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# Novæ Res Urbis

## CITY OF TORONTO EDITION

FRIDAY, MAY 16, 2003 • VOL 7 • No 20

MFP INQUIRY: WEEK 18

## Jakobek caught in his own web

It is little wonder **Tony Clement** lost the provincial Tory leadership race last year. After all, in the weeks leading up to the convention on March 22 and 23 of 2002, two of his most prominent campaigners, city hall lobbyist and political fundraiser **Jeff Lyons** and former city budget chief **Tom Jakobek**, were probably a little distracted by city council's unanimous decision to hold a public inquiry into leasing contracts.

Jakobek, who is now running for mayor, took the stand this week at the said inquiry to give much-anticipated evidence about his role in the 1999 deal between the city and **MFP Financial Services**. From his first day on the stand, he was caught in a lie about his participation in a trip on a private jet to Philadelphia, paid for by MFP, during the NHL playoffs in May of 1999, just before the city issued its request for quotations on the leasing deal.

City council thought in July of 1999 it was authorizing the financing of \$43 million worth of computer equipment and software with MFP over three-year leases. It was later discovered that the city had \$85 million worth of equipment under lease for terms as long as five years at rates as much as three times higher than originally quoted.

Jakobek, as the author of what has become known as the "flexibility clause" added to the council resolution that has been interpreted as providing city staff with a justification for extending the leases, is a central figure in the inquiry. When the deal came through the policy and finance committee in late July of 1999, Jakobek put

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## Slow road ahead for OP appeals

The dust is just beginning to settle on sorting the numerous appeals against the new city-wide Toronto Official Plan even though it has been over a month since the expiry of the appeal period, April 10.

A total of 163 separate appeals were made against the plan, not including those submitted by the city regarding the minister's approvals. The vast majority of the appeals are site specific, but the entire plan and modifications were appealed jointly by the **Greater Toronto Home Builders' Association** and the **Urban Development Institute/Ontario**.

The development groups had concerns relating to Section 37 agreements, housing policy and the parkland dedication sections of the plan, but appealed the entire plan to protect their interest. **Neil Rodgers** of UDI explained that since their sections of concern were fundamentally interrelated and it is the "unequivocal intent of the plan to be read as a whole," it was

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## MARK THESE DATES

### TUESDAY MAY 20

**Ryerson Planning Alumni Spring Reception**, Arcadian Court, 401 Bay St., 6:30 p.m. to 11 p.m. Call 416-391-3438.

### WEDNESDAY MAY 21

**Waterloo Spring Schmooze**, sponsored by the **University of Waterloo Planning School Endowment Fund**, Courthouse Market Grille, 57 Adelaide St. East, Toronto, 5:30 p.m. to 9 p.m. Call 519-888-4567, ext. 2492.

**Forum on Toronto Architecture**, sponsored by the **St. Lawrence Forum**, St. Lawrence Centre, 27 Front St. East, 7:30 p.m. Go to <http://forum.stlc.com>.

### THURSDAY MAY 22

**Shirley Hoy at Toronto Board of Trade**, First Canadian Place, 7:45 a.m. to 9 a.m. Call 416-862-4500.

### FRIDAY MAY 30

**Top mayoral candidates at Toronto Board of Trade**, First Canadian Place, 7:45 a.m. to 9 a.m. Call 416-862-4500.

### TUESDAY JUNE 10

**New Mobility Industry Forum**, sponsored by **Moving the Economy**, Metro Toronto Convention Centre, 7:30 a.m. to 7 p.m. Call 416-338-5072.

### THURSDAY JUNE 12

**Designing for Shade**, sponsored by **Ryerson University's Department of Architectural Science**. Call 416-979-5000, ext. 6505.

### WEDNESDAY JUNE 18

**Toronto Transit Commission**, Toronto City Hall, 1 p.m.

### TUESDAY JUNE 24

**Mayoral Debate**, sponsored by the **Greater Toronto Home Builders' Association**, Westin Prince Hotel, 900 York Mills Rd., 7:30 a.m. Call 416-391-3445.

## WASTE MANAGEMENT

# City looking to end its love affair with landfill

By **Karen Wirsig**

Nearly three years after the debate over the Adam's Mine landfill blew up at city hall, the city is much more focused on waste diversion, according to the general manager of solid waste, **Angelos Bacopoulos**.

The city is on target to divert 30 per cent of waste from landfill this year, up from 28 per cent in 2002, and is still aiming to compost and recycle 60 per cent of all waste by 2010. By that time, Bacopoulos told *Novae Res Urbis*, the goal is to have weaned the city entirely from reliance on garbage dumps.

This year, 1.1 million metric tonnes of Toronto garbage is being shipped to a Michigan landfill operated by **Republic Services**, of which 800,000 tonnes is trash collected by the city from households and businesses. The contract with Republic, signed after a deal with the Adam's Mine consortium collapsed in controversy just before the last municipal election, has become a source of headaches for the city, in part because of hassles at the border and threats that it will close to Toronto's garbage, and in part because the hauling company, **Wilson Logistics**, can't get enough Canadian drivers.

Garbage has been piling up at the city's waste transfer sites because of delays crossing into Michigan and the shortage of haulers. Bacopoulos said the city is helping the company expedite visas to allow American drivers to haul the waste from Toronto and believes the transfer stations will

be "back to normal" by the end of this weekend. The city has options to use the Republic landfill until 2020, but Bacopoulos is hoping the city won't need to exercise them beyond 2010.

One of the results of the Adam's Mine debate was a task force to look into increasing the diversion of waste from landfill, a project environmentalists said would die if the deal went through to send the city's garbage to a "big hole" in northern Ontario. Two years later, the waste management division is ramping up curbside collection of organic material for composting, a program that began in Etobicoke last September and will be extended to Scarborough later this year.

In all, with the organics collected from businesses, nearly 40,000 tonnes will be diverted for composting next year, not including the material collected when the program expands to the central city in the middle of 2004. Much of it will be processed at the Dufferin material recovery facility, at a **City of Guelph** facility, and at a small facility in **Peel Region**. As well, the city is following the status of a **Canada Composting** plant in **Newmarket** that is in bankruptcy. Bacopoulos said other companies have expressed interest in reviving the plant, providing capacity the city will likely need to compost the increasing amount of organics it will collect.

The next big challenge for the composting program is to figure out

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**NOVAE RES URBIS**  
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# Tory pursuing pink campaign

Ask **John Tory** why he is running for mayor and you'll get an earful. The bottom line for the **Rogers Cable** CEO: manage the city better and stop its decline. His days of advising **Bill Davis** and **David Crombie** can't be far from his mind as the only top mayoral candidate who has never been elected to public office sets out a 21<sup>st</sup> century red-Tory platform.

"This city hasn't elected a mayor from outside of city council for 100 years. Maybe it is time."

"I think the growth in the problems is outstripping the growth in the city," Tory told *Novae Res Urbis* in an interview this week. People across the city are telling him that they are increasingly concerned about homelessness, the cleanliness of the streets, crime and safety, and "integrity in the process of government."

The perception of decline "threatens jobs and investment," he said. "But the most important thing it threatens is the social consensus in the city."

Emphasizing his involvement with charities and community "good works," the CEO argues Toronto's mayor needs to have a plan with four or five priorities and measure progress on them.

At the end of his first term of office, he'd want to see fewer people living on the city's streets, more rental housing built, improved transit, better fiscal management at the city and "new arrangements with the other levels of government."

To achieve these objectives, he said improved governance and management at city hall is necessary, including the creation of an executive committee. As well, he wants to examine how public-private partnerships could save the city money in delivering services.

He said the problem of homelessness is most visible because of people living on the street, although there are also people living in over-crowded conditions because of a lack of affordable housing. To address visible homelessness, which can be "disconcerting to others," Tory believes that more supportive housing units are necessary to get people who have been de-institutionalized off the street.

He wants city resources focused on making it happen, perhaps through the conversion of existing buildings. "You have to have a way of making (homeless people) go there," he said, adding that he doesn't favour the use of police but perhaps some other city agency.

Tory would also look at fast-tracking applications to develop rental housing and wants the province to honour its promise of increased rent supplements so that minimum-wage workers can afford to live in the city.

Tory agrees that he is the mayoral candidate with the closest ties to **Mayor Mel Lastman**. However, he said he has disagreed with him over the years. "I was his campaign co-chair, I wasn't the mayor. What I'm saying is, I'm not running as Mel Lastman's man. I'm not beholden to anyone."

Tory said his integrity package, including a "proper" lobbyist registry and a stricter code of contact for council members and city staff, would help to diminish the perception that decisions are made behind the scenes.

"I think this notion that things have been done in the backrooms is exaggerated," he said, acknowledging a strong perception exists. He said the Union Station redevelopment process should have been more open to the public and called the scandal over the city's leasing contract with

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"What I'm saying is, I'm not running as Mel Lastman's man. I'm not beholden to anyone."

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- John Tory

**MFP Financial Services** "a shining example of mismanagement and incompetence."

At this point, Tory is not prepared to say that the city's top management needs to be replaced. "I wouldn't be in a position to judge," he said. However, he thinks that the mayor should be in charge of appointing city commissioners, the same way that the premier and prime minister appoint top bureaucrats. That way, he said, they are accountable to someone specific. He doesn't believe the measure would result in politicization of the city's top administrators.

Tory says he's spending about 80 per cent of his time on the campaign at the moment and will move to 100 per cent after Rogers annual meeting on May 30. •



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forward a motion in a closed-door session stating “that the Chief Financial Officer and Treasurer be requested to ensure that the terms and conditions of the lease be flexible enough to ensure that the lifespan of the computer equipment is extended beyond three years.”

He was also implicated in allegations that surfaced last fall, delaying the start of the inquiry for two months, that MFP competitor **Dell Financial Services** was asked for a sum of money, perhaps a bribe, late in the bidding process by their lobbyist, Lyons. The lobbyist’s testimony last week was also a main event in the inquiry. He testified he had asked his client for a “success fee” and said Jakobek had nothing to do with the request.

The juiciest revelation so far in the inquiry is Jakobek’s admission on the stand that he was, in fact, on the private jet and at the Philadelphia playoff game against the Toronto Maple Leafs on May 2, 1999. After denying it to reporters and authorizing a threatening letter to the *Toronto Star* on January 27 of this year demanding a retraction of a column stating it was a trip “Jakobek says he didn’t take, though others tell a different story,” Jakobek now admits that he lied about the affair and regrets it.

He also admitted yesterday that he should have corrected a letter sent to the *Star* by his former lawyer, which claimed that “Mr. Jakobek has stated that he did not attend on such a trip and will repeat that under oath when he gives evidence at the Inquiry.”

His failure to admit to the trip cost the inquiry “many thousands of dollars,” according to a spokesperson. The commission used a private investigator to track down flight manifests, cell phone records and customs forms. It took up lawyers’ time as well as an analyst looking into the pattern of cell phone calls around the time of the trip. The stature the junket has taken – that it warranted an ever-expanding web of lies and a full-on investigation – has not been fully explained.

Jakobek could also not explain why Domi, who organized the trip, and his colleague **Vince Nigro**, both of whom went to Philadelphia that fateful day, could not remember whether the politician was along or not when they testified at the inquiry earlier this year. Jakobek said there was no reason why either of them would be loyal to him.

One thing is sure: the campaign to hold a public inquiry that began in early December of 2001, after details of an investigation of the deal by **KPMG** went to council, revolved around suggestions by the city hall opposition of improprieties involving the mayor’s party (which included Jakobek). The inquiry was a proposition that the mayor and his faithful on council strenuously opposed until

Lastman abruptly changed his mind in early February of 2002.

Among the indications that relations may have been too cosy between the city and MFP, were allegations in the KPMG report that senior city staff had accepted fancy entertainment from the company. One detail that stood out as particularly egregious was a trip that **Wanda Liczyk** took on a chartered flight with MFP salesman **Dash Domi** to see an NHL playoff game in Ottawa in 2000.

The day city council finally agreed to the inquiry, February 14, 2002, half-an-hour worth of cell phone conversations passed between Lyons and Jakobek, who was no longer a member of council. Jakobek testified yesterday that the calls were likely related to Clement’s Tory leadership bid and that he never discussed the inquiry with Lyons. If that was the case, it is safe to say that both men had other things on their minds beyond making Clement premier. •



## Request for Proposals

**REQUEST FOR PROPOSALS NO. 9155-03-7249**  
**AFFORDABLE HOUSING REQUEST FOR PROPOSALS**  
**CLOSING: 12:00:00-NOON, June 16, 2003**

The City of Toronto’s Let’s Build program is inviting proposals from private sector developers, private/non-profit partnerships and the non-profit sector to create affordable rental housing. The Request for Proposals (RFP) will make available a range of financial assistance to developer/operators with their own development sites.

If further information is required, please contact Lorna Guerrero at 416-392-4284.

Documents may be picked up at the Finance Department, Purchasing and Materials Management Division, 17th Floor, West Tower, City Hall, 100 Queen Street West, Toronto, ON M5H 2N2, during the hours of 8:30 a.m. to 4:30 p.m. on or after May 9, 2003. Please call reception at 416-338-0490 if you are sending a courier in order that a package can be prepared.

Compliance with the usual conditions pertaining to tendering, as prescribed by City bylaw, is required. Submissions must be in an envelope clearly marked as to contents. The City reserves the right to accept or reject any or all submissions in accordance with City policies.

Tender Calls, Quotation Requests, Requests for Proposals and Sales Requests are listed on the City of Toronto Web site at [www.toronto.ca](http://www.toronto.ca).

## LOBBYIST LITMUS TEST?

# City hall gearing up for pesticide battle

Next week, the fate of the city's proposed pesticide by-law will be in the hands of council, and despite lobbying on both sides, the race is anticipated to be a close one.

The vote could possibly be considered a litmus test of the present clout of one **Jeffrey Lyons**, the self-described most influential city hall lobbyist from 1997 to 2000, a fact he raised this week during his stint before the MFP inquiry.

**The Lyons Group** has been working on behalf of the pesticide industry front group, the **Toronto Environmental Coalition**, and **Landscape Ontario** and other pesticide manufacturers have also been spotted making the rounds in city hall. The pro-industry group has been running a hard-hitting "U.S.-style" campaign that has included controversial radio ads, literature drops and phone campaigns. **Urban Intelligence Inc.** has been lobbying for **Partnership for Pesticide By-law**, which includes

city environmental groups in support of the by-law.

The by-law was passed by works committee and the board of health, but economic development and parks committee moved to defer the by-law in its entirety. There is also talk that a compromise package is being considered but it will come down to the debate during council next week to see where the chips fall.

The proposed by-law was structured similarly to that introduced in Hudson, Quebec, but with changes relevant to the issues regarding a large city, as compared to a small community, since public compliance will be a key factor in the successful implementation of the by-law.

The by-law identifies permitted uses for pesticides and permitted pesticide products, and operates in conjunction with all provincial and federal laws applicable to pesticides and their use. It permits the use of selected, ultra-low toxicity pest control products. •



Source: [www.imaginehat.com](http://www.imaginehat.com)

## OP appeals continued from page 1

in their interest to appeal the entire plan. Some questions had been raised, as well, regarding the manner in which the plan is written, arguably making less than clear as to what is applicable and what is not. The plan states that it is intended to be read as a whole, but then in some sections it is noted that they are not considered part of the plan. "Since it is unclear what is included," reiterated **Jim Murphy** of the GTHBA "it was in our interest to appeal the plan in its entirety."

Other non site-specific appeals include **MintoUrban Communities Inc.**, which is appealing the whole plan with a particular interest in specific sections regarding built form – tall buildings, housing (Policy 9), parks and open spaces, apartment neighbourhoods, height and/or density incentives and the North York Secondary Plan. The **Ontario Realty Corporation** and **Hydro One** appealed the plan as it relates to Hydro One's electrical transmission corridor lands. Appeals regarding several policies were also submitted on behalf a number of companies that are in opposition to the city's drive-through by-law.

City staff are currently reviewing the appeals.

Murphy suggested that undoubtedly the city will now take an active position in trying to resolve a number of these appeals, but that it will still take a long time to process so many appeals.

Each appellant has to pay \$125 to appeal to the **Ontario Municipal Board**. That means that without anything having happened yet a total of \$20,375 has already been spent. This will undoubtedly be a small drop in the bucket compared to the total costs tallied by the end of the process. •

## CITY IN BRIEF

### U.S. delegation seeks to learn from Toronto experience

Delegates from the **U.S. National League of Cities** are meeting with Toronto officials and the SARS recovery task force. The delegation hopes to learn from the Toronto experience in dealing with SARS and apply the knowledge to cities in the United States.

## Toronto businesses impacted by SARS

“Now that the World Health Organization has removed Toronto from its list of SARS-affected areas, business is looking for action,” according to **Elyse Allan**, President and CEO of the **Toronto Board of Trade**.

A survey released yesterday by the Toronto Board of Trade reveals that the vast majority of respondents, or 75 per cent, had their businesses impacted by SARS. For close to half, 43 per cent, the impact has been loss of revenue. Other impacts include restricted business travel, delayed or lost contracts, lost customers, employee absenteeism, and higher costs of having to do business differently. Roughly 10 per cent of businesses have been forced to lay off staff and a further 10 per cent expect to do so. One in five businesses have implemented a hiring freeze. As expected, the hospitality sector was the hardest hit, with 52 per cent of respondents in that sector registering a major impact.

## Don Mount rejuvenation set to start

**Don Mount Court Development Corporation** board of directors is negotiating with **Marion-Hill Development Corporation** and **Intracorp Development Inc.** based on their proposal to redevelop Don Mount Court. The proposal calls for the creation of a family-oriented neighbourhood with the re-introduction of streets to integrate the Don Mount community back into the surrounding neighbourhoods. All of the rent-gear-to-income units are townhouses with the front door on a street, while the footprint for the high-rise market condominiums is small, maximizing the space for parks and community space. A planning application has been submitted to the city so that demolition of the

northern portion of the site may begin as soon as possible.

## TDSB cuts to adult courses being challenged

**Citizens for Lifelong Learning** is holding hearings across Toronto to determine why the seniors' and general interest courses are being cut for the Toronto District School Board. Since 1855, millions of adult learners have taken these courses, which attract a broad cross-section of Toronto's cultural mix, with about 30 per cent of the students being seniors and about 75 per cent women, according to the group.

## New jobs at IBM Toronto Lab

The **IBM Toronto Software Laboratory** has been given a new global mission as part of **IBM Corporation's** \$10-billion plan to transform into an “on demand business.” A new team of approximately 100 people will support the new mandate, focusing on the development of IBM's provisioning software under the Tivoli brand. “The addition of the IBM provisioning mandate to the Toronto Lab increases IBM's already strong commitment to R&D in Canada, and will create new jobs for skilled software developers in an increasingly important area of technology,” said **Hershel Harris**, director of the IBM Toronto Lab.

IBM has acquired Toronto-based **Think Dynamics**, a company that develops software that automates the management of data centre resources. Employees from Think Dynamics will join the IBM Toronto Lab as part of the new Tivoli team.

## Toronto firms honoured

**Optech Incorporated** of Toronto has tied with **EMS Technologies Canada, Ltd.** of Ottawa to win the 2002 Ontario Global Traders Provincial Award for innovation.

**DECODE Entertainment Inc.**, also of Toronto, has won the global traders award for product market expansion. The awards are presented by Ontario's export development agency **Ontario Exports Inc.** and lead sponsor **RBC Global Services**.

Toronto-based **Hummingbird Ltd.**, developer of enterprise information management solutions, has won the Best Solutions Award from the Government Technology Conference West 2003. Hummingbird received the award for linking geographic data through a web-based mapping interface connecting the document management technologies of Hummingbird with **Northern Colorado Water Conservancy District's** geographic information system. The awards recognize customized government solutions that have resulted in significant benefits such as reduced costs and increased efficiencies.

## Garden the city: urban food, urban beauty

Stemming from a master's project in environmental studies, a new resource regarding urban gardening, food and art has been born.

**Gardenthcity.com** is a new web site that aims to inspire people to grow their own food, encourage the support of local food alternatives, demonstrate that cities are alive and use art to represent ideas around urban food growing. The site also provides gardening tips and links to other urban gardening information, advice and products.

## TTC awarded

The **Toronto Transit Commission** was given the 2003 White Cane Week Award by the **Canadian National Institute for the Blind**, recognizing the TTC's contribution to the well-being of blind, visually impaired and deaf blind Canadians. •

## Waste Management continued from page 2

how to get the households living in 5,000 apartment buildings in the city involved. Bacopoulos said the city is looking at a couple of options but that the cost seems prohibitive so far.

Meanwhile, the city will issue a request for expressions of interest at the end of the month to get proposals on “new and emerging technologies” to dispose the forty per cent of the city’s waste stream they believe can’t be diverted with recycling or composting. It is an invitation that Bacopoulos anticipates will yield “hundreds of applications.” It may also yield another major debate at city hall, just in time for the municipal election in November.

A process that is getting a lot of attention is called “gasification,” an as-yet experimental method of heating waste in oxygen-controlled environments to extract gas that can be used to power electricity generators and an inert ash residue. Oil and chemical companies use it to create energy out of their waste products and in chemical production, but it has not been proved to work on a long-term basis for municipal garbage.

Former city councillor and works committee chair, **Betty Disero**, is shopping the idea around the city for

**Light Heat Cool Ltd.**, a member of the **MCW Group of Companies**, and Bacopoulos said that companies from as far as Japan and Europe have been hovering.

Bacopoulos believes that gasification “is a wonderful thing, if it works.” Mayoral candidate **John Tory** told **NRU** that he’s a fan of the method, although he says no

one has lobbied him on the issue. Other proposals for “new and emerging technologies” could involve biological, chemical or mechanical processes to sort and process the waste that cannot be recycled or composted.

The industry says the process is different from conventional incineration – and the city is not interested in getting proposals on incineration. But environmental groups argue that it has some of the same pitfalls as straight burning. U.S.-based **Blue Ridge Environmental Defense League** and U.K.-based **Friends of**

**the Earth** both issued papers last year warning that gasification of municipal waste produces the same type of airborne and residue toxins as incineration and also, because it relies on organic material such as food waste and paper, undermines recycling programs. •



Source: www.stu.cabln.edu.com

## CITY ELECTION 2003

Here are the latest candidates to register for the November 10 municipal election:

### Ward 3

Maurice Ferraro  
Ross Vaughan

### Ward 8

Peter Li Preti (incumbent)

### Ward 11

Rosemarie Mulhall

### Ward 16

Albert Pantaleo

### Ward 17

Alejandra Bravo  
David Senater

### Ward 18

Nha Le

### Ward 23

Ignacio Manlangit

### Ward 37

Laura-Maria Nikolareizi

### Ward 38

Tom Palantzas  
William Reodica

## Hearing adjourned for land swap vote

In a pre-hearing decision issued May 8, board member **Richard Makuch** adjourned the appeals by **Sweeny Holdings Inc.** for OPA and rezoning to permit a 20-storey, 128-unit residential condominium at **66-74 Quebec Avenue**. Initially, the appellant was seeking to have the appeal consolidated with that for the property at **20 Gothic Avenue**. At the hearing, the appellant moved ahead with requesting a hearing and abandoned the request for consolidation. Applications were made for the development approval for 66-74 Quebec Avenue but through public consultation, it became clear that an alternative development proposal would be more acceptable to the community. This would require a land exchange for the city-owned property at 20 Gothic Avenue, which is under long-term lease to **Condominium Corporations 323 and 425**.

City council has approved in principle applications for the development of 20 Gothic Avenue. The land exchange still must be approved by the owners of the units in Condominium Corporations 323 and 425 as prescribed under the *Condominium Act*, which is to be voted on in June. If the vote is in favour of the land exchange the appellant will abandon its appeals regarding the Quebec Avenue property, if not approved, the appeals of the Gothic Avenue property will be abandoned and the Quebec Avenue appeals continue. Therefore, the board finds it premature to set a hearing date at this time and adjourned the pre-hearing to July 9.

Solicitor **Adam Brown (Sherman, Brown, Dryer, Karol, Gold)** represents Sweeny Holdings Inc. **Irvin Shachter** and **William Hawryliw** are the solicitors for the **City of Toronto**. **Ron Kanter (McDonald & Hayden)** is the solicitor for the **Quebec-Gothic Concerned Neighbours Association**. Solicitor **Michael Vaughan** represents **High Park Regency Investments**. **John Davies (Hospodar, Davies & Goad)** represents York Condominium Corporations 323 and 425. (*See OMB Case No. PL020786.*)

## Appeal against infill on Raglan Ave. dismissed

In a decision issued May 8, board member **James O'Brien** allowed the motion by **1428823 Ontario Limited (Liberty Development)** to dismiss the appeal by **Adrian Spring** against *Zoning By-law 122-2003* of the **City of Toronto**. The application by the

numbered company is to rezone a property on Raglan Avenue to permit three pairs of semi-detached buildings, which was permitted through the by-law. The appellant alleges that council did not convene a second public meeting prior to the enactment of the amendment as suggested by staff and added that the amending by-law does not conform in several respects to the new official plan, not yet in force. The motion to dismiss was requested on the basis that the appeal does not disclose any land use planning ground, upon which the board could allow the appeal, it is not made in good faith and it is frivolous or vexatious. The city supported the motion to dismiss.

The board commented that its jurisdiction is to consider an appeal to the zoning by-law, not "sit in judgement of council's pre-enactment procedures." However, a declaration was on file from the administrator of the Midtown Community Council that procedures for giving notice and holding a public meeting were followed. No credible evidence was submitted to the contrary. Since the new official plan is not yet in force, conform to the plan is not relevant. Additionally, the appellant did not retain any expertise to assist in the preparation of the case and did not disclose any impact on his property. The board concluded, "there is no contrary, credible, or sustainable evidence in opposition to the by-law."

Solicitor **Lawrence Darkes** represented the City of Toronto. **Barry Horosko (Bratty & Partners)** is the solicitor for 1428823 Ontario Limited. (*See OMB Case No. PL030273.*)

## Hearing set for residential condo on St. Clair Ave. W.

In a decision issued May 6, board members **Narasim Katary** and **Robert Kay** set the hearing date for the appeals by **468 Avenue Road Holdings Inc.** for OPA, rezoning and site plan to permit a 24 storey, 140 unit residential condominium at **151, 153 and 165 St. Clair Avenue West**. Three weeks have been set for the hearing beginning July 28.

Solicitor **Adam Brown (Sherman, Brown, Dryer, Karol, Gold)** represents 468 Avenue Road Holdings Inc. **William Hawryliw** is the solicitor for the **City of Toronto**. Solicitor **Kim Kovar (Aird & Berlis)** represents **South Hill Homeowners' Inc.** (*See OMB Case No. PL020670.*)

## Hearing set for townhouses on Bathurst

In a decision issued May 5, board member **James O'Brien** set the hearing date for the appeals by **1379288 Ontario Limited** for OPA, rezoning and site plan for **4691 Bathurst Street** located on the east side **500 Ellerslie Avenue** and **45-51 Farrell Avenue** to permit 56 condominium townhouse units. Revised plans for the proposal were appealed in October 2002 and were refused by city council in April 2003. The board has set June 13 to consider a motion by the appellant regarding the matter of private road widths. The city will argue that the road widths are to be increased, while the appellant contends that the proposed widths are adequate. The hearing has been set for two days beginning July 7.

Solicitor **Jeffrey Goldenberg (Fogler, Rubinoff)** represents 1379288 Ontario Limited. **Brian Haley** is the solicitor for the **City of Toronto**. (*See OMB Case No. PL020930.*)

## Hearing adjourned and continues for Birchmount infill

In a decision issued May 2, board member **Susan Rogers** allowed the motion by **Gary Edward** and **Mae Stephenson** to rescind board order 0068 from January 16 and adjourned the hearing for the appeals by **David Brown** against applications for minor variance and severance for **4 Birchmount Road**. The committee of adjustment had granted the applications by Edward and Stephenson. The order issued by the board in January had allowed Brown's appeals of the minor variance applications and refused to authorize the variances. An affidavit from architect **A. Robert Murphy** was filed

that outlined the circumstances relating to the request to rescind the order refusing the variances.

Some months after the committee had approved the original applications, which were subsequently appealed, Murphy was advised by the city building division that the original review had failed to identify all of the variances required for the new lots. Therefore, another application was made. On the advice of city staff, the new application was only for the additional variances, instead of all the required variances. The committee approved this application and no appeal was filed. Counsel for the applicants was under the impression that a complete revised variance application had been filed, and that since there was no appeal, the variances for the proposal were final and binding. Therefore, she concluded that only a hearing on the severance applications were required and advised the board that the original minor variance applications should be considered abandoned. As a result, the board considered the applications withdrawn and issued an order allowing the appeal and refusing the variances. When the error came to light, the board was advised and requested that the board order be rescinded and that the appellants be required to consent. Counsel for the appellant refused consent, which resulted in the motion.

The board decided to rescind the order resulting in the variance application approvals proceeding to hearing. The appellant advised that he was not prepared to proceed with the variance hearing.

Solicitor **Marilyn Bergman** represents Gary Edward and Mae Stephenson. **Michael Vaughan** is the solicitor for David Brown. (*See OMB Case No. PL020484.*) •

## CITY PEOPLE

**Scott Burns**, now of **Scott Burns Planning Consultants**, has relocated his practice with **Fern Betel** to 330 Bay Street.

Ward 11 trustee **Shelley Laskin** has been appointed co-chair of the **Toronto District School Board**. She will serve as co-chair with Ward 17 trustee **Shelley Carroll**, for the remainder of the period of supervision or the balance of term of office, whichever is shorter. Laskin replaces **Donna Cansfield** who resigned May 1, but remains on the board as trustee for Ward 2.

The **Law Society of Upper Canada** will present the Law Society Medal to **Raj Anand**, **Barbara Jackman**, **Judith McCormack** and **Paul M. Perell**, all from Toronto and **The Honourable Thomas G. Zuber** from Windsor on May 21. At the same ceremony the Lincoln Alexander Award will be presented to **David Lepofsky** of Toronto.

**Maria Hale** has been appointed vice president, **Citytv Toronto**. Formerly, Hale was interactive managing director, here she headed all new media initiatives for CHUM Television's Interactive properties. •