dundonald Street, Elmsthorpe Avenue, Fleet Street, Forman Avenue, Gloucester Street, Harvard Street, Isabella Street, Lansdowne Avenue, Mackay Avenue, Niagara Street, St. Mary Street, Strachan Avenue, Roselawn Avenue, Walmer Road.”
- “Bill No. 261 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “Bill No. 262 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “Bill No. 263 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “Bill No. 264 To amend the former City of Etobicoke Municipal Code with respect to Traffic - Chapter 240, Article V.”
- “Bill No. 265 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article IV, Section 31, Schedule ‘A’.”
- “Bill No. 266 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “Bill No. 267 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”

“Bill No. 268 A By-Law to amend Etobicoke By-Law Number 1982-116 being a By-law to designate a Fire Route at 5230 Dundas Street West (Six Points Plaza).”

“Bill No. 269 To authorize the designation of Fire Routes under Chapter 134 of The Etobicoke Municipal Code:

30 - 68 Old Mill Terrace 3672 Lake Shore Boulevard West, 1291 Royal York Road, 180, 190, 210 and 220 Manitoba Street, 173, 185, 187, 189, 191, 193, 195, 197 and 199 La Rose Avenue.”

“Bill No. 270 To amend Chapter 134 of the Etobicoke Municipal Code with respect to Fire Routes:

173, 185, 187, 189, 191, 193, 195, 197 and 199 La Rose Avenue 22-66 Guided Court, 1291 Royal York Road, 1120 Martin Grove Road, 95 Melbert Road, 44 and 50 Montgomery Road, 23-34 Mendota Road, and 93-99 Wesley Street, and 2281-2283 Lake Shore Boulevard West.”

“Bill No. 272 To amend further By-law No. 20-85, a by-law ‘Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area’, being a by-law of the former Municipality of Metropolitan Toronto.”,

which was carried.

Upon the question, “Shall these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws?”, as follows:

“By-law No. 220-1998 To amend By-law No. 88-1998 respecting the acquisitions of certain interests in land for or in connection with the Rapid Transit Expansion Program (R.T.E.P.)”

“By-law No. 221-1998 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.”

“By-law No. 222-1998 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.”

“By-law No. 223-1998 To amend further Metropolitan By-law No. 107-86 respecting parking meters on former Metropolitan Roads.”

“By-law No. 224-1998 To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.”

- “By-law No. 225-1998 To confirm the effective date for the exemption as municipal capital facilities of certain lands of Harbourfront Corporation (1990) from taxation for municipal and school purposes.”
- “By-law No. 226-1998 To appoint and delineate certain duties and responsibilities of the Chief Building Official for the City of Toronto.”
- “By-law No. 227-1998 To amend Procedural By-law No. 23-1998 respecting the Corporate Services Committee's responsibility for matters respecting City buildings and properties.”
- “By-law No. 228-1998 To appoint a committee to hear applications for cancellation, reduction or refund of taxes by reason of any gross or manifest error in the preparation of the assessment roll that was an error of fact.”
- “By-law No. 229-1998 To provide for the temporary closure to vehicular traffic on Cortleigh Boulevard for the purpose of conducting the annual Victoria Day street party and fireworks display.”
- “By-law No. 230-1998 To amend Scarborough Zoning By-law No. 8978, with respect to the Clairlea Community.”
- “By-law No. 231-1998 To amend Scarborough By-law No. 10827 with respect to the Highland Creek Community.”
- “By-law No. 232-1998 To amend Scarborough By-laws Nos. 10217 and 14402, with respect to the Malvern Community.”
- “By-law No. 233-1998 To amend further By-law No. 23503, respecting the regulation of traffic on Toronto Roads.”
- “By-law No. 234-1998 To amend further By-law No. 23503, respecting the regulation of traffic on Toronto Roads.”
- “By-law No. 235-1998 To designate certain lands on a registered plan not subject to Part Lot Control in the Centennial Community.”
- “By-law No. 236-1998 To designate certain lands on a registered plan not subject to Part Lot Control in the Centennial Community.”
- “By-law No. 237-1998 To amend the former City of Toronto Municipal Code Ch. 297, Signs, respecting No. 241 Wellington Street West.”

- “By-law No. 238-1998 To adopt an amendment to the Official Plan for the former City of Toronto respecting the lands generally bounded by Logan Avenue, Boston Avenue, the rear of the Queen Street East properties and the Canadian National Railway right-of-way north of Dundas Street East and referred to as the Carlaw Study Area.”
- “By-law No. 239-1998 To amend the General Zoning By-law No. 438-86 with respect to lands generally bounded by Logan Avenue, Boston Avenue, the rear of the Queen Street East properties and the Canadian National Railway right-of-way north of Dundas Street East and referred to as the Carlaw Study Area.”
- “By-law No. 240-1998 To exempt 1090 Shaw Street from the provisions of subsection 50(5) of the Planning Act.”
- “By-law No. 241-1998 To amend By-law No. 1997-0270, as amended, to extend the period of interim control on certain lands known municipally as 16 Avondale Road.”
- “By-law No. 242-1998 To amend By-law No. 1997-0321, to extend the period of interim control in the MCR district along St. Clair Avenue West between Lansdowne Avenue and Westmount Avenue.”
- “By-law No. 243-1998 To amend the former City of Toronto Municipal Code Ch.20, Business Improvement Areas, to reflect legislative changes to the municipal taxation system arising from the passage of the Fair Municipal Finance Act, 1997.”
- “By-law No. 244-1998 To name the public lane 92.3 metres north of Kingston Road, extending westerly between 24 and 26 Lawlor Avenue ‘Jim Samuel Lane’.”
- “By-law No. 245-1998 To further amend former City of Toronto By-law No. 108-89 respecting the improvement of certain lanes at various locations by the construction of lane pavements and drains.”
- “By-law No. 246-1998 To amend By-law No. 1997-0403 being a by-law to further amend former City of Toronto By-law No. 602-89, being ‘A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Scarborough Road by the narrowing of the pavement on the west side of Scarborough Road near Woodale Avenue.”

- “By-law No. 247-1998 To further amend former City of Toronto By-law No. 379-80 appointing Provincial Offences Officers.”
- “By-law No. 248-1998 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue, Clairmont Street, Copeland Avenue, Ellsworth Avenue, Hallam Avenue, Wheeler Avenue.”
- “By-law No. 249-1998 To further amend former City of Toronto By-law No. 602-89, being ‘A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Highland Avenue, Roxborough Drive and Scholfield Avenue by narrowing the pavement by the installation of a traffic circle.”
- “By-law No. 250-1998 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.”
- “By-law No. 251-1998 To further amend former City of Toronto By-law No. 602-89, being ‘A By-law To authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations’, respecting the alteration of Glengrove Avenue West by the installation of speed humps from Yonge Street to Avenue Road.”
- “By-law No. 252-1998 To allow the maintenance of a certain encroachment on Holmesdale Road, in the City of Toronto regarding 26 Holmesdale Road.”
- “By-law No. 253-1998 To amend Borough of York By-law No. 3387-79, ‘Being a by-law with respect to Fire Routes’.”
- “By-law No. 254-1998 To authorize the execution of an Encroachment Agreement between Anjuman-E-Islahul-Muslemin of Toronto and the City of Toronto, regarding 277 Scott Road, Toronto.”
- “By-law No. 255-1998 A By-law respecting the size and composition of the Toronto Public Library Board.”
- “By-law No. 256-1998 To amend By-law No. 83-89 of the former City of Toronto authorizing the improvement and extension of the City’s water works by the construction of certain works at various locations.”

- “By-law No. 257-1998 To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Austin Terrance, Braemar Avenue, Charles Street East, College View Avenue, DeLisle Avenue, Dundonald Street, Elmsthorpe Avenue, Fleet Street, Forman Avenue, Gloucester Street, Harvard Street, Isabella Street, Lansdowne Avenue, Mackay Avenue, Niagara Street, St. Mary Street, Strachan Avenue, Roselawn Avenue, Walmer Road.”
- “By-law No. 258-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “By-law No. 259-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “By-law No. 260-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “By-law No. 261-1998 To amend the former City of Etobicoke Municipal Code with respect to Traffic - Chapter 240, Article V.”
- “By-law No. 262-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article IV, Section 31, Schedule ‘A’.”
- “By-law No. 263-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “By-law No. 264-1998 To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.”
- “By-law No. 265-1998 A By-Law to amend Etobicoke By-Law Number 1982-116 being a By-Law to designate a Fire Route at 5230 Dundas Street West (Six Points Plaza).”
- “By-law No. 266-1998 To authorize the designation of Fire Routes under Chapter 134 of The Etobicoke Municipal Code:
- 30 - 68 Old Mill Terrace 3672 Lake Shore Boulevard West, 1291 Royal York Road, 180, 190, 210 and 220 Manitoba Street, 173, 185, 187, 189, 191, 193, 195, 197 and 199 La Rose Avenue.”
- “By-law No. 267-1998 To amend Chapter 134 of the Etobicoke Municipal Code with respect to Fire Routes:

173, 185, 187, 189, 191, 193, 195, 197 and 199 La Rose Avenue 22-66 Guided Court, 1291 Royal York Road, 1120 Martin Grove Road, 95 Melbert Road, 44 and 50 Montgomery Road, 23-34 Mendota Road, and 93-99 Wesley Street, and 2281-2283 Lake Shore Boulevard West.”

“By-law No. 268-1998 To amend further By-law No. 20-85, a by-law ‘Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area’, being a by-law of the former Municipality of Metropolitan Toronto.”,

the vote was taken as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Miller, Minnan-Wong, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Sinclair, Tzekas - 37.

Nays: Nil.

Decided in the affirmative, without dissent.

931 Councillor Mihevc, seconded by Councillor Sinclair, moved that the absence of Mayor Lastman and Councillors Ashton, Berardinetti and Faubert be excused from this Council meeting, which was carried.

932 Councillor Kinahan, seconded by Councillor Rae, moved that leave be granted to introduce:

“Bill No. 273 To confirm the last portion of the proceedings of the Council at its meeting held on the 13th and 14th days of May, 1998.”,

which was carried.

Upon the question, “Shall this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law?”, as follows:

“By-law No. 269-1998 To confirm the last portion of the proceedings of the Council at its meeting held on the 13th and 14th days of May, 1998.”,

the vote upon which was as follows:

Yeas: Councillors: Adams, Altobello, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Feldman, Filion, Flint, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Sinclair Tzekas - 38.

Nays: Nil.

Decided in the affirmative, without dissent.

Council adjourned at 11:08 p.m.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

Attachment No. 1

(Joint Report dated April 3, 1998 from Councillors Jack Layton and Joan King,
entitled "Smog Response" - Minute No. 775)

Introduction:

Toronto suffers from severe bad air every summer. As the Medical Officer of Health has reported (Corporate Smog Alert Response Plan, March 27, 1998) the smog problem in Toronto has measurable health effects.

This fact was acknowledged by a number of the former municipalities in the Metropolitan Toronto area. In order to address these problems, the former Metropolitan Toronto and the former City of Toronto adopted a series of resolutions calling for action and for further reports from staff. Those resolutions were based on reports from the former Metro Works Department, the former City of Toronto Department of Public Health and the former City of Toronto's Healthy City Office.

Another smog season is about to start. Given that it will put the health of residents at risk, particularly children, it is the City of Toronto's responsibility to take action. City staff will, over the next year, be able to further refine and expand our response to this problem, however, Council already has reports at hand that give direction on steps Council can take immediately to set the clean-up process in motion. We have, therefore, reviewed the resolutions adopted by the former cities and recommend that those resolutions be adopted by City Council, with the following amendments, in order that such resolutions are relevant to our current structure and schedules.

Recommendations:

It is recommended that:

- (1) City Council adopt the resolutions embodied in Clause No. 1 of Report No. 8 of The Environment and Public Space Committee, headed "Smog Accord for Ontario", which was adopted, as amended, by the Council of the former Municipality of Metropolitan Toronto at its meeting held on June 18, 1997, (copy attached), subject to the following amendments:
 - (a) deleting the words "Metropolitan Council" and "Metro" and inserting in lieu thereof the words "City Council" and "City of Toronto" wherever the words are used in the text;
 - (b) deleting the words "Acting Chief Administrative Officer" and inserting in lieu thereof the words "Chief Administrative Officer"; and deleting the words "Commissioner of Works" and inserting in lieu thereof the words "Commissioner of Works and Emergency Services" wherever the words are used in the text;
 - (c) the recommendations that were referred for further report being referred to the Chief Administrative Officer for a report back to City Council by October of 1998; and

that, in the interim, the Chief Administrative Officer be requested to submit a report to the meeting of City Council to be held in May, 1998, on the status of the reports previously requested by Metropolitan Council; and

- (d) the direction to the Commissioner of Works embodied in Recommendation No. (4) of The Environment and Public Space Committee, being amended to read that the Medical Officer of Health report to the May, 1998 meeting of Council on a corporate smog alert plan;

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

- “(1) City Council request the Minister of Transportation to authorize the use of electronic sign boards on those portions of Highway 401 within the boundaries of the City of Toronto, to alert the public to the air quality index and for similar public health announcements;
- (2) Ontario Hydro be requested to adopt emergency measures which would provide for the reduction of power generation at the Lakeview Generating Station during smog alert days;
- (3) the Chief Administrative Officer, in consultation with appropriate City staff, be requested to develop an information brochure to educate employees about the harmful effects of smog, how to recognize the medical symptoms of smog exposure and what employees can do to reduce their own contributions to the smog problem;
- (4) the Commissioner of Works and Emergency Services be requested to examine the possibility of reducing the amount of incineration at the Main Treatment Plant, specifically on smog alert days;
- (5) the appropriate City staff be requested to take the necessary action to implement the following:
- (a) the suspension of road paving and pesticide spraying activities by City staff during smog days;
- (b) the suspension of the activities of City staff which require the use of gasoline-powered parks equipment, such as lawn mowers and leaf blowers, on smog days; and
- (c) the suspension of the use of the following by City staff on smog alert days:
- (i) oil-based paints;

- (ii) solvents;
- (iii) cleaners; and
- (iv) other consumer products that release volatile organic compounds (VOCs);

- (6) the following recommendation embodied in the submission dated June 16, 1997, from the Toronto Environmental Alliance, entitled 'An Air Quality Action Plan for Metro Toronto', be referred to the Chief Administrative Officer for further consideration:

'Seasonal Plan:

Across the municipality, investigate road closures during smog alert days for the summer of 1998 and work with the Toronto Transit Commission and GO Transit to develop contingency transportation plans.'; and

- (7) the balance of the recommendations embodied in the submission dated June 16, 1997, from the Toronto Environmental Alliance, be referred to the Chief Administrative Officer for further consideration and report thereon to City Council, viz.:

'Actions:

Seasonal Plan:

Across the Municipality:

- set up an Air Quality Advice Line (similar to the one maintained by the UK's Ministry of Environment and receives, on average, 15,000 - 20,000 calls/month) for residents, which will provide regular updates on air quality, provide suggestion for decreased activity during smog days and provide health warnings that help residents recognize smog-induced symptoms;

Outreach/Communication:

Across the Municipality:

- establish a Dirty Diesel Hotline (again, we can use the UK as an example) where residents can report belching fumes from transport trucks and the City of Toronto can turn over the complaints to the Central Region of the MOEE for action;
- conduct, with the assistance of local environmental and health groups, a broad public education campaign about smog, including what residents can do to reduce their own emissions;

- promote its own corporate smog reduction program and challenge other businesses to follow its example;

Vehicle Fleet and Employee Travel:

At Metro Hall:

- adopt a “Green Fleet” target of reducing smog causing pollutants from its own fleet by 50 per cent. by 2005, through the purchase of an increased number of cleaner fuel vehicles, reduction of fleet numbers, driver training programs, and vehicle replacement with non-car transportation modes;
- “step up” its efforts to encourage City employees to reduce car travel to and from work by providing incentives for walking and bicycle use, public transit use, telecommuting, variable work hours, and ride sharing as well as disincentives for car-use dependency, including higher parking fees;

Across the Municipality:

- in conjunction with area employers, develop a program to promote and facilitate smog-friendly commuting practices;

The Toronto Transit Commission:

- request that the TTC adopt a similar plan of action, including a 45 percent. reduction target for NO_x and VOCs, and a 25 percent. reduction target for Particulate Matter emissions, and present the plan to the TTC Commissioners;

“Green” Power Purchases:

At Metro Hall:

- commit to a 1999 target for purchasing 25 percent. of the electricity used in-house by the City of Toronto from “Green” power sources, such as wind turbines and solar-powered generators; and

Across the Municipality:

- challenge private sector companies to commit to the same 1999 target of 25 percent. “Green” electricity purchases;

- (8) City Council indicate its support for the direction of the Smog Accord for Ontario referred to in the report dated June 4, 1997, from the Commissioner of Works for the former Metropolitan Toronto; and that such Smog Accord be endorsed at such time as specific plans have been included to achieve the stated targets;
 - (9) City Council seek the necessary legislation to permit the City of Toronto to implement a municipal inspection and maintenance program for vehicles licensed within the City of Toronto, at full cost recovery;
 - (10) City Council endorse the concepts of a 'Summer Smog Plan' and 'Smog Alert Days' as suggested in the submission from the Toronto Environmental Alliance; and
 - (11) the Medical Officer of Health be requested to submit a report to City Council for its meeting to be held in May, 1998, on a corporate smog alert plan.”;
- (2) City Council adopt the resolutions embodied in Clause No. 8 of Executive Committee Report No. 18, headed “Catching Your Breath - a Corporate Model for Clean Air”, which was adopted, as amended, by the Council of the former City of Toronto at its regular meeting held on July 14, 1997, (copy attached) subject to the following amendments:
- (a) the implementation date embodied in Recommendation No. (1) related to the Smog Response Plan being changed to 1998;
 - (b) Recommendations Nos. (2) and (3) related to Green Fleets and auto trip reduction being referred to the Chief Administrative Officer for a status report back to the Environmental Task Force in May, 1998, and a plan for implementation across the Corporation to the Environmental Task Force by June of 1998;
 - (c) Recommendation No. (7) referring to the report from the Anti Smog Working Group being deleted, having regard that the report has already been prepared;
 - (d) Recommendation No. (15) related to bicycle parking being deleted, as this has already been completed; and
 - (e) Recommendation No. (17) endorsing the Metropolitan Toronto report, entitled “Smog Accord for Ontario”, being deleted, as it is now redundant;

so that the Recommendations to be adopted by City Council shall now read as follows:

“It is recommended that:

- (1) the City of Toronto implement a corporate-wide Smog Response Plan, activated by the Medical Officer of Health, to come into effect when the Provincial Air Quality Index (AQI) reaches a level of 50;

This plan is to be implemented over a two year period. Actions to be implemented starting in the summer of 1998 include:

- suspension of all nonessential vehicle use;
- suspension of activities that involve the use of oil-based paints, solvents, cleaners;
- suspension of activities requiring gas powered equipment (mowing, trimming, etc.); and
- suspension of pesticide spraying activities.

- (2) the Healthy City Office co-ordinate corporate transportation initiatives related to smog reduction, i.e. develop and implement the Employee Auto Trip Reduction Program and participate in the development and implementation of the Dangerous Smog Level Response Plan and the Green Fleets Program; an annual report to Council on the implementation of all targets and recommendations in this report will be submitted;

- (3) (a) City Council adopt a target that surpasses the provincial target and reduces corporate nitrogen oxide (NO_x) and volatile organic compounds (VOC_s) emissions by a minimum of 45% from 1995 to 2005; this reduction be designed to reduce Smog Episode Days from a record high in 1995 of 11 bad air days in Toronto (the highest recorded number in Canada), to two or less Smog Episode Days in 2005;
- (b) City Council, through the corporate Green Fleets Committee, adopt targets based on 1997 levels that would achieve:
- (i) a minimum 20 percent increase in zero emission vehicles by 2005 (includes human powered vehicles);
 - (ii) a minimum 20 percent increase in ultra low energy vehicles by 2005; and
 - (iii) a minimum 20 percent reduction in fuel consumption by 2005;
- (c) a survey of employee travel (commuting and work related) patterns be undertaken every two years, to facilitate the assessment of progress in achieving emission reduction targets and to assist in the development and achievement of employee trip reduction targets; and

- (d) a plan be developed to monitor the economic benefits accrued as a result of implementing the clean air actions recommended in this report;
- (4) the report from the Director of the Healthy City Office and the Medical Officer of Health (June 26, 1997) be forwarded to the following for consideration and application:
 - GTA Mayors and Regional Chairs Clean Air Committee;
 - Federal and Provincial Ministers of Environment and Transportation;
 - large corporations and workplaces;
 - relevant international organizations; and
 - relevant non-governmental organizations;
- (5) street sweeping activities be suspended, at least until after dark, on Smog Alert Days;
- (6) the City of Toronto suspend re-fuelling activities for all non-essential municipal vehicles, at least until after dark, on Smog Alert Days;
- (7) all road re-surfacing activities be suspended on Smog Alert Days;
- (8) all municipal air conditioning units be turned down on Smog Alert Days and staff be allowed to dress casually to compensate for the slight increase in indoor temperature;.
- (9) a program to monitor emissions reductions that accrue as the result of the City of Toronto's initiatives be commissioned and other actions be identified that will facilitate the City in meeting its reduction targets;
- (10) the TTC be encouraged not to cut any more of their services and be asked to develop a strategy for Smog Alert Days;
- (11) a copy of the City of Toronto actions be forwarded to the Association of Municipalities of Ontario and the Canadian Federation of Municipalities for endorsement;
- (12) City Council agree in principle to participate in the Green Fleets partnership;
- (13) City Council endorse the actions of the Board of Health in expressing to the government of Canada its serious concern with Canada's predicted failure to fulfill its international commitment to stabilize carbon dioxide emissions at their 1990 levels by the year 2000;

- (14) City Council endorse the actions of the Board of Health in requesting the Government of Canada to commit to a 20 percent reduction in greenhouse gas emissions from 1990 levels by the year 2005; conduct a comprehensive baseline study of federal taxes, grants and subsidies which impact on that commitment; and develop and implement the regulatory framework, tax policies and incentive programs necessary to achieve that goal;
- (15) the Federal Minister of the Environment be requested to meet with City Officials to discuss collaborative efforts to reduce greenhouse gas emissions;
- (16) City Council endorse the actions of the Board of Health in requesting the Province of Ontario to commit to a 20 percent reduction in greenhouse gas emissions from 1990 by the year 2005; examine the policies, regulations, subsidies and incentives that impact on that commitment; and develop and implement the planning policies, tax incentives, subsidies and regulations necessary to achieve that goal;
- (17) the following recommendations related to Green Fleets and auto trip reduction be referred to the Chief Administrative Officer for a status report back to City Council in May, 1998, and a plan for implementation across the Corporation by June of 1998:
- ‘(1) a corporate Green Fleets Committee be convened to:
- replace motorized vehicles with non-motorized alternative and more efficient systems; and
 - substitute currently used fuels with less polluting alternative fuels, increasing fuel efficiency and optimizing motor vehicle technology;
- and that the Green Fleets Committee as a first step prepare a report on the feasibility and cost of implementing a green fleet strategy and report back to Council on the implementation of that strategy; and
- (2) a comprehensive auto trip reduction program be developed and implemented with the following first steps:
- (a) effective December 31, 1997, revise the employee parking policy for City Hall and all other work locations so that free commuting spaces become pay for parking, unless free parking is required because of a disability, contractual obligations, or an occupational health and safety concern; and that the Parking Authority of Toronto be responsible for the administration of the City Hall commuter spaces and a system be developed for other sites;

- (b) Establish a corporate Clean Air Action Fund with \$100,000.00 in seed money and/or also direct the revenue generated from the paid employee commuter parking to this fund; upon establishment of the fund, the Anti-smog Working Group in conjunction with the Healthy City Office report back on projects for use of this fund such as:
 - (i) a pedestrian/bicycle commuter facility in City Hall or an appropriate City building (pending the outcome of organizational restructuring); the facility should include bicycle parking and showers, as well as change, storage, training and repair facilities and a bike pool;
 - (ii) a bulk purchase program for TTC and GO Transit passes extending the resultant discount to employees through payroll deduction; including the feasibility of a plan for further transit subsidy to employees; and
 - (iii) a plan for telecommuting options, car pooling, variable work hours, a flexible dress code and transit, walking and bicycling incentives; This plan should aim to reduce car use, especially during peak periods, and to facilitate walking and cycling; and
 - (c) the Board of Management explore alternative sources of funding such as the Toronto Atmospheric Fund (TAF) to implement projects that provide incentives for employee trip reduction, such as those outlined in Recommendation (2)(b).’;” and
- (3) the City of Toronto adopt the Recommendations embodied in Clause No. 29 of Report No. 21 of the Executive Committee, headed “Catching Your Breath-Partnerships for Clean Air”, which was adopted, as amended, by the Council of the former City of Toronto at its regular Meeting held on September 22 and 23, 1997, (copy attached) subject to the following amendments:
- (a) amending recommendation No. (2) to read as follows:

“the six month work plan be presented to City Council by June of 1998 by the Chief Administrative Officer”;
 - (b) deleting Recommendations Nos. (3) and (4) of the Executive Committee, as such recommendations are now redundant;

- (c) adding a recommendation that the Chief Administrative Officer be requested to submit a report to City Council by June, 1998, on participating in the “ozone transport rulemaking” process by EPA through a petition under section 126 of the Clean Air Act and/or through the “international intervention” section of the Act; and
- (d) deleting the following amendments of the former Toronto City Council, as such amendments are now redundant:
 - “1. That Council again object to the removal of the ASHRAE 90.1 building standards from the Building Code and point out how this compromises the health of the citizens and the efficiency of building stock in the City.
 - 2. That the appropriate staff be requested to report to City Council on October 6, 1997, on proposed changes, if any, to the City’s building standards requirements in April 1998.”;

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

“It is recommended that:

- (1) City Council endorse the report (September 5, 1997) from the Director, Healthy City Office, embodying the following recommendations:
 - ‘1. That the City of Toronto adopt a city-wide target to reduce NOx and VOCs emissions across the city by a minimum of 45% from 1995 to 2005.
 - 2. That the City of Toronto adopt a city-wide target to reduce Smog Episode Days from a record high in 1995 of 11 to two or fewer Smog Episode Days in 2005.
 - 3. That the City of Toronto adopt, in principle, the strategy included in ‘Blueprint for Action - Smog Reduction in Toronto’ for achieving smog reduction targets.
 - 4. That the City of Toronto develop the legislation, policies, programs and partnerships with business, other levels of government, non-government organizations, individuals and international agencies required to implement the Blueprint.
 - (i) That this process be carried out by an expanded Anti-Smog Working Group to include all relevant departments, sections and committees related to transportation, energy, health, environment, greening, and legal. The lead to be taken by the Healthy City Office.

- (ii) That this committee report back to Council within six months with an implementation plan including costs, feasibility, details on legislative authority, and timing.
 - (iii) That the Healthy City Office develop a budget for initial implementation of the Blueprint to be submitted as part of the six month report.
 - (iv) That the City of Toronto submit this report to all relevant federal, provincial, and municipal governments and departments, as well as to all relevant institutional and individual players (see list of proposed links in appendix 3).
5. That the City of Toronto produce an annual Anti-Smog report detailing:
- (a) Progress on achievement of the targets.
 - (b) Steps taken to implement the Blueprint.
 - (c) Recommendations for future actions.’;
- (2) the Chief Administrative Officer be requested to submit the six-month work plan to City Council by June, 1998; and
- (3) the Chief Administrative Officer report to City Council by June, 1998, on participating in the ‘ozone transport rulemaking’ process by EPA through a petition under section 126 of the Clean Air Act and/or through the ‘international intervention’ section of the Act.”

(A copy of each of the attachments referred to in the foregoing joint report is on file in the Office of the Clerk.)

Attachment No. 2

(Communication dated April 1, 1998, from
Mr. A. Milliken Heisey, Chairman of the Toronto Parking Authority,
entitled “Position of President of the Toronto Parking Authority” - Minute No. 789)

Please be advised that the Board of the Toronto Parking Authority at its meeting held on March 31, 1998, approved the appointment of Mr. Maurice J. Anderson as President of the Toronto Parking Authority. Mr. Anderson was the President of the former Parking Authority of Toronto.

The Selection Committee of the Board which was authorized to undertake a review of candidates for the position of President made it’s recommendation to the Board after a detailed review of three internal and three external candidates. The committee conducted detailed interviews utilizing

competencies and position requirements for the position of President previously approved by senior staff and Board members of the two Authorities.

We are confident that the Toronto Parking Authority under Mr. Anderson's direction will work with City Council to address the many parking issues that will arise in the future within the new City of Toronto.

Attachment No. 3

(Report dated May 6, 1998, from the City Clerk,
entitled "Proposed Referendum Legislation" - Minute No. 900)

Purpose:

To respond to the request of Council to report on the proposed provincial legislation concerning provincial and municipal referendums.

Funding Sources, Financial Implications and Impact Statement:

The obligations imposed on municipalities will impose a significant administrative burden on municipal staff with the attendant costs. Under the proposed legislation to evaluate proposed referendum questions for compliance with the requirements of the legislation, municipal staff will be required to audit the gathering of signatures on petitions requiring a referendum, to review and establish the costs to implement a referendum, to prepare and conduct a vote on a referendum question concurrently with a regular municipal election or at other times, to tabulate the results of a vote on a question and to attend and present evidence and argument on any appeals to the Ontario Municipal Board as provided for in the legislation.

Recommendations:

It is recommended that:

- (1) the Minister of Transportation be advised that City Council does not support Municipal Referendum Legislation that advocates citizen initiated referendums that are binding on Municipal Councils; and
- (2) should the Province of Ontario proceed with the proposed Municipal Referendum legislation, the Province be requested to incorporate the following amendments to the legislation:
 - (a) The powers of local boards and the Minister to require that a question be submitted to the voters be clarified.
 - (b) The rule that a referendum question must concern a matter within the municipality's jurisdiction be amended to specifically exclude a question on a proposal which is dependent on the enactment of provincial legislation.

- (c) The Statutory Powers and Procedures Act not apply to decisions of the municipal clerk under the proposed legislation.
- (d) The treasurer of the municipality, and not the clerk, be assigned responsibility for reviewing and preparing cost estimates where necessary under the legislation.
- (e) The sponsor of a question be required to provide reasonable evidence in support of the estimate of cost satisfactory to the appropriate municipal official, prior to the question being approved.
- (f) The municipality be required to prepare an estimate of the cost of implementing a proposal at any time prior to the question being submitted to eligible voters in a referendum vote.
- (g) Large urban municipalities be given the authority to enact by-laws dividing the municipality into two or more geographical areas for the purpose of ensuring that 10 per cent of the eligible voters in each of the geographical areas must sign a petition for a referendum before it may be effective.
- (h) The persons collecting signatures be responsible for demonstrating that signatures on a petition are eligible voters for the purpose of meeting the 10 per cent threshold requirement, with the provision that a person whose name is listed as an eligible voter in the last election conducted in accordance with the Municipal Elections Act shall be deemed to be an eligible voter unless the contrary is shown.
- (i) A municipal council be given the authority to enact a by-law changing the date of a referendum which is established under the act, to a date which coincides with the polling day of a regular municipal election so long as the by-law is passed more than 30 days before the municipal election.
- (j) The sections regarding the number of organizers and campaign finances be clarified.

Council Reference/Background/History:

City Council in adopting Clause No. 13 of Report No. 4 of Strategic Policies and Priorities Committee at its meeting on May 13, 1998 requested a report on the proposed referendum legislation for Council at its meeting on May 13, 1998.

The Province has circulated for comment:

- (a) a draft Referendum Act establishing a proposed framework for province-wide referendums on matters within provincial jurisdiction; and
- (b) a consultation paper setting out a proposed "Municipal Referendum Framework".

The consultation paper addressing the municipal context (the "Paper") is not, in the form of a draft act although it does contain possible legislative language in "text boxes". The apparent intent is that the provincial legislation and the municipal legislation will mirror each other with changes where appropriate and necessary. This report focuses on the proposed municipal framework with some references to the provincial situation where a comparison seems warranted.

Comments and/or Discussion and/or Justification:

Municipal Governance

The proposed legislation has a large impact on municipal governance and the role of Council, both in a real and perceived sense. The proposed new Municipal Act establishes the role of council to include the following:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality; and
- (c) to determine which services the municipality provides;

The proposed legislation questions the ability of Council to address items (a), (b) and (c) above.

The proposed legislation also impacts the perception of municipal responsiveness through the statement: "Once a candidate is elected, however, citizens lack the specific authority to ensure that their elected representatives, either individually or collectively, abide by their wishes." Council may wish to question such a statement and the necessity of the legislation for municipal government which is recognized as being the most accessible and open form of government.

It is therefore recommended that:

- (1) the Minister of Transportation be advised that City Council does not support Municipal Referendum Legislation that advocates citizen initiated referendums that are binding on Municipal Councils where 25 percent plus 1 of the eligible electors in a Municipality could set binding policy.

Binding Effect

If more than 50 per cent of the eligible voters cast more than 50 per cent of the votes in favour of the same result then "the results of the referendum are binding on the council in office when the referendum is held (or the council that is elected on the day the referendum is held) but are not binding on a subsequent council"

The proposed legislation provides a potential for 25% of the eligible voters in a municipality to set binding policy.

Where the result is binding, the council is required within 180 days of the referendum:

- (a) to place before it for consideration any by-law or resolution required to implement the referendum, or
- (b) if a policy or administrative change is required, to instruct municipal staff to take the appropriate action.

To implement the referendum, council is not required to spend more than the highest cost estimate set out on the referendum ballot.

An eligible voter may apply to the OMB for an order directing council to comply with the referendum result.

Local Boards

Section 8 in the Municipal Elections Act permits a municipal council to "submit to its electors a question not authorised by law but within the council's jurisdiction". The legislation proposed by the Paper may be in the form of amendments to the Municipal Elections Act or in a separate act similar to that proposed for the province. There is no position stated in the Paper on how questions may be put to the electors by local boards whose members are elected in the same manner as municipal councillors or by the Minister of Municipal Affairs as is currently provided for in subsection 4(3) of the Municipal Elections Act.

It is therefore recommended that:

- (2) The powers of local boards and the Minister to require that a question be submitted to the voters be clarified.

The Question

The Paper proposes that a referendum question shall comply with the following rules:

- “(1) It shall concern a matter within the municipality's jurisdiction.
- (2) It shall not make a proposal whose implementation would conflict with a statute or regulation.
- (3) It shall not make a proposal that would interfere with the independence of council, or of a board or committee of council, in the exercise of a quasi-judicial function.
- (4) It shall be clearly worded, concise and neutral.
- (5) It shall be capable of being answered in the affirmative or the negative.”

Initiating a Referendum

A municipal council or an eligible voter may initiate a referendum by submitting a proposed referendum question to the municipal clerk. The Clerk is required to consider whether or not the question complies with the rules as quoted above. In doing this the clerk may consult with the

Referendum Commission, a commission which is established under the Referendum Act. The Commission may include at least one person who is a sitting judge of the Ontario Court.

The Municipal Clerk

The clerk is required to advise council whether, in his or her opinion, the question meets the requirements of the legislation. The clerk may suggest changes to a question in order to meet the requirements. It is then up to council to determine the form of the question and the date of the referendum.

Where the question has been submitted by an eligible voter (the "sponsor" of the proposal), the clerk may approve the question, approve it if certain changes are made or refuse to approve it. If the clerk does not approve the question and makes either of the latter two determinations, the sponsor may appeal the decision to the Ontario Municipal Board. (the "OMB").

The rules for determining whether or not a question may be the subject of a referendum are complex and may prove difficult to apply in many circumstances. For example, the jurisdictional limitation on the question (an issue that has been the subject of court decisions) is somewhat broadly stated to be to "concern a matter within the municipalities jurisdiction". It may not be limited to matters which the municipality could implement without provincial enabling legislation. A referendum which could only be implemented if the province enacted legislation permitting it might not justify the expense of conducting it.

In addition, there is no guidance provided on the process the clerk is to follow in making the determination. Is the clerk in determining whether or not to approve a question, affecting a right of the sponsor. If so, the Statutory Powers and Procedures Act may require that the sponsor be heard prior to the clerk enacting the decision.

It is therefore recommended that:

- (3) The rule that a referendum question must concern a matter within the municipality's jurisdiction be amended to specifically exclude a question on a proposal which is dependent on the enactment of provincial legislation.
- (4) The Statutory Powers and Procedures Act not apply to decisions of the municipal clerk under the proposed legislation.

Cost Estimates

When a proposed referendum question is submitted to the clerk, it is to be accompanied by an estimate of the cost the municipality may incur in implementing the proposal. Where the cost estimate is submitted by a sponsor, the clerk is required to review it and form an opinion on whether the estimate is reasonable. The clerk is required to record the results of the review and may prepare a revised cost estimate.

The determination of whether a cost estimate is reasonable may be beyond the normal expertise of a municipal clerk and may, in some instances, require that professional consultants be retained. In any event, it is submitted that the appropriate municipal official to be engaged in reviewing and preparing cost estimates is the treasurer and not the clerk. It is noted that in the Referendum Act, the Minister of Finance and not the Chief Election Officer (whose responsibilities parallel the clerk's) has this function.

It is therefore recommended that:

- (5) The treasurer of the municipality, and not the clerk, be assigned responsibility for reviewing and preparing cost estimates where necessary under the legislation.

The purpose of securing a cost estimate is to provide an eligible elector with some relevant information before deciding on how to vote. A secondary purpose is to limit the cost the municipality must expend to implement the proposal should this be ultimately required.

The sponsor should bear some responsibility for securing a reasonable estimate of costs at the time the question is submitted to the clerk for approval. The function of the municipal official at this point in time should be limited to ascertaining whether or not the sponsor has submitted reasonable evidence in support of the cost estimate rather than whether the estimate itself is reasonable. If the sponsor is able to obtain the requisite support for the petition and the question is to be put to a referendum vote then the municipality should be required to prepare its estimate of the cost within a specified time.

It is therefore recommended that:

- (6) The sponsor of a question be required to provide reasonable evidence in support of the estimate of cost satisfactory to the appropriate municipal official, prior to the question being approved.
- (7) The municipality be required to prepare an estimate of the cost of implementing a proposal at any time prior to the question being submitted to eligible voters in a referendum vote.

Petitions

Once a sponsor's question is settled and the sponsor is given notice of the review of the sponsor's cost estimate and a copy of the clerk's revised cost estimate, the clerk is required to prepare a petition form containing the text of the referendum question, the sponsor's estimate of cost to the municipality to implement the results of the referendum, the revised cost of the clerk, if any, and any additional information the clerk considers advisable.

Following receipt of the petition, the sponsor has 180 days to solicit signatures and file the petition with the clerk requiring the referendum.

Effective Petitions

If the sponsor meets the requirements of the legislation, the municipality, unless council decides to implement the results of the question, will be required to hold a referendum on the question.

The petition form must be signed by 10 per cent of the eligible voters and filed with the clerk within the 180 day deadline.

The signed petition must be accompanied by an affidavit sworn by each person obtaining signatures that each signature he or she obtained is the signature of an eligible voter and the signature of the person purporting to sign the petition. The clerk is required to determine whether the required number of signatures was obtained. If not, the sponsor is to be given an additional 10 days to obtain the required number unless the required number was not achieved because signatures were obtained from persons who were not eligible voters or the signatures were not the signatures they purported to be.

A decision by the clerk that the petition is not effective may be appealed to the OMB.

The Referendum Act permits the province to divide the province into seven areas. The petition must receive signatures of 10 per cent of the eligible voters in each of the seven areas. This ensures that the eligible voters supporting the referendum at the threshold level are representative of the total area of the constituency. There may be circumstances in a large urban municipality where it would not be appropriate for a very high per cent of the eligible voters in a limited geographical area of the municipality to be able to require a referendum be voted upon by the whole municipality. Moreover, the same factors that support the provincial division on a geographical basis for threshold support before a referendum may be required would appear to support a municipal division on the same basis in a large urban area such as the City of Toronto.

It is therefore recommended that:

- (8) Large urban municipalities be given the authority to enact by-laws dividing the municipality into two or more geographical areas for the purpose of ensuring that 10 per cent of the eligible voters in each of the geographical areas must sign a petition for a referendum before it may be effective.

The difficulties in determining whether or not the necessary 10 per cent of eligible voters have signed the petition are directly related to the state of the voters' list to be used in determining eligibility. The Paper, although it discusses "eligible voters", contains no definition of this term. A referendum following an effective petition will be conducted in a manner similar to a municipal election. The voters list will be prepared in accordance with the procedures of the Municipal Elections Act.

In the absence of an election or a referendum there is no authoritative list of voters or a statutorily prescribed procedure being followed to establish such a list. For the purpose of determining whether the 10 per cent threshold is met, the names of voters on the voters list used in the most recent municipal election could be relied upon by the persons obtaining signatures to the petition as

evidence that such persons are eligible voters unless evidence to the contrary presents itself. In terms of new eligible voters, the onus should be on the person presenting the petition to show eligibility.

It is therefore recommended that:

- (9) The persons collecting signatures be responsible for demonstrating that signatures on a petition are eligible voters for the purpose of meeting the 10 per cent threshold requirement with the provision that a person whose name is listed as an eligible voter in the last election conducted in accordance with the Municipal Elections Act shall be deemed to be an eligible voter unless the contrary is shown.

Acting on Effective Petitions

If the requirement for a voter sponsored referendum are met, the clerk is required to give notice to the sponsor and the council that this is the case.

The council then has 180 days to give one of two responses; either (a) the council wishes to await the result of the referendum, or (b) the council believes the referendum is no longer necessary because it has taken steps to implement the proposal contained therein..

If the sponsor disagrees that council has taken steps to implement the proposal contained in the referendum, the sponsor may appeal to the OMB.

Timing of the Referendum

Council has the power to decide when a council initiated referendum will be held.

The timing of a voter initiated referendum is determined by the length of time to complete the process. The municipal clerk has only a very limited time period within which the referendum must be held. Attached is Appendix "A" from the Consultation Paper setting out the chronology for a voter initiated referendum.

Once all steps are completed requiring the referendum to be held, the clerk is required to fix the vote on a day not less than 30 days and not more than 60 days after unless the regular municipal election or a referendum on another question falls within 90 days, in which case the voting is required to be combined. This timing is identical with that in the Referendum Act.

However, under the Referendum Act, the Lieutenant Governor in Council may, by order, change the date of the referendum if the new date is the same day as polling day for a municipal election or a provincial election and the order is made at least 30 days before the new date. The municipal council should also have this authority.

It is therefore recommended that:

- (10) A municipal council be given the authority to enact a by-law changing the date of a referendum which is established under the act, to a date which coincides with the polling day

of a regular municipal election so long as the by-law is passed more than 30 days before the municipal election.

Campaign Rules

Under the reporting obligations of the proposed legislation, the sponsor of the question which may be the subject of the referendum is required to file a report with the clerk setting out the contributions received and the costs incurred to obtain the signatures within 60 days after the deadline for filing the petition.

Once the petition is effective and it is determined that the referendum will proceed, only persons registered with the clerk as campaign organisers, or their designates, may advertise or accept contributions in a campaign to solicit votes to promote a particular result in a referendum.

Contributions are limited to \$750.00 per person or entity and total campaign contributions are not to exceed \$3500.00 plus 50 cents for each eligible voter.

Registered campaign organisers are required to keep contribution records and file financial reports within 6 months of the referendum vote.

There are many issues of clarity and interpretation with respect to the campaign limit provisions. For example, is there a limit on the number of organizers allowed to register? are contribution rebates a possibility?

It is therefore recommended that:

(11) The sections regarding the number of organizers and campaign finances be clarified.

This report has been prepared following consultation with the City Solicitor and the Chief Administrative Officer.

Contact Name:

John Hollins, Elections and Legislative Services, 392-8019

(A copy of the Appendix "A" referred to in the foregoing report is on file in the Office of the Clerk.)

Attachment No. 4

(Report dated May 6, 1998, from the City Clerk,
entitled "Request for a Compliance Audit" - Minute No. 901)

Purpose:

This report advises Council of our receipt of an application for a compliance audit of the election campaign finances of David Smith, Candidate for Councillor - Lakeshore Queensway, from an eligible elector in the City of Toronto.

Funding Sources:

Specific funds have not been budgeted for the purpose of compliance audits. If Council resolves to require a compliance audit the estimated cost will have to be provided from the corporate contingency account.

Recommendation:

It is recommended that:

- (1) Council grant the application;
- (2) Council pass a resolution appointing the City Auditor as the auditor for the purposes of this audit; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

On April 30, 1998, we received an application in writing from an eligible elector in the City of Toronto requesting a compliance audit of the election campaign finances of David Smith, a candidate for councillor - Lakeshore Queensway.

The application was filed with the clerk within the 90 days after the candidate's filing date stipulated by the Municipal Elections Act and contains the reasons for the elector's belief.

Council shall consider the application and decide whether it should be granted or rejected within 30 days after receiving the application.

Discussion:

The applicant provided the following reasons for requesting the compliance audit:

My grounds for this request are based upon the Candidate's own Financial Statement and Auditor's Report (Form 5) as filed by him on February 2, 1998. The specific grounds are as follows:

- (1) The candidate provided a list of contributions of goods and services received by his campaign. On this list he indicated receipt of seven (7) separate contributions of \$1,000.00.

-	Stellio Salvetti	\$1,000.00
-	Mark Recchia	\$1,000.00
-	Percival Holder	\$1,000.00
-	Vasio Karac	\$1,000.00
-	Jackie Grant	\$1,000.00
-	Claudette Thomas	\$1,000.00
-	Cecil Norman	\$1,000.00

This appears to constitute seven (7) clear and admitted violations of Section 71(1) which limits the maximum contribution, to a candidate for councillor, to a maximum of \$750.00.

- (2) The Financial Statement and Auditor's Report (Form 5) does not appear to comply with the requirements of Section 78(1).

- The Summary of Campaign Income and Expenses does not appear to conform with other information provided in Form 5.
- The Statement of Assets and Liabilities does not balance.
- The Statement of Determination of Surplus or Deficit does not appear to conform with other information provided in Form 5.

The result of these numerous inaccuracies and omissions results in an inability to determine whether the Statement filed does reflect the Candidate's election campaign finances.

Attached as Appendix "A" is a copy of the Financial Forms filed on behalf of David Smith, candidate for the position of Councillor - Ward 2.

If council decides to grant the application it shall, by resolution, appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The auditor appointed shall be licensed under the Public Accountancy Act and it is the responsibility of the municipality to pay the auditor's costs of performing the audit.

If the report of the auditor indicates that there was no apparent contravention and the council finds that there were no reasonable grounds for the application, the council is entitled to recover the auditor's costs from the applicant.

Council shall consider the auditor's report within 30 days after receiving it and may commence a legal proceeding against the candidate for any apparent contravention of a provision of the Municipal Elections Act relating to election campaign finances.

If Council rejects the application, the applicant may attend at a Ontario Court, Provincial Division to provide details to commence proceedings for a Part III Information pursuant to the Provincial Offences Act. The applicant will be interviewed by a Justice of the Peace who may decide whether or not there is sufficient grounds to support the laying of an Information.

Conclusions:

This report outlines the legislative provisions relating to applications for Council-directed compliance audits. The legislation clearly transfers the expense of the auditor from the municipality to the applicant where the auditor can not find an apparent contravention of the Act and where Council can not find reasonable grounds for the application. The information supplied by the applicant regarding the seven contributors donating goods or services in the amount of \$1,000. is factually based in the election financial forms filed with the clerk by the candidate. We are recommending that Council grant the application and appoint an auditor.

Contact Name:

John Hollins, Legislative Services, 392-8019.

(A copy of the Appendix "A" referred to in the foregoing report is on file in the office of the Clerk.)

Attachment No. 5

(Communication dated May 11, 1998, from the City Clerk,
forwarding a report dated April 16, 1998, from
the Federation of Canadian Municipalities,
entitled "The Canadian Federation of Municipalities,
Endorsation of Municipal Government Perspective on Housing" - Minute No. 924)

The Council Strategy Committee for People without Homes on May 11, 1998, had before it a report (April 16, 1998) from the Canadian Federation of Municipalities headed "Municipal Government Perspectives On Housing" which will be considered at the FCM annual meeting of June 5 to 8, 1998.

The Council Strategy Committee for People without Homes reports for the information of Council having endorsed the noted report from the Federation of Municipalities.

(Report dated April 16, 1998,
from the Federation of Canadian Municipalities,
referred to above.)

MUNICIPAL GOVERNMENT PERSPECTIVES ON HOUSING

TO ADEQUATE AND AFFORDABLE HOUSING IS A BASIC HUMAN RIGHT, FUNDAMENTAL TO INDIVIDUAL AND FAMILY WELL-BEING AND ESSENTIAL TO HEALTHY COMMUNITIES AND ECONOMIC PROSPERITY.

The Federation of Canadian Municipalities (FCM) views housing as a fundamental right for Canadian households as well as a key economic activity within our municipalities. Principles, policies and strategies around housing must be defined so as to foster the equality of access of all Canadians to adequate and affordable housing.

While Canadian municipalities must be concerned with a broad range of housing issues, priority must go to the ongoing need to provide their citizens with adequate and affordable housing. FCM recognizes the fundamental roles of the various sectors involved in housing: development by the private sector of almost all of the housing in this country; involvement of the financial community provision by the public sector of programs, standards and financing; and the development of social housing by the third sector. All sectors and orders of government must work in cooperation to satisfy the housing needs of our citizens and to ensure the existence of healthy communities. Housing must be seen as part of a complex social, economic and environmental system; solutions to our housing problems must recognize these interrelationships.

FCM believes that the following principles, policies and strategies provide a comprehensive framework for a housing policy for Canadian municipalities. Where provincial or territorial government action is required. FCM will work through affiliated provincial and territorial municipal associations.

PRINCIPLES, POLICIES AND STRATEGIES

1.0 A ROLE FOR FEDERAL AND PROVINCIAL GOVERNMENTS

A STRONG PRESENCE IN HOUSING BY FEDERAL AND PROVINCIAL GOVERNMENTS IS CRUCIAL IN ENSURING THE EQUALITY OF ACCESS OF ALL CANADIANS TO ADEQUATE AND AFFORDABLE HOUSING

Issues

According to federal government statistics, more than 1,260,000 households in Canada are in need of better quality or less expensive housing. Municipalities are confronting increasing housing affordability problems and a growing homeless population, At the same time, the federal government has abandoned its support for programs that provide additional social housing units. Provinces cannot and will not make up for the shortfall. This will have a drastic impact on the availability of affordable housing in coming years. Nevertheless, FCM understands and supports deficit reduction and increased efficiencies in government. In this vein, there are techniques beyond

long-term subsidies for social housing that the federal government is urged to investigate; these include such measures as one-time capital grants and interest-rate write downs on capital. Time-limited initiatives could equally be applied as stimuli for the production of affordable housing for moderate-income households.

There is uncertainty associated with proposals to change the governing authority around housing between orders of government. The devolution of federal responsibility is in progress. As a result of the 1996 budget, CMHC will phase out its remaining role in the management of social housing, except for housing on Indian reserves. To clarify jurisdiction in the social housing field, the federal government is prepared to offer provincial and territorial governments the opportunity to take over the management of existing social housing resources, provided that federal subsidies on existing housing continue to be used for housing assistance for low income households. This will have a direct effect on municipalities. As provincial governments accept management and attached funding, they may elect to devolve further responsibility to municipal governments. Unless a strong continued federal presence in housing is assured, regional disparities will continue to widen, deepening current concerns about mobility, equal opportunity, national standards and housing rights. Housing and urban affairs are not areas where either the provinces or the federal government can act alone. Some provinces have designed and implemented their own housing programs to supplement national initiatives and increase the supply of affordable housing. However, the extent and nature of provincial involvement varies considerably and there is significant regional disparity in the availability of affordable housing. Prejudice and discrimination in both the public and private sectors, restrictive selection criteria for social housing and restrictive occupancy by-laws in some provinces and municipalities all further contribute to the inequality of access of Canadians to adequate housing at a price they can afford.

Policies

- a) A strong federal presence in housing is essential to ensure consistent national standards for the provision of adequate and affordable housing.
- b) Federal government funding for housing programs must be sensitive to both fiscal constraints and the continuing demand for both adequate and affordable housing. National standards of access to adequate and affordable housing can only be met with continued strong federal financial support.
- c) Provincial government funding for housing programs must be sensitive to both fiscal constraints and the continuing demand for both adequate and affordable housing,
- d) The federal government must provide clear mechanisms for intergovernmental cooperation and coordination on policy and program initiatives,
- e) Provinces must not only maximize the use of available federal housing programs but develop and implement complementary initiatives.

- f) Federal and provincial government funding should be provided in a flexible manner which takes into consideration municipal housing priorities and requirements.
- g) Federal and provincial governments should make properties (eg. vacant lands, unused buildings) which they own or control available for use by not-for-profit housing corporations at rates which encourage the provision of affordable housing.
- h) All Canadians have the right to freedom from discrimination in accessing adequate and affordable housing.
- i) Noting that more than 90 per cent of the Canadian stock is owned and operated by the private sector, federal and provincial legislation should facilitate the development and preservation of private sector affordable housing, both rental and ownership.
- j) Funding for affordable housing (i.e. based on rent geared to income) must remain the responsibility of the federal and provincial governments.

Strategies

FCM will:

- a) urge the federal government to reestablish and maintain a strong national role in housing to include as a minimum:
 - continued provision of national programs and support for social housing;
 - the provision of federal rehabilitation funding for both ownership and rental (including social) housing;
 - maintenance of a *National Housing Act* and National Building Code: continued cost-sharing on all existing housing project agreements;
 - ongoing responsibility in such areas as housing research and statistics, policy and program development, development of building methods and standards, inspection services, international obligations and opportunities and aboriginal affairs;
 - maintenance of an information and communication network: maintenance of the mortgage insurance program;
 - grant programs for innovative housing development;
- b) urge the federal and provincial governments to provide the necessary funding to meet the identified housing needs of the 1.2 million Canadian households in need of better quality or less expensive housing;

- c) urge the federal government to reinstate the cooperative housing program and to improve access to co-operatives by Canadians whose incomes are insufficient to permit them access to homeownership;
- d) urge other orders of government to work together to define national housing objectives and standards to secure equality of access to adequate and affordable housing across the nation for all Canadians;
- e) urge other orders of government to work together in the development and implementation of new programs and other mechanisms to promote income mixing and eliminate disparities amongst provinces;
- f) seek combined federal/provincial commitment to appropriate unit allocations and funding available for social housing programs and that such unit allocations reflect municipal priorities identified in long-term municipal housing plans;
- g) urge federal and provincial governments to make surplus publicly owned properties suited to residential development available for not-for-profit housing as a priority;
- h) encourage provinces to maximize use of federal program opportunities and at the same time to initiate unilateral provincial initiatives;
- i) encourage governments to review their eligibility criteria for social housing to ensure that they permit access to all households in core housing need;
urge provincial governments to develop, maintain and enforce legislation concerning discrimination in housing;
- k) encourage provincial governments to review existing legislation to ensure that it promotes the development or preservation of private sector affordable rental and ownership housing, recognizing that more than 90 per cent of the housing in Canada is owned and operated by the private sector;
- l) urge the federal government to set conditions on its devolution of social housing to the provinces to ensure that social housing remains based on rent-geared-to income, through continued federal/provincial funding.

2.0 THE MUNICIPAL ROLE

MUNICIPALITIES HAVE A CRUCIAL ROLE TO PLAY IN ENSURING ADEQUATE AND AFFORDABLE HOUSING FOR THEIR CITIZENS

Issues

The past decade has seen a progressive decline in the federal presence in housing. The devolution of housing responsibilities to the provinces has resulted, perhaps inevitably, in further devolution to municipalities. Municipal governments are increasingly perceived as being responsible for the

provision of adequate and affordable housing for their citizens. However the offloading of responsibility to municipalities has proceeded without commensurate funding being made available. Municipal revenue bases in themselves cannot support ongoing housing programs. There is an understandable reluctance on the part of municipalities to commit themselves to housing initiatives without predictable funding.

The combined impact of the local context, federal and provincial governmental commitment, and the economic climate play a part in conditioning a municipality's response to its local housing situation. Municipal requirements and responses will certainly vary across the country, but to be effective, they must recognize the economic benefits associated with the renewal and development of the housing stock. Municipalities must recognize the importance of regulations that protect the community and at the same time, encourage the development by the private sector of adequate and affordable housing. Every effort should be made to simplify and streamline regulatory measures, taxes and approval processes which might hinder appropriate development in the community. Flexibility and adaptability must be built into policies and programs. Municipal governments across Canada share many of the same concerns and goals about housing and they recognize their pivotal role.

Policies

- a) All municipalities should be involved, within the constraints of their size and resource base, in the provision of good quality, adequate and affordable housing to their citizens.
- b) Municipalities should take responsibility for identifying housing need in their community and in determining how this need can be met.
- c) Municipalities should promote the provision and distribution of social and special needs housing integrated within all neighbourhoods.
- d) Municipalities should ensure that planning documents promote and facilitate the development of affordable housing.
- e) Municipalities should use their regulatory powers to foster the production of affordable housing and environmentally sensitive development.
- f) Municipalities should seek to develop communications strategies to address citizens concerns around such issues as dense residential development and the provision of social and special needs housing.
- g) Municipalities should strive to obtain control over funding so that funding resources could be directed toward municipally-defined priorities.

Strategies

FCM will:

- a) encourage municipalities to develop long term housing plans, policies and the instruments which make them operational;
- b) encourage all municipalities to conduct an inventory of housing needs and where necessary to seek funding from other orders of government to support the study;
- c) encourage municipalities, through their planning documents, to promote and facilitate the provision of affordable housing by integrating sufficient housing for low and moderate income households in all neighbourhoods;
- d) encourage municipalities to streamline their development processes and scrutinize development standards that contribute to the costs of development to promote the production of affordable housing;
- e) advocate continuation of the A-C-T Program with FCM as a major partner in the program;
- f) encourage municipalities to optimize the achievement of affordable housing or publicly owned property, including surplus properties such as school sites, suitable for residential designation;
- g) encourage municipalities to maximize the use of funding by other orders of government through the development of new housing and the rehabilitation of existing housing to meet affordable housing needs;
- h) encourage municipalities to employ innovative planning techniques (eg. linkage requirements, inclusionary and bonus zoning) to facilitate the development of affordable housing and to seek support from provincial legislatures where enabling legislation is required; such techniques would encourage the growth of public-private partnerships for the provision of unsubsidized rental and homeownership stock;
- i) encourage municipalities to engage in land assembly for housing where legislation permits and seek modifications to provincial regulations where it does not;
- j) encourage municipalities to facilitate the integration of living environments for people with special needs in all neighbourhoods;
- k) assist municipalities by disseminating information about specific municipal plans as well as documented innovative municipal initiatives to promote adequate and affordable housing;
- l) continue to support the Big City Mayors' Caucus National Action Plan on Housing and Homelessness;
- m) encourage municipalities to ensure the availability of a range of housing options, from emergency shelters through to a variety of permanent housing options.

3.0 CONSULTATION AND COOPERATION

HOUSING PROBLEMS CAN BE ADDRESSED SUCCESSFULLY ONLY BY WORKING IN A SPIRIT OF CONSULTATION AND COOPERATION

Issues

Housing needs are rooted in a complex and often interrelated range of social, economic, policy and housing market conditions and trends. Attempting to address housing issues in isolation from other health, community and social service issues has produced programs which in themselves may not meet the needs of the clients they are designed to serve. Failure to consult with constituents and stakeholders in the development of housing policies, programs and plans may also serve to reduce the effectiveness of these measures. A lack of consultation amongst departments at both the federal and provincial levels has resulted in an inadequate matching of housing funds and support service dollars. The attempt to address housing issues by other orders of government without adequate consultation with municipal governments has resulted in programs and guidelines which do not recognize variations in local conditions and needs. The setting of Maximum Unit Prices (MUPs) for new social housing development and Core Need Income Thresholds (CNITs) to establish housing need are examples of such guidelines.

Policies

- a) Housing problems must be viewed and addressed in the context of the varied yet interrelated social, economic and environmental challenges facing Canada.
- b) Municipalities must be included in all future federal/provincial consultations and negotiations.
- c) Policy and program initiatives developed to address housing problems require a tri-level and multi-sector approach.
- d) Strong links amongst housing and related community, health and social service associations and amongst government departments and agencies having an impact on housing are essential.
- e) The development of effective housing solutions requires the involvement of the relevant stakeholders.

Strategies

FCM will:

- a) urge other orders of government to consult with municipal governments on housing issues;
- b) urge other orders of government to work with municipal governments to determine the extent and nature of housing need;

- c) urge other orders of governments to consult with municipal governments over program development, evaluation and change;
- d) encourage provincial and territorial municipal associations to seek consultation with their respective governments on housing;
- e) encourage all orders of government to consult with the appropriate constituents or stakeholders in the development of housing policies, programs and plans;
- f) urge cooperation amongst relevant provincial ministries to promote the development of comprehensive and complementary housing policy and programs and related social programs and services;
- g) seek to meet with federal, provincial and territorial housing ministers on an annual basis as part of the consultative process;
- h) work with housing stakeholders to promote coordinated action on the issue of access to adequate, affordable housing for all Canadians.

4.0 A DIVERSITY OF SOLUTIONS

THE DIVERSE HOUSING NEEDS OF CANADIANS AND THE INEQUITABLE AND INADEQUATE DISTRIBUTION OF RESOURCES REQUIRE A DIVERSITY OF SOLUTIONS

Issues

Housing problems are a major facet of entrenched poverty. Low income households frequently have access to neither adequate housing nor the related services which they require. But the needs of these households are not homogeneous. There are many different groups whose needs are becoming more diverse with each passing year, including single parents, native people, new immigrants, refugees and those with specific disabilities. High unemployment and the inadequacy of minimum wage salaries are exposing more households to the problems of housing affordability. The extent and nature of affordable housing and support requirements vary across regions, communities and client groups. Innovative solutions will have to be devised. These can include the aforementioned one time capital grants, interest rate write-downs, joint ventures with the private sector, linkage programs, bonusing, re-engineering the regulations process, and so on.

Historically, the provision of social housing, affordable to low and moderate income households, has been the responsibility of the public sector. The changing economics of housing development since the late 1960's have acted as a disincentive to private sector involvement in the provision of affordable housing. In recent years, there has been little private sector activity in the rental housing market- affordable ownership options are also lacking. And public sector funding for new affordable housing units is declining.

Municipalities must adjust to the changing demographic, economic and social conditions which they face. The diversity and complexity of housing needs requires a diversity of solutions that can be attuned to specific local conditions and trends.

FCM supports the increased use of income mixing as a tool for the production of affordable housing and to ensure liveable neighbourhoods. Income mixing - both *in* the building itself and in the neighbourhood - provides opportunity for social interaction in the housing and in community facilities like schools and recreation centres. Income mixing throughout the broader neighbourhood has been instrumental in numerous cities across Canada in creating both new communities and regenerating existing ones. The other option, that of housing only very low income people in the same projects and neighbourhoods, has been demonstrated, through the now-defunct public housing program, to have a negative impact on residents and the housing stock itself.

Policies

- a) The private sector has been and continues to be the principle agent in the provision of housing for Canadians and as such bears some responsibility for the development and maintenance of the affordable housing stock.
- b) Cooperation amongst the public, private and third sectors to promote and facilitate the provision of adequate and affordable housing is more important than ever before. This cooperation can include financial assistance and programs, land conveyances, joint ventures, regulatory measures and incentives: and the provision of housing adequate and affordable to low and moderate income households.
- c) Innovative solutions to housing problems, particularly ones which draw in new resources or make better use of existing funds and housing stock must be sought.
- d) Other orders of government must recognize that the nature of municipal housing problems and the resources available to deal with these vary amongst municipalities and therefore develop a range of program options from which municipalities can choose to best address their specific situations.
- e) Municipalities must work with the private sector to develop regulations which encourage innovation, quality, affordability and choice in housing.

Strategies

FCM will:

- a) encourage municipalities to examine measures to facilitate the involvement of interest groups, special needs groups and the public and private sector in the provision of affordable housing. Such measures include technical assistance, the provision of subsidies and incentives, program information, partnership arrangements, leasing of land and other forms of assistance that may be appropriate;

- b) research and document innovative municipal housing initiatives in order to assist other municipalities in the provision of adequate and affordable housing;
- c) continue the dialogue with national housing organizations representing the private sector to discuss and promote initiatives for the provision of adequate and affordable housing. Such dialogue will provide a forum in which municipalities, non-government organizations and the private sector can review issues and priorities in a spirit of cooperation.

5.0 ENVIRONMENTAL RESPONSIBILITY

TODAY'S NEW HOUSE WILL STAND FOR SOME 50 YEARS OR MORE. WE MUST INSURE THAT HOUSING DEVELOPMENT RESPECT THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT, AND NOT COMPROMISE THE ABILITY OF THE ENVIRONMENT TO SUPPORT FUTURE GENERATIONS

Issues

Too frequently in the past, housing development has proceeded without consideration for its impact on the environment. Many houses have been built to lower standards than are possible with new technologies and building practices. This has also resulted in the inefficient use of costly municipal resources, namely, land and infrastructure. Serviced and affordable land for housing is now in short supply, particularly in the larger urban centres. Issues associated with development, including the pollution of air, land and water systems, inefficient energy consumption and the use of nonrenewable and toxic substances in construction are all of growing concern.

Building standards, urbanization and redevelopment policies can support both environmental and affordable housing objectives by promoting the efficient and sustainable use of both land and infrastructure.

Policies

- a) All orders of government must consider environmental issues and the principle of sustainable development when seeking to provide Canadians with adequate and affordable housing.
- b) Municipal plans and zoning should facilitate the efficient use of the existing housing stock, underutilized residential parcels and residentially designated vacant land to accommodate the demand for housing at the same time decreasing the financial burden of underutilized services, reducing energy consumption, minimizing the environment impact, and relieving pressure for the development of natural areas and open spaces.
- c) Urban development plans must ensure the provision of an infrastructure and services (both physical and community) which are adequate to the increased demand placed by the development.

Strategies

FCM will:

- a) through provincial and territorial municipal associations, urge provinces to create and implement land use plans;
- b) encourage municipalities to review their land use plans to ensure that their environmental impacts are minimized;
- c) encourage municipalities to restrict urban sprawl and promote intensification in their urban development plans;
- d) encourage municipalities to review their by-laws to ensure that housing opportunities within the existing stock are being maximized;
- e) encourage municipalities to adopt design and development guidelines to encourage healthy communities;
- f) urge federal and provincial governments to increase infrastructure and service funding for municipal plans which promote more compact development;
- g) urge governments to review their building codes/standards with a view to reducing waste and the use of non-renewable and toxic materials;
- h) encourage municipalities to promote the construction of new houses to higher standards, such as the R-2000 standard; and
- i) encourage all orders of government ensure that intensification is accompanied by commensurate social and community services.

6.0 EXISTING HOUSING STOCK

CONSERVING AND RENEWING THE EXISTING HOUSING STOCK MUST BE RECOGNIZED AS AN IMPORTANT ELEMENT IN MEETING PRESENT AND FUTURE HOUSING NEEDS

Issues

The existing housing stock is a valuable source of affordable housing. This is particularly true of older rental buildings, many of which are located in the downtown cores of cities. These buildings are often occupied by lower income households, frequently elderly or with special needs, whose

health and safety may be jeopardized if the condition of their buildings is not maintained. The regular maintenance of residential buildings prevents their deterioration and reduces the need for major repairs which in turn often generate significant rent increases.

There is evidence of serious deterioration of both privately and publicly owned rental housing. Renovation programs directed to the rental housing stock allow for not only the rehabilitation of deteriorated buildings but also for the preservation of affordable housing units. The temporary reinstatement of the Rental RRAP program must be accompanied by a long-term plan for its continuation. The evaluation of the Public Housing Program, highlights the necessity to renovate Canada's public housing stock, and in some cases, to redesign and redevelop existing projects. There is, in general, inadequate funding for the maintenance of the social housing stock. The loss of money for new programs makes the preservation of both the public and private stock even more critical.

The stock of affordable rental housing in cities is often vulnerable to market pressures for conversion to non-residential uses or to demolition for redevelopment. Public intervention for its preservation may be required.

Policies

- a) Existing housing should be conserved and renewed as an important element in meeting future housing needs.
- b) It is the responsibility of federal and provincial governments to assist owners, whether private, public or non-profit, to preserve and improve the affordable housing stock.
- c) Municipalities must seek to achieve a balance between the need for economic development and the preservation of their affordable housing stock.

Strategies

FCM will:

- a) urge the federal government to ensure RRAP program guidelines promote maximum take up and use of funding;
- b) urge the federal government to improve Rental RRAP for private and public sector landlords;
- c) encourage municipalities to take a role in the conservation and preservation of their stock through:
 - i) the enactment of continuous maintenance programs, code enforcement and fire regulations;

- ii) a review of their conversion, demolition control and demolition regulations, and
- iii) maximizing the use of federal and provincial government programs and developing complementary programs;
- d) urge other orders of government to develop programs to promote the renovation and rehabilitation both older social housing projects including the public housing stock; and the privately held rental stock;
- e) encourage municipal involvement in the preservation/redevelopment of public housing;
- f) urge other orders of government to establish housing reserve funds to ensure the ongoing maintenance of public housing stock;
- g) request the federal government to develop a National Renovation Code to introduce minimum standards for the economic upgrading of older buildings to promote private sector investment in the preservation of the existing stock;
- h) urge the federal government to amend RRSP legislation to include major home renovations.

7.0 DURABLE LONG TERM SOLUTIONS

THE DEVELOPMENT OF HOUSING SOLUTIONS FOR LOW-INCOME AND SPECIAL NEEDS HOUSEHOLDS SHOULD BE BASED ON BROAD, PREVENTIVE POLICIES AND COMMUNITY DEVELOPMENT PRINCIPLES THAT PROMOTE AND SUPPORT LONG-TERM HOUSEHOLD INDEPENDENCE.

Issues

The housing needs of low-income needs households, including the homeless, are interrelated with other physical and social needs, including safety and security, health and other support services, a sense of belonging and being part of a wider community. Traditional social housing models have focussed primarily on the provision of the physical housing unit, This 'project' orientation provided residents with limited opportunity to become actively involved in the housing in which they lived and no guarantee that other social and support service needs would be met either on site or in the broader community. Recent policy initiatives on the part of some governments have started to promote the integration of housing and other support services but these are neither comprehensive or consistent across the country.

Policies

- (a) Federal and provincial governments must ensure that in the development of housing programs for low-income and special needs households, consideration is given to meeting

both the housing and non-housing needs of project residents, as a means of promoting social well being and community stability.

- (b) All orders of government must provide support to communities made vulnerable by poverty by ensuring that residents have the information and resources required to participate meaningfully in the decisions affecting them.

Strategies

FCM will:

- a) encourage other orders of government to establish guidelines that require the sponsors of social and special needs housing to include in their management plans an outline of how the non-housing needs of residents will be met and how residents will be involved in identifying and meeting these needs;
- b) encourage funding by other orders of government for demonstration projects which promote increased resident involvement in the design and property management of social and special needs housing;
- c) encourage all orders of government to provide adequate funding for community-based social and health (outreach) supports to meet the non-housing needs of low-income and special needs households.

Adopted at the 1997 FCM Annual Conference.

Attachment No. 6

(Report dated May 14, 1998, from the City Solicitor,
entitled "Protection for Licensed Persons who give Deputations" - Minute No. 928)

Purpose:

The purpose of this report is to respond to the request of the Task Force to Review the Taxi Industry (the "Task Force") for a legal opinion on the measures available to the Task Force and the Toronto Licensing Commission (the "Commission") in respect of taxicab drivers who have been fired or have had other action taken against them as a result of their participation in the taxi industry review process.

Funding Sources, Financial Implications and Impact Statement:

Not applicable.

Recommendations:

It is recommended that the draft Bill, attached hereto as Appendix "A" be adopted, if City Council decides to amend By-law No. 20-85 of the former Metropolitan Council to address the matters discussed in this report.

Council Reference/Background/History:

By Memorandum dated May 13, 1998, the Chair of the Task Force communicated a request by the Task Force for a legal opinion on the measures available to the Task Force and the Toronto Licensing Commission (the "Commission") in respect of taxicab drivers who have been fired or have had other action taken against them as a result of their participation in the taxi industry review process.

Comments and/or Discussion and/or Justification:

Under the current provisions of By-law No. 20-85 of the former Metropolitan Council (the "By-law"), there are two mechanisms by which the By-law may be enforced by the Commission. The first is to lay charges against licensees for breaches of the By-law and the second is to convene a hearing before the Commission to determine whether the licence should be suspended, revoked or allowed to continue.

As it currently reads, the By-law does not specifically address the taking of pecuniary or employment-related reprisal action by licensees against other licensees who provide information to the Commission and City Council, whether in furtherance of enforcement of the by-law by the Commission or in furtherance of review of the by-law by City Council.

Accordingly, as the By-law currently reads, it is my opinion that no enforcement action may be taken by the Commission by reason *only* of pecuniary or employment-related reprisal action by a licensee.

However, as with any other complaint received by the Commission, where a complaint of reprisal is made, Commission enforcement staff may investigate the matter to determine whether the conduct of the business by the licensee breaches *any* of the provisions of the By-law. Where the staff investigation reveals reasonable grounds to believe that a provision of the by-law has been breached, charges may be laid and, depending on the circumstances, a hearing may be convened before the Commission to determine whether the licence should be suspended, revoked or have conditions placed on it.

This method of proceeding by means of reviewing the overall conduct of the business by the licensee alleged to have taken reprisal action provides only an indirect means of ensuring that licensees who provide information to the Commission and to City Council can do so without being vulnerable to pecuniary or employment-related reprisal. Should City Council wish to have a more direct means of ensuring that licensed persons can provide information without being vulnerable to pecuniary or employment-related reprisal, it is my opinion that an amendment to the By-law would be required.

In this respect, attached as Appendix "A" is a draft Bill which, if adopted, would provide to the Commission a basis upon which charges may be laid and Commission hearings may be convened where pecuniary or employment-related reprisal action is taken by a licensee against another licensee. The intent of the draft Bill is to ensure that all persons licensed under the By-law, regardless of the type of business carried on by such licensees, are able to participate freely in proceedings under or related to the By-law without being vulnerable to adverse pecuniary or employment-related consequences.

Conclusions:

Where a complaint of pecuniary or employment-related reprisal action is made against a person licenced by the Commission, Commission enforcement staff may investigate the overall conduct of the business by the licensee alleged to have taken reprisal action. Where such investigation reveals reasonable grounds to believe that the conduct of the business by the licensee is contrary to the provisions of the By-law, charges may be laid against such licensee or a hearing may be convened before the Commission.

Should City Council wish to have a more direct means of ensuring that licensed persons can provide information without being vulnerable to pecuniary or employment-related reprisal, it is my opinion that an amendment to the By-law, in the form of the draft Bill contained in Appendix "A" attached hereto, would be required.

Contact Name:

Ansuya Pachai, 392-9074

APPENDIX "A"

CITY OF TORONTO

Bill No.

BY-LAW No.

**To amend further By-law No. 20-85, a by-law
"Respecting the licensing, regulating and governing
of trades, callings, businesses and occupations
in the Metropolitan Area", being a by-law of the former
Municipality of Metropolitan Toronto**

WHEREAS City Council wishes to promote, by means of the licensing, regulating and governing of businesses in the City of Toronto, the public interest in ensuring safe and efficient services by such businesses to members of the public;

WHEREAS City Council wishes to ensure that the Toronto Licensing Commission and City Council are able to exercise their respective authority in respect of the licensing, regulating and governing of businesses in the City of Toronto in an open, accessible and consultative manner for

the purposes of promoting safe and efficient services by regulated businesses to members of the public;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 20-85 of the former Municipality of Metropolitan Toronto , as amended, be further amended to regulate the taking of action by way of threats or reprisals against licensed persons who participate in proceedings under or in respect of By-law No. 20-85 of the former Municipality of Metropolitan Toronto, as amended.

The Council of The City of Toronto HEREBY ENACTS as follows:

1. By-law No. 20-85, as amended, a by-law "Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area", a by-law of the former Municipality of Metropolitan Toronto, is further amended by adding the following section

38. (1) For the purposes of this section, "any action by way of threat or reprisal" means:
- (a) terminating or purporting to terminate any employment or other business relationship governed by the provisions of this By-law; or
 - (b) causing or purporting to cause pecuniary harm in respect of any business governed by the provisions of this By-law.
- (2) No person licensed under this By-law shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this By-law by reason only of such person's participation in proceedings instituted under this By-law.
- (3) No person licensed under this By-law shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this By-law by reason only of such person's participation in the exercise of the authority of City Council to enact by-laws for the licensing, regulating and governing of businesses in the City of Toronto.

2. This By-law shall come into force on the date of its enactment.

ENACTED AND PASSED this day of, A.D..

Mayor

City Clerk

(Report dated May 14, 1998, from the City Solicitor,
entitled "Railway Lands Central and West - OMB Settlement
(Ward 24 - Downtown)" - Minute No. 929)

Purpose:

To report, as previously authorized by Council at its meeting held on April 16, 1998 (Clause No. 41, Report No. 3 of the Toronto Community Council), upon a potential settlement of the Ontario Municipal Board Railway Lands hearing scheduled to commence on June 15, 1998.

Funding Sources, Financial Implications and Impact Statement:

No further funding is required arising from the recommendations of this report.

Recommendations:

It is recommended that:

- (1) the City Solicitor be authorized to advise the Ontario Municipal Board that the City agrees the Railway Lands Central and West Part II Official Plans and Zoning By-laws may be amended as described in the May 14, 1998 memorandum of the Commissioner of Urban Planning and Development Services to the City Solicitor, with such technical amendments as the City Solicitor considers appropriate; and
- (2) authority be granted to amend the Railway Lands Central Environmental Agreement to implement the proposed new Section 9.7 of the Part II Plan and to incorporate the provisions contained in Schedule "C" of the May 14, 1998 memorandum of the Commissioner of Urban Planning and Development Services to the City Solicitor.

Council Reference/Background/History:

On October 6, 1997 official plan and zoning amendments were passed in respect of certain blocks owned by Concord Adex within the Railway Lands Central and West. Eight appeals were filed. The Ontario Municipal Board held a preliminary prehearing conference on March 3, 1998 at which time the Board set May 8, 1998 for a further prehearing conference and also reserved four weeks, commencing on June 15, 1998, to hear the appeals. At its meeting held on April 16, 1998, City Council authorized the City Solicitor to report, if necessary, directly to the May 13th and June 3rd meetings of City Council upon any potential settlement.

Comments and/or Discussion and/or Justification:

As a result of discussions, certain of the appellants have withdrawn and terms have now been reached which would settle the remaining appeals. Appended as Appendix "A" to this report is a memorandum from the Commissioner of Urban Planning and Development Services describing the settlement and supporting its adoption. I therefore recommend that Council instruct me to inform the Board that City Council agrees to the modifications to the Railway Lands Central and West Part II Plans and Zoning By-laws described in the Commissioner's memorandum. I also recommend that the Railway Lands Central Environmental Agreement be amended, as described below, to implement the modifications requested by SkyDome and GO Transit.

Of the eight initial appellants, Environmental Probe Ltd. and City Front Developments Inc. have each withdrawn without requiring any further action by the City or its officials.

Trees for Toronto G.T.A. Regeneration Trust withdrew its appeal upon receiving a commitment from the Commissioner of Urban Planning and Development Services and the Commissioner of Economic Development, Culture and Tourism, that they would recommend Council adopt certain provisions in the Urban Design Guidelines. These will be included in the report to be submitted to the May 27, 1998 meeting of the Toronto Community Council summarizing the recommendations of the Urban Design Task Force.

Mr. R. Scott James withdrew his appeal upon receiving a commitment from the Commissioner of Urban Planning and Development Services to recommend that Council:

- (a) make certain changes to the Railway Lands Part II Plans and the West Zoning By-law respecting the character of Spadina Avenue and Bremner Boulevard and the street wall set backs (these are described in Appendix "A"); and
- (b) adopt certain provisions in the Urban Design Guidelines (these will also be included in the report to the Toronto Community Council).

SkyDome Corporation has agreed to withdraw its appeal provided a new Section 9.7 is added to the Railway Lands Central Part II Plan to stipulate that the Environmental Agreement must require additional sun/shade and pedestrian level wind studies and protect against glare from mirrored glass affecting the playing field.

GO Transit has agreed to withdraw its appeal provided a holding designation, to prevent residential uses, is placed on Blocks 21 and 28. The Part II Plan will specify that the holding designation cannot be removed unless the developer has, in conjunction with a site plan application, submitted a further environmental report analyzing environmental matters and recommending appropriate mitigation measures for any residential development proposed for these Blocks. GO Transit has requested that corresponding provisions be inserted in the Environmental Agreement. GO's modifications to the Zoning By-law would also:

- (a) preclude on Block 21, any day nursery, outdoor residential amenity space or dwelling unit within 30 metres of the Rail Corridor and GO Transit access tracks (subject to certain mitigation allowances), and

- (b) preclude on Block 28, any outdoor residential amenity space or dwelling unit within 30 metres of the Rail Corridor (subject to certain mitigation allowances), any indoor residential amenity space less than 96.35 metres above sea level, and any day nursery.

CN Rail has withdrawn its appeal on the basis of the GO Transit settlement.

While Mr. J. Robert Naylor had narrowed his issues as a result of discussions with City staff, four issues had not been resolved by the May 8, 1998 prehearing conference. The Board dismissed Mr. Naylor's appeal at the prehearing after hearing his evidence and the City's response.

Conclusions:

It is appropriate for Council to advise the Ontario Municipal Board that it agrees the Board may amend the Railway Lands Central and West Part II Official Plans and Zoning By-laws as described in Appendix "A" to this report.

Contact Name:

Stephen Bradley, Solicitor
Telephone: (416) 392-7790
Fax: (416) 392-0024

Appendix "A"

TO: H.W.O Doyle, City Solicitor
Attn: Steve Bradley

FROM: Virginia M. West, Commissioner, Urban Planning and Development Services

DATE: August 5, 2008

SUBJECT: Settlement of OMB appeals
Railway Lands Central and West Part II Official Plans (By-laws 1997-0611 and 1997-0613) and Railway Lands Central and West Zoning By-laws (By-laws 1997-0612 and 1997-0614) Concord Adex Developments Ltd.

I have attached for your submission to City Council Schedules A and B related to settlements required to settle the appeals of SkyDome, GO Transit, CN Rail Company and R. Scott James. I support these changes together with the corresponding changes to the Zoning By-laws and the Railway Lands Central Environmental Agreement, including those contained in Schedule C. You may need to make technical changes to the Schedules before submitting the settlement to the Ontario Municipal Board.

The following is a summary of the proposed changes.

OFFICIAL PLAN AMENDMENTSRailway Lands Central Part II Official Plan

Section 3 - Structure Form and Physical Amenity

- in order to address the appeal by R. Scott James, City staff and Concord Adex agreed to add language to Section 3 of the plan defining the role and character of Spadina Avenue and Bremner Boulevard as two powerful streets which traverse the Railway Lands north-south and east-west and emphasizing the need for unifying design elements along each of these streets

The above is consistent with the intent of the Part II Plan and reinforces policies already stated in Section 3 of the Plan.

Section 8.5 - Railway Uses

- recognize *Bathurst North Yard* as a defined term

Section 9.0 - Environment

- amend 9.1, 9.2 and 9.4 in order to more specifically define environmental mitigation measures, consultation with GO Transit and CN Railway Company regarding Environmental Reports and Environmental Agreements for the Front Street General Use Areas A and B (Blocks 21 and 28) and the need for warning clauses regarding possible effects of the rail corridor uses on adjacent dwelling units and residential uses
- add a new section 9.7 - that the Environmental Agreement for the Railway Lands Central include provisions to protect against glare from mirrored glass affecting the SkyDome playing field and additional sun/shade and pedestrian level wind studies specific to the effect of adjacent development on SkyDome

Section 10.5 Rail Corridor

- amend 10.5.4 to require consultation with the Rail Corridor operators and users as part of the removal of a holding provision.

Section 11 - Implementation

- add a new 11.8 to allow for the enactment of holding provisions on residential uses on the Front Street General Use Area A and B and analyses to be undertaken as part of the removal of the holding provisions including consultation with the Rail Corridor operators

Section 12 - Definitions

- amend Section 12 to add Bathurst North Yard and Supplementary Environmental Report as described in Section 8.5.

The additional environmental requirements described in the new Section 9.7, which is attached as Schedule A to this memorandum, provide additional assurances to SkyDome Corporation that the

increased heights permitted by the 1997 by-laws will not detrimentally affect environmental conditions compared to the 1994 By-laws. These provisions are consistent with the intent of the Part II Plan and acknowledge the significance of SkyDome to this area.

Changes to Sections 8 through 12 as described above and attached as Schedule B to this memorandum introduce more precise and stringent environmental requirements for residential uses being added to the Front Street General Use Areas A and B (Blocks 21 and 28) which are appropriate in response to the new uses.

Railway Lands West Part II Official Plan

Section 3 - Structure, Built Form and Physical Amenity

- in order to address the appeal by R.Scott James, City staff and Concord Adex agreed to add language to Section 3 of the plan defining the role and character of Spadina Avenue and Bremner Boulevard as two powerful streets which traverse the Railway Lands north-south and east-west and emphasizing the need for unifying design elements along each of these streets

The above is consistent with the intent of the Part II Plan and reinforces policies already stated in Section 3 of the plan.

Map G - Urban Structure Plan

- revise the Significant Street Edge line to follow the alignment of Bremner Boulevard along the Concord Adex blocks 25, 24, 26, 29

This change maintains a strong streetwall on Bremner Boulevard and is consistent with other Part II Plan policies.

Railway Lands Central Zoning By-law

- add an "h" to prevent residential uses on Blocks 21 and 28 (the "h" will be removed after an Environmental Report has been submitted analyzing environmental matters and recommending appropriate mitigation features in respect of residential development)
- on Blocks 21 and 28, add a 30m setback from the Rail Corridor to preclude a day nursery, outdoor residential amenity space or dwelling units, subject to certain mitigation measures
- on Block 28, restrict indoor residential amenity space below 96.35m above sea level

These changes will ensure that appropriate environmental conditions are achieved on Blocks 21 and 28.

Railway Lands West Zoning By-law

- amend setbacks on the north side of Bremner Boulevard to follow the alignment of the street right-of-way
- amend Section 10 (3), Plan 1 to permit a private lane north of Block 29

These changes are consistent with the intent of the Part II Official Plan.

Maps

Urban Planning and Development Services and Works and Emergency Services staff will prepare necessary maps to be appended to the Official Plans and Zoning By-laws as required by these changes.

Schedule A **Railway Lands Central Part II Plan** **Proposed Addition to Section 9 - Environment, New Section 9.7**

- 9.7 Notwithstanding any other provision of this Plan, it is the policy of Council that, prior to site plan approval being granted on Blocks 20/23, 22 and 21, the *Environmental Agreement* for the Railway Lands Central as it relates to Blocks 20/23, 22 and 21 shall include provisions which require the following:
- (a) in conjunction with an application for site plan approval which proposes the use of mirrored glass above a height of 35 metres above grade, the applicant shall submit a study which demonstrates that there will be no glare from the proposed building onto the playing surface of the urban stadium and multi-purpose facility. A development which causes direct glare onto the playing field shall not be approved.
 - (b) in conjunction with an application for site plan approval, the applicant shall submit a sun/shade study prepared by a qualified professional which establishes that between 12:00 noon and 4:00 p.m. locally prevailing time, May 1st to October 1st, inclusive, shadows from the proposal shall not extend onto the playing field beyond any shadows cast by the stadium structure itself. A development which shadows the playing field beyond any shadows cast by the stadium structure itself during the above period shall not be approved.
 - (c) in conjunction with an application for site plan approval the applicant shall submit a quantitative pedestrian level wind study of the development proposal prepared by a qualified and experienced wind consultant assessing the potential impact on the urban stadium and multi-purpose facility. Each such study shall utilize a wind tunnel test of an architectural scale model of the proposal, taking into account the conclusions and recommendations of the pedestrian level wind study forming part of any existing *Environmental Report*. The study shall indicate the measures which, in the professional opinion of the consultant, should be incorporated into the development proposal in order

to achieve satisfactory pedestrian level wind conditions on and in the vicinity of the urban stadium and multi-purpose facility. Further, the applicant shall prepare a wind study to assess wind conditions above the pedestrian level, as it relates to the urban stadium and multi-purpose facility in order to evaluate the impact of such building on terraces, banners, flags, suspended signage, and rigging on the exterior of the stadium; and inside the stadium bowl with the roof open. The study shall indicate measures which, in the professional opinion of the consultant, should be incorporated in the development proposal in order to achieve satisfactory wind conditions respecting terraces, banners, flags, suspended signage, and rigging on the exterior of the urban stadium and multi-purpose facility; and inside the stadium bowl with the roof open.

in determining whether future conditions will be satisfactory, the consultant and Council may consider among all relevant planning and engineering standards, the impacts of buildings which could have been constructed pursuant to zoning by-laws for the *Railway Lands Central* passed by the City of Toronto in 1986 and 1994. A development which results in unsatisfactory wind conditions having regard for the factors described above, shall not be approved.

- (d) that the landowner shall register on title an appropriate warning clause to potential purchasers and lessees of each dwelling unit which indicates that the location of the dwelling unit is in the vicinity of the urban stadium and multi-purpose facility and that the use of the stadium and the lands surrounding it for entertainment and retail purposes may result in noise, light and traffic congestion.

Schedule B
Railway Lands Central Part II Plan
Proposed Amendments to Sections 8 through 12
(changes are in bold)

- 8.5.1 ...and excepting those rail facilities in the *Bathurst North Yard* generally...

. ENVIRONMENT

- 9.1 Council will use its available powers and will seek the cooperation of other levels of government, landowners and developers involved in the development of the *Railway Lands Central* to ensure that environmental conditions satisfactory to the City of Toronto and the Ministry of Environment are established for people working and living within and adjacent to the *Railway Lands Central*. Accordingly, in considering development in the *Railway Lands Central*, Council will require the preparation of an *Environmental Report* which shall contain an assessment of the appropriate means of the proponent or landowner:

- (a) reducing the noise and vibrational impact of the railway uses, the Gardiner Expressway, Lake Shore Boulevard, other arterial roads and public transit facilities within and adjacent to the *Railway Lands Central*, by, among other things, **use of**

- building structure, building envelope, and building mechanical systems**, the provision of buffers, including acoustical walls and buildings and structures, and landscaping features adjacent to noise and vibration sources as appropriate for residential, non-residential and open space uses;
- (b) ensuring satisfactory **indoor and outdoor** air quality and climatic conditions, including satisfactory wind conditions, at grade and other outdoor amenity areas, including any daycare outdoor play space, balcony and rooftop amenity space, and a consideration of the potential impact of snow and ice on rail service;
 - (c) ensuring satisfactory soil and groundwater conditions, including soil remediation or disposal plans for contaminated soil excavate and remediation measures for methane gas;
 - (d) providing for effective comprehensive storm water management so that new development in the *Railway Lands Central* does not detrimentally affect ground water and water quality in Toronto Bay;
 - (e) minimizing, to the extent possible, risks of injury or damage from accidents on the rail and road corridors;
 - (f) ensuring that the practices and procedures followed during construction of development and the operation and maintenance of developments in the *Railway Lands Central* are environmentally sound;
 - (g) achieving energy efficiency and conservation as development proceeds in the *Railway Lands Central*;
 - (h) achieving waste reduction and recycling as development proceeds in the *Railway Lands Central*;
 - (i) achieving buildings which are environmentally sound in their use of water as development proceeds in the *Railway Lands Central*; and
 - (j) achieving auto minimization principles as part of a transportation demand management plan as development proceeds in the *Railway Lands Central*.
- 9.2 The *Environmental Report* referred to in Section 9.1 will be prepared by the proponents in consultation with the City, the Local Board of Health and the Ministry of the Environment . **In the case of the *Front Street General Use Areas A and B*, the proponent will also consult with GO Transit and CN Railway Company or their successors and assigns.** The safeguards and measures set out in the *Environmental*

Report will be secured through an *Environmental Agreement* submitted pursuant to Section 11.1(c) or 11.2.1 of this Plan.

For the purposes of this Plan, an *Environmental Agreement* means an agreement containing provisions sufficient to ensure that the safeguards and measures set out in the *Environmental Report* are adequately secured **and, in addition, shall specify that the landowner shall provide appropriate warning clauses to prospective purchasers and lessees of each dwelling unit in the *Front Street General Use Areas A and B* regarding possible noise, vibration and/or air quality impacts associated with existing and future freight and passenger rail and regional rail and public transit uses in the *Rail Corridor, Future Development Area and Bathurst North Yard*.**

- 9.3 The City and the Ministry of the Environment shall identify the various guidelines, standards, and requirements which at the time generally affect the development of lands south of Queen Street in the City of Toronto in relation to the environmental matters set out in Section 9.1 of this Plan.
- 9.4 **Prior to amending the *Environmental Agreement*, it is Council's intention to consult with the Ministry of the Environment and the Local Board of Health respecting relevant environmental matters referred to in Sections 9.1 and 9.2. In the case of the *Front Street General Use Areas A and B*, Council will also consult with and have regard for the comments of GO Transit and CN Railway Company or their successors and assigns during the process established under Section 11.8.** Council will ensure that all *Environmental Reports* and *Environmental Agreements* are satisfactory to the City and the Ministry of the Environment.
- 9.5 To assist in achieving Council's environmental objectives it is the policy of Council to encourage the development of district heating and cooling systems within the *Railway Lands Central*. To this end, landowners will, if economically feasible, give consideration to the use of District Heating and Cooling at the time of development.
- 9.6 To assist Council in achieving the environmental objectives of this Plan and to advise Council generally on environmentally advanced building techniques, technologies and types, including their financial implications, it is Council's intent to establish and consult an Advisory Task Force to assist Council in promoting these environmental objectives.

Council recognizes that many of the acknowledged environmental issues and concerns of the present day should preferably be addressed by other levels of government. Accordingly, Council shall:

- (a) encourage the higher levels of government to put suitable policies, legislation, standards, and programs in place which will address and attempt to rectify the issues and concerns to the fullest extent possible; and

- (b) seek clarification and further powers from senior levels of government to define and reinforce the ability of the City of Toronto to directly address environmental issues and concerns where this may be appropriate.

Council will seek to lead by example and be the strongest possible proponent of its own environmental policies. Accordingly, Council shall endeavour to implement environmentally appropriate measures with respect to its own activities, buildings, vehicles and related functions.

- 10.5.4 To assist in reviewing and determining the matters identified in Section 9.1 of this Plan related to any development north of the *Rail Corridor* within the *Front Street General Use Area A or B*, which may be developed prior to any by-laws being passed pursuant to Section 10.5.1, it is the policy of Council that in considering any consent application or any site plan application review, **or any application to remove the holding provision described in Section 11.8**, the City and the applicant will undertake consultation with, and **will have regard for**, the comments of the *Rail Corridor* land owners (Toronto Terminals Railway Company and **CN Railway Company** or their successors) and *Rail Corridor* transportation operators, including GO Transit and VIA Rail **or their successors and assigns**.

11.0 IMPLEMENTATION

- 11.1 This Plan is to be implemented by the separate or combined actions of both public and private interests in the *Railway Lands Central* area. This Plan is to be variously implemented through:

- (a) part lot control, the granting of consents, detailed zoning by-laws pursuant to Section 11.2 of this Plan, **Section 36 holding provision by-laws pursuant to Section 11.8 of this Plan**, Section 37 bonusing by-laws pursuant to section 7.3 of this Plan, and site plan control with part lot control exemptions to be enacted at the time of enacting implementing zoning by-laws.

- 11.8 Notwithstanding Section 11.2 of this Plan, in the case of *Front Street General Use Areas A and B*, Council may enact a by-law which utilizes the holding provisions of Section 36 of the Planning Act to restrict residential uses until the satisfactory completion of certain conditions as set out in Sections 11.8 (a), (b) and (c).**

- (a) **An application to amend the Zoning By-law to remove the Holding Symbol from the *Front Street General Use Areas A and B* or a part thereof shall include a *Supplemental Environmental Report* which assesses the potential environmental effects arising from proximity of development on these blocks to**

the *Rail Corridor* and the *Bathurst North Yard*, including the access tracks thereto, having particular regard for any proposed residential uses.

This assessment shall be based on the details of the proposed built form on the Blocks, or parts thereof, for which approval is sought and shall include:

- (i) a detailed prediction of noise, vibration, and air quality effects including odour within proposed buildings and in surrounding outdoor areas at current levels of *Rail Corridor* traffic and *Bathurst North Yard* and access track activities, and a similar prediction based on the potential future levels of *Rail Corridor* traffic and *Bathurst North Yard* and access track activities;**
- (ii) a detailed prediction of changes in snow drifting patterns and icing of rails and switches in adjacent sections of the *Rail Corridor* and *Bathurst North Yard* and access tracks that would be caused by the development proposal and their potential effects on rail service, operations or activities;**
- (iii) detailed proposed measures to reduce the environmental effects specifically relating to the matters identified in Section 11.8(a)(i), (ii) and (v), to meet appropriate and/or accepted standards and to minimize nuisance impacts;**
- (iv) consultation with VIA Rail and GO Transit in generating estimates of existing and future rail traffic in the *Rail Corridor* based on the capacity of the *Rail Corridor* and of operations within the *Bathurst North Yard* and such input shall be considered in preparing the assessment described in subsection (a); and**
- (v) analyses of the following specific matters, in respect of any residential development on Blocks 21 or 28:**
 - (a) the suitability of exterior open balconies; and**
 - (b) the suitability of outdoor residential amenity space on any exterior podium.**

In assessing “suitability”, the analyses shall consider relevant standards and guidelines for noise, vibration and air quality and will examine the potential for nuisance impacts and recommend appropriate mitigative measures.

The analyses shall also consider the sequence and phasing of construction on Blocks 21 and 28 to ensure that interim development as well as final development will achieve acceptable environmental conditions.

- (b) **An application to remove the Holding Symbol shall, upon its receipt, be circulated for review and comment in conjunction with the circulation of an application for site plan approval under Section 41 of the *Planning Act*. The City will consult with and have regard for the comments of GO Transit and CN Railway Company at the time of application for site plan approval respecting the studies described in this Section.**
- (c) **Council shall enact a by-law to remove the Holding Symbol from all or part of the *Front Street General Use Areas A and B* provided the *Supplemental Environmental Report* required pursuant to Section 11.8(a) confirms the feasibility of the proposed residential development on the lands, including methods of mitigation, and site plan approval has been granted for such lands.**

DEFINITIONS

- 12.1 Unless otherwise defined in this Plan, the italicized words in this Plan shall have the same meanings as are provided by Part I of this Plan or by the *Railway Lands West Part II Plan*.
- 12.2 The areas referred to below are defined by the boundary lines on the following Map.
Map A *Bathurst North Yard*
- 12.3 *Environmental Report*.... See Section 9.1.
- 12.3(a) *Supplemental Environmental Report*....See Section 11.8.

**SCHEDULE "C"
Amendments to the Railway Lands Central
Environmental Agreement**

AIR QUALITY

- In conjunction with an Application for Site Plan Approval with respect to any Development Site in the Development Lands, the Applicant shall submit a report prepared by a qualified and experienced air quality consultant with practical knowledge

of remedial techniques, which reviews the indoor and outdoor air quality conditions affecting the Development Proposal, including those conditions identified in the Environmental Report and any other conditions which, in the professional judgment of the consultant, could result in an Environmentally Unsound Condition with respect to air quality within the Development Proposal. The report shall recommend the specific measures to be incorporated into the design and construction of the Development Proposal in order to ensure that the air quality within such Development Proposal will be satisfactory in relation to any air quality standards which may be applied by the Ministry generally throughout the Province **and the air quality (odour) standards attached hereto as Schedule "E"**. Such measures will be recommended with regard for the desirability of maximizing the fresh air supply in any sealed building. This report shall be circulated to the Ministry, the Ministry of Labour and the Medical Officer of Health for comment.

BLOCKS 21 AND 28

The parties acknowledge and agree that the provisions of this Part G are in addition to other provisions of this Agreement.

In conjunction with an Application for Site Plan Approval being made for development of **Blocks 21 or 28 or any part thereof**, the Applicant shall conduct an assessment of potential environmental effects arising from proximity of development on these blocks to the Rail Corridor and the **Bathurst North Yard, including access tracks, having particular regard for any proposed residential uses.**

This assessment shall be based on the details of the proposed built form **on the Blocks, or parts thereof, for which approval is sought** and shall include:

- (a) a detailed prediction of noise, vibration, and air quality effects including odour within proposed buildings and in surrounding outdoor areas at current levels of rail traffic and **Bathurst North Yard** activities, and a similar prediction based on the potential future levels of rail traffic and **Bathurst North Yard** activities;
- (b) a detailed prediction of changes in snow drifting patterns and icing of rails and switches in adjacent sections of the Rail Corridor and **Bathurst North Yard** that would be caused by the Development Proposal and their potential effects on rail service, operations or activities;
- (c) detailed proposed measures to reduce environmental effects to meet appropriate and/or accepted standards and to minimize nuisance impacts; and
- (d) consultation with VIA Rail and GO Transit in generating estimates of existing and future rail traffic in the Rail Corridor based on the capacity of the Rail Corridor and

of operations within the **Bathurst North Yard** and such input shall be considered in preparing the assessment described in subsection (a).

(e) **analyses of the following specific matters, in respect of any residential development on Blocks 21 or 28:**

- (i) **suitability of exterior open balconies; and**
- (ii) **the suitability of outdoor residential amenity space on any exterior podium.**

In assessing “suitability”, the analyses shall consider relevant standards and guidelines for noise, vibration and air quality and will examine the potential for nuisance impacts and recommend appropriate mitigative measures.

(f) **The analyses shall also consider the sequence and phasing of construction on Blocks 21 and 28 to ensure that interim development as well as final development will achieve acceptable environmental conditions.**

The City will consult with and have regard for the comments of GO Transit and CN Rail at the time of Application for Site Plan approval respecting the studies described in this Section.

REQUIRED CLAUSE

- . The Owner shall ensure that the following clause will be inserted in all offers to purchase, agreements of sale and purchase or lease and, in the title deed or lease of each dwelling unit with 300 metres of the Railway Corridor, and if possible shall be registered on title:

“Warning: Canadian National Railway Company (CN) and the Toronto Terminals Railway Company Limited (TTR) or their assigns or successors in interest have or may have rights-of-way within 300 metres from the land the subject hereof. **GO Transit or its successors or assigns have facilities and operations in the Bathurst North Yard, including but not limited to diesel locomotive storage, start-up, idling, and train movements.** There may be alterations to or expansions of the railway facilities on such rights-of-way in the future, including the possibility that CN, TTR, or their assigns or successors as aforesaid or Go Transit or VIA Rail Canada Inc. may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise vibration and air quality attenuating measures in the design of the development and dwelling unit(s). CN, TTR, GO Transit and/or VIA Rail Canada Inc. will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over, or under the aforesaid right-of-way.”

