

**THE CORPORATION OF THE CITY OF TORONTO**

**Clerk's Department**

**Minutes of the Scarborough Community Council**

**Meeting No. 6**

**Tuesday, June 20, 2000**

The Scarborough Community Council met on Tuesday, June 20, 2000, in the Meeting Hall, Scarborough Civic Centre, commencing at 9:30 a.m.

Members present:

	June 20, 2000		June 21, 2000
	9:39 a.m. - <u>12:40 p.m.</u>	2:12 p.m. - <u>6:30 p.m.</u>	9:30 a.m. <u>1:15 p.m.</u>
Councillor Bas Balkissoon, Chair	x	x	x
Councillor Gerry Altobello	x	x	x
Councillor Brian Ashton	x	x	x
Councillor Lorenzo Berardinetti	x	x	x
Councillor Raymond Cho	x	x	x
Councillor Brad Duguid	x	x	x
Councillor Norm Kelly	x	x	x
Councillor Doug Mahood	x	x	-
Councillor Ron Moeser	x	-	x
Councillor Sherene Shaw	x	x	x
Councillor David Soknacki	x	x	x
Councillor Mike Tzekas	x	x	x

Members were present for some or all of the time period indicated.

**Declarations of Interest**

Councillor Soknacki declared an interest in Minute No. 6.35 regarding No. 60 Sylvan Avenue, in that his family owns property in the area, and took no part in the discussion or vote thereon.

**Confirmation of Minutes**

On a motion by Councillor Altobello, the Minutes of the meeting of the Scarborough Community Council held on May 23, 2000, were confirmed.

**6.1 Numerous Minor Parking Regulation Amendments  
(Wards 13, 14 and 16 – Scarborough Bluffs,  
Scarborough Wexford, Scarborough Highland Creek)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that:

- (1) the parking regulations identified in Appendix 1 of this report be rescinded;
- (2) the parking/stopping regulations identified in Appendix 2 of this report be adopted; and
- (3) the appropriate by-laws be amended accordingly.

On a motion by Councillor Ashton, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 1, Report No. 7)**

**6.2 Proposed Speed Limit Reduction on Dunmurray Boulevard  
(Ward 14 – Scarborough Wexford)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that:

- (1) the 40 kilometre per hour speed limit identified in Appendix 1 of this report be adopted; and
- (2) the appropriate by-law be amended accordingly.

On a motion by Councillor Kelly, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 2, Report No. 7)**

**6.3 Traffic Controls On Bowater Drive  
(Ward 14 – Scarborough Wexford)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that:

- (1) the regulation identified in Appendix 1 of this report be adopted in order to allow for the installation of stop signs on Forestbrook Crescent and Richbourne Court where they intersect Bowater Drive; and

- (2) the appropriate by-law be amended accordingly.

On a motion by Councillor Kelly, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 3, Report No. 7)**

**6.4 Proposed Turn Prohibition at Private Driveway  
at 2511 Markham Road, North Side of Finch Avenue  
(Ward 18 – Scarborough Malvern)**

The Community Council had before it a report (June 5, 2000) from the Director of Transportation Services, District 4, recommending that:

- (1) southbound left turns and eastbound left turns be prohibited at all times at the driveway on the north side of Finch Avenue East, approximately 40 metres east of Markham Road, as identified in Appendix 1 of this report;
- (2) all costs associated with signing the eastbound and southbound turn prohibitions at the driveway be borne by the developers of the property serviced by the driveway, namely, Tzemis Investments Limited; and
- (3) the appropriate by-law be amended accordingly.

On a motion by Councillor Cho, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 4, Report No. 7)**

**6.5 Proposed Truck Prohibition and Parking Prohibition  
on Hedge End Road (Ward 18 – Scarborough Malvern)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that:

- (1) the parking regulation identified in Appendix 1 of this report be adopted;
- (2) the truck prohibition identified in Appendix 2 of this report be adopted; and
- (3) the appropriate by-laws be amended accordingly.

On a motion by Councillor Cho, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 5, Report No. 7)**

**6.6 Preliminary Report - Application to Amend  
The Highland Creek Community Zoning By-law  
Whirl Construction Limited, Waikit Lui Louise et al  
John and Margaret MacCallum and Cassie Zundel  
3986, 3988 and 3992 Ellesmere Road and Bluenose Crescent  
File Number SC-Z20000008  
(Ward 16 – Scarborough Highland Creek)**

The Community Council had before it a report (June 1, 2000) from the Director of Community Planning, East District, recommending that staff be authorized to schedule a Public Meeting under the Planning Act and notice be given according to the regulations under the Planning Act.

On a motion by Councillor Soknacki, the Scarborough Community Council approved the aforementioned report.

**(Clause No. 19(b), Report No. 7)**

**6.7 Preliminary Report  
Official Plan Amendment Application SC-P20000004  
Zoning By-law Amendment Application SC-Z20000009  
Bozian Holdings, 5060 Sheppard Avenue East  
Marshalling Yard Employment District  
(Ward 18 – Scarborough Malvern)**

The Community Council had before it a report (June 2, 2000) from the Director of Community Planning, East District, recommending that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillors;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) staff be authorized to schedule a Public Meeting under the Planning Act to consider this application and notice be given according to the regulations under the Planning Act.

On a motion by Councillor Cho, the Scarborough Community Council approved the aforementioned report.

**(See also Minute No. 6.33)**

**(Clause No. 19(c), Report No. 7)**

**6.8 Preliminary Report - Application to amend the  
Employment Districts Zoning By-law (Marshalling Yard)  
Imperial Oil Limited, 5551 and 5571 Finch Avenue East  
File Number SC-Z20000013  
(Ward 18 – Scarborough Malvern)**

The Community Council had before it a report (May 30, 2000) from the Director of Community Planning, East District, recommending that:

- (1) staff be authorized to schedule a Public Meeting under the Planning Act to consider this application; and
- (2) notice for the Public Meeting be given according to the regulations under the Planning Act.

On a motion by Councillor Cho, the Scarborough Community Council approved the aforementioned report.

**(Clause No. 19(d), Report No. 7)**

**6.9 Request for Direction  
Minor Variance Application A24/00-SC  
F. Benincasa, 25 Meadowcliffe Drive  
(Ward 13 – Scarborough Bluffs)**

The Community Council had before it a report (may 26, 2000) from the Director of Community Planning, East District, recommending that City Council direct the City Solicitor not to attend any Ontario Municipal Board Hearing with respect to minor variance application A24/00-SC.

On a motion by Councillor Ashton, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 9, Report No. 7)**

**6.10 Consent Approvals (All Scarborough Wards)**

The Community Council had before it a report (June 1, 2000) from the Director of Community Planning, East District, advising Community Council of the Consent Decisions granted by the Director and recommending that this report be received for information.

On a motion by Councillor Berardinetti, the Scarborough Community Council received the aforementioned report.

**(Clause No. 19(f), Report No. 7)**

**6.11 Site Plan Control Approvals (All Scarborough Wards)**

The Community Council had before it a report (June 1, 2000) from the Director of Community Planning, East District, advising Community Council of the Site Plan Control Approvals granted by the Director and recommending that this report be received for information.

On a motion by Councillor Berardinetti, the Scarborough Community Council received the aforementioned report.

**(Clause No. 19(g), Report No. 7)**

**6.12 New Applications Received (All Scarborough Wards)**

The Community Council had before it a report (June 1, 2000) from the Director of Community Planning, East District, advising Community Council of the new Applications received, and recommending that this report be received for information.

On a motion by Councillor Berardinetti, the Scarborough Community Council received the aforementioned report.

**(Clause No. 19(h), Report No. 7)**

**6.13 Ontario Municipal Board Hearings (All Scarborough Wards)**

The Community Council had before it a report (June 1, 2000) from the Director of Community Planning, East District, advising Community Council of the status of the various appeals before the Ontario Municipal Board, and recommending that this report be received for information.

On a motion by Councillor Berardinetti, the Scarborough Community Council received the aforementioned report.

**(Clause No. 19(i), Report No. 7)**

**6.14 Parkland Encroachment Policy and Procedures**

The Community Council had before it a communication (June 6, 2000) from the Commissioner of Economic Development, Culture and Tourism, forwarding the proposed Parkland Encroachment Policy and Procedures with the request that the Community Council consider the recommendations embodied therein, and described in Attachments Nos. 1 and 2, and submit its comments to the Economic Development and Parks Committee meeting to be held on July 12, 2000.

On a motion by Councillor Altobello, the Scarborough Community Council advised the Economic Development and Parks Committee that it supports the recommendations embodied in the report (June 6, 2000) from the Commissioner of Economic Development, Culture and Tourism.

**(Clause No. 19(l), Report No. 7)**

**6.15 Recreational Program Opportunities in the Glendower Community  
(Ward 17 – Scarborough Agincourt)**

The Community Council had before it a report (May 31, 2000), responding to a request by Community Council that staff investigate the recreational program opportunities in the north-west area of Scarborough, overlapping into the North York community, and submitting an information report thereon to the Community Council.

On a motion by Councillor Shaw, the Scarborough Community Council received the aforementioned report; and directed the Director of Parks and Recreation, East District, to establish an ad hoc committee comprising the Ward Councillors, three representatives from the Community and appropriate staff to consider on going recreational issues in this community.

**(Clause No. 19(m), Report No. 7)**

**6.16 Status Report  
No. 45 Greencrest Circuit  
(Ward 16 – Scarborough Highland Creek)**

The Community Council had before it a report (June 6, 2000) from the Commissioner of Urban Development Services, responding to Community Council's direction that a report be submitted to this meeting on the status of the repair issues at No. 45 Greencrest Circuit; advising that the various Departments have undertaken inspections, as directed; that the Division will continue to liaise with the property management and conduct follow-up inspections; and recommending that this report be received for information.

On a motion by Councillor Soknacki, the Scarborough Community Council received the aforementioned report.

**(Clause No. 19(n), Report No. 7)**

- 6.17 City-initiated Official Plan Amendment**  
**Zoning By-Law Amendment Applications SC-Z19990019 and**  
**SC-Z19990027 to SC-Z19990031, inclusive, SC-Z1999048 and SC-Z1999049**  
**Draft Plan of Subdivision Applications SC-T19990003 and**  
**SC-T1999006 to SC-T1999010, inclusive, SC-T1999015 and SC-T1999016**  
**Village Securities Ltd., c/o Neamsby Investments Inc.**  
**554056 Ontario Limited**  
**Silvercore Properties Inc.**  
**M & R Holdings**  
**The Neilson Development Corporation (Mattamy Development Company)**  
**The Staines Development Corporation (Mattamy Development Company)**  
**1385917 Ontario Limited**  
**Trans-Gate Inc.**  
**Steeles Avenue; Rouge River; CPR Havelock,**  
**Belleville and Connector Lines**  
**Morningside Heights Community**  
**(Formerly Tapscott Employment District)**  
**and Upper Rouge Community**  
**(Ward 18 – Scarborough Malvern)**

The Community Council had before it the following reports:

(June 14, 2000) from the Director of Community Planning, East District, recommending that City Council:

(A) ZONING BY-LAW

- (1) direct the City Solicitor and Urban Development Services staff to attend the Ontario Municipal Board hearing supporting Council's position with respect to zoning amendment applications SC-Z19990027 to SC-Z19990031 inclusive, SC-1990048 and SC-Z19990049;
- (2) defer approval of zoning by-law application SC-Z19990019 (Village Securities Ltd.) until such time as a decision has been issued by the Ontario Municipal Board on the development applications that have been appealed to the Board;
- (3) support, in principle, the provisions of the Morningside Heights Community Zoning by-law incorporating the provisions summarised below;

Residential Uses

The minimum lot area, frontage and other performance standards for residential uses shall be as set out in the following table:



Scarborough Community Council Committee Minutes  
 Tuesday, June 20, 2000

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**MORNINGSIDE HEIGHTS COMMUNITY  
 SUMMARY OF RESIDENTIAL PERFORMANCE STANDARDS**

Zoning Category	Lot Type Permitted	Minimum Lot Frontage (m)	Minimum Lot Area (m <sup>2</sup> )	Minimum Front Yard Setback		Minimum Side Yard (m)	Minimum Rear Yard Setback (m)	Building Height (m)
				Main Wall (m)	Garage (m)			
S	Single Detached	18.3	500	3.0	5.7	0.6/1.2	7.25	12.5
		16.7	455					12.5
		14.0	340					12.5
		12.2	305					12.5
		11.0	265					12.5/14.5
		9.75	265					12.5
SD	Semi-detached	8.53	230	3.0	5.7	1.2	7.25	12.5
		9.15	225	3.0	5.7	1.2	7.25	12.5
ST	Street townhouses	5.5	200	3.0	5.7	1.2	7.25	12.5/14.5
ST-L	Street lane townhouses	5.5	180	3.0	5.7	0.6	7.25	12.5
M	Block townhouses @ 30 units per ha	not applicable	not applicable	3.0	5.7	1.2	7.25	12.5

Business Park (BP) Zone

Permitted Uses:

- Light Industrial Uses (within wholly enclosed buildings; no outside storage; no fish, meat or poultry processing);
- Offices;
- Day Nurseries;
- Financial Institutions;
- Education and Training Facility Uses (within wholly enclosed buildings);
- Recreation Uses;
- Restaurants;
- Banquet Hall;
- Health Centre;
- Fire Station/Police Station;
- Community Centre.

Retail uses and places of worship are also permitted uses in the southern part of the Business Park, south of a point 120 metres south of the HEPC corridor. The lot area of retail uses shall not exceed 40% of this part of the Business Park.

For lots abutting the CPR Havelock line, north of the HEPC corridor, the combined total of the side yards for buildings with a mutual side lot line, measured perpendicular from the mutual side lot line, shall not exceed 15 metres for a portion of the mutual side yards.

Maximum gross floor area - 0.5 times lot area.

Any use which is offensive by reason of transmission of noise or vibration, or, the emission of gas fumes, heat, radiation, dust or odour is prohibited.

Neighbourhood Commercial (NC) Zone

Permitted Uses:

- |                                    |                      |
|------------------------------------|----------------------|
| - Bank                             | - Automatic Car Wash |
| - Business and Professional Office | - Bakery             |
| - Medical Centre                   | - Studio             |
| - Service Shop and Agency          | - Laundromat         |
| - Restaurant                       | - Dry Cleaning Depot |
| - Retail Store                     | - Library            |
| - Drug Store                       | - Day Nursery        |

Community Commercial (CC) Zone

Permitted Uses:

- Financial Institution
- Service Shops and Agency
- Health Club
- Dry Cleaning Depot
- Vehicle Sales Operation
- Vehicle Service Garage
- Automatic Car Wash
- Business and Professional Offices
- Restaurant, Tea Room, Cafeteria, Tavern
- Frozen food storage and space rental and other commercial storage if incidental to and a part of the retail shopping use
- Places of Entertainment and Recreation
- Drive-through Restaurant
- Custom workshop for sale of goods on premises to include a Tailor and Bake Shop
- Retail Store
- Studio
- Laundromat
- Library
- Day Nursery
- Vehicle Service Station
- Drive-through Restaurant

Park (P) Zone

the Park Zone permits public recreational cultural and conservation activities, facilities and services;

Open Space (O) Zone

the Open Space Zone permits only public works and prohibits buildings. It is applied to the valley lands, top of bank lands, woodlots and other areas where buildings are prohibited;

Public Utility (PU) Zone

Permitted Uses:

- Horticulture;
- Pipeline;
- Public Utility;
- Conservation Uses;
- Recreational Uses;
- Stormwater Management Facilities;

School (S) Zone

Permitted Uses:

- School and School Site;
- Day Nursery;

Holding (H) Zone Provisions

Holding Zone provisions shall be used with respect to lands potentially affected by the possible extension of Morningside Avenue and may be removed in whole or in part when Council has made a determination on the future extension of Morningside Avenue. After this determination has been made, the lands will be zoned in accordance to the Morningside Heights Secondary Plan and the resulting designs of the Morningside Avenue extension;

Holding Zone provisions may similarly be utilised for school sites and removed when Council is satisfied a school site is not required for school or park purposes;

- (5) support any unsubstantive, technical, stylistic or format changes to the By-law to properly carry out these recommendations.

(B) DRAFT PLANS OF SUBDIVISION:

- (1) recommend that the Chief Planner defer draft approval of subdivision application, SC-T1999003 - Village Securities Ltd., until a decision has been issued by the Ontario Municipal Board on the appealed development applications;
- (2) adopt, in principle, the conditions of draft approval, as set out in Section 6.1 to 6.47 inclusive and Section 7, for draft plan application SC-T1999003 Village Securities Ltd, and direct staff to modify draft conditions based on the final and binding decision made by the Ontario Municipal Board on the appealed development applications that may result in changes to these conditions of draft approval;
- (3) following decision by the Ontario Municipal Board on the appealed applications, authorise the City of Toronto's appropriate signing officers to enter into the necessary Agreements with the Owners, required to develop plans of subdivision SC-T1999003 - Village Securities Ltd. SC-T1999006 - 554056 Ontario Limited, SC-T1999007 - Silvercore Properties Inc., SC-T1999008 - M & R Holdings, SC-1999009 -Mattamy (Neilson) Limited (successors in title to The Neilson Development Corporation), SC-

T1999010 - Mattamy (Staines) Limited (successors in title to The Staines Development Corporation), SC-T1999015 1385917 Ontario Limited and SC-T1999016 - Trans-Gate Inc. and to authorise the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services to implement all relevant operating agreements;

- (4) authorise the City of Toronto's appropriate signing officers to execute such conveyancing documents and agreements as are necessary to obtain bicycle and trail rights over the Ontario Hydro Services Company Corridor;
- (5) direct the City Solicitor and Urban Development Services staff to attend the Ontario Municipal Board hearing supporting Council's position with respect to Draft Plans of Subdivision applications SC-T19990006 to SC-T19990010 inclusive, SC-T19990015 and SC-T19990016;
- (6) support approval of the following Draft Plans of Subdivision, subject to the following general conditions, which are applicable to all draft plans of subdivision. In the event of a conflict between the general conditions and the conditions specific to a plan of subdivision, the conditions specific to that plan of subdivision shall prevail. Except as otherwise noted, these conditions must be fulfilled prior to release by the City of Toronto of the plans of subdivision for registration or any phase thereof for registration:

SC-T1999006 - 554056 Ontario Limited

SC-T1999007 - Silvercore Properties Inc.

SC-T1999008 - M & R Holdings

SC-T1999009 - Mattamy (Neilson) Limited  
(successors in title to The Neilson Development Corporation)

SC-T1999010 - Mattamy (Staines) Limited  
(successors in title to The Staines Development Corporation)

SC-T1999015 - 1385917 Ontario Limited and

SC-T1999016 - Trans-Gate Inc.;

Conditions of Draft Approval for Plans of Subdivisions, SCT-19990003, SC-T19990006 to SC-T19990010 inclusive, SC-T19990015 and SC-T19990016.

- 6.1 A Cost Sharing Agreement shall be executed by each Owner within the Morningside Heights Secondary Plan prior to final Registration of their respective Plan of Subdivision. Final registration of the plan of subdivision for an Owner shall not be permitted until that Owner has executed the Cost Sharing Agreement, which Agreement shall be satisfactory to the City Solicitor in accordance with Condition 6.2 below. The Agreement shall provide for the timely completion of Core Services and parkland dedication for the development of the plans of subdivision.
- 6.2 The Cost Sharing Agreement shall provide for, among other things:
- 6.2.1 The delivery of Core Services to service the Plans of Subdivision to ensure the orderly development of the subdivisions. The provision for delivery of Core Services shall be in a manner satisfactory to the City of Toronto and shall include, but not necessarily be limited to:
- (i) the construction of an operational, secured, storm drainage outlet to the Morningside Tributary, including all storm water management related issues to service the entire Secondary Plan area for Morningside Heights;
  - (ii) an operational trunk water main looping through the Secondary Plan area from the current water main stubs located south of the CPR lines on Neilson Road and Morningside Avenue;
  - (iii) the construction of the extension of the sanitary trunk sewer from Staines Road north of the Hydro Corridor, to Passmore Road at the CPR Havelock line; and
  - (iv) an operational internal and external road network to service the transportation needs of the plans of subdivision;
- 6.2.2 The provision for the delivery and construction of the required five percent park dedication under the Planning Act, the trail system pursuant to the Master Open Space and Trail Plan and other matters relating to the open space,

woodlots, valleylands and parks within the plans of subdivision satisfactory to the Commissioner of Economic, Development, Culture and Tourism, the Commissioner of Works and Emergency Services and the City Solicitor.

6.3 The Owners shall submit, with the plans of subdivision, a Master Environmental Servicing Plan (M.E.S.P.) satisfactory to the Commissioner of Works and Emergency Services. The implementation of the works set out in the M.E.S.P. shall be formalised in a manner satisfactory to the Toronto Region Conservation Authority, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism in conjunction with approval of engineering designs to secure construction.

6.3.1 With respect to storm water management and drainage, the M.E.S.P. shall address the following:

- (i) the manner in which storm water will be conveyed, including how each subdivision ties into existing development and how it conforms with the M.E.S.P.;
- (ii) the appropriate Storm Water Management Practices (SWMPs) to be used to treat storm water, to ensure no negative impact on the quality and quantity of ground and surface water resources;
- (iii) the location and description of all outlets and other facilities which may require permits under provincial regulations; and
- (iv) the manner in which the Owners shall ensure that the works proposed within the open space valley corridors associated with the Rouge River, Morningside Tributary and Neilson Tributary shall be consistent with the goals and objectives of the Rouge Park Management Plan satisfactory to the Toronto and Region Conservation Authority and the Commissioner of Works and Emergency Services in consultation with the Commissioner of Economic Development, Culture and Tourism.

6.4 Following acceptance of the M.E.S.P., the Owners shall submit detailed design engineering drawings in accordance with the M.E.S.P. satisfactory to the Commissioner of Works and Emergency Services and the Toronto and Region Conservation

Authority. The detailed design engineering drawings and submissions shall also provide for the following:

- (i) contract management and project administration that would include the issuance of permits under Ontario Regulation 158 among other matters;
- (ii) a construction schedule that sets out the servicing requirements and other site preparations in relations to the timely development of the secondary plan area including construction within the valley lands, open space, and table land areas;
- (iii) assurance that all works under Ontario Regulation 158 shall be carried out within the permitted time, as prescribed by the Ministry of Natural Resources; and
- (iv) a report outlining the methods proposed to address treatment of shallow subsurface flows during and after construction satisfactory to the Toronto and Region Conservation Authority.

- 6.5 Prior to final approval of the storm water management facilities within the Ontario Hydro Services company lands, the Owners shall obtain Ontario Hydro Services Company approval. The easements for storm water management facilities within the Ontario Hydro Services Company lands will be purchased by the Owners and conveyed to the City of Toronto.
- 6.6 The Owners shall negotiate to secure an Agreement for bicycle and trail system easements over the Ontario Hydro Services Company lands within the Morningside Heights area for the City of Toronto. If easements are granted in principle by the Ontario Hydro Services Company for the bicycle and trail systems, said easements shall be obtained by the City of Toronto satisfactory to the Ontario Hydro Services Company.
- 6.7 In the event that approval of the detailed engineering design submissions results in a change to the accepted M.E.S.P., the plans of subdivision shall be red line revised to accommodate the requirements of storm water management reports and the Master Open Space Trail Plan, satisfactory to the Commissioner of Urban Development Services, Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism.
- 6.8 Upon submission of permit applications under Ontario Regulation 158 from the Toronto and Region Conservation Authority and



other appropriate Ministries, for the works associated with the channel realignment and stream crossings, the Owners shall also submit in conjunction therewith, the detailed engineering designs for the channel to the Department of Works and Emergency Services. No other works within the regulatory fill line area, shall commence prior to the issuance of permits under Ontario Regulation 158, without the consent of the Commissioner of Works and Emergency Services and the Toronto and Region Conservation Authority.

- 6.9 The Owners shall, together with the final approval of engineering design drawings, obtain approval of all the necessary grading plans from the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism. A copy of lot grading and drainage plans, where such plans of subdivision abut the Ontario Hydro Services Company lands, shall also be delivered to Ontario Hydro Services Company for review and approval.
- 6.10 The Owners shall obtain all necessary easements and/or permits from the various authorities, Toronto Region and Conservation Authority, Canadian Pacific Railway (CPR), Ontario Hydro Services Company and Pipe Line Companies as required by these agencies to secure drainage design satisfactory to the Commissioner of Works and Emergency Services. The Owners shall agree to pay all associated costs to obtain said easements and/or permits.
- 6.11 The Owners shall obtain written approval from the Ontario Hydro Services Company that the storm water management facilities for any on its lands or abutting its property have been constructed to their satisfaction prior to the City of Toronto assuming these facilities.
- 6.12 The Owners shall make satisfactory arrangements with the City of Toronto and the CPR regarding the Finch Avenue and the Morningside Avenue grade separation and road improvements.
- 6.13 The Owners shall, subject to arrangements satisfactory to the City of Toronto provide the necessary lands north of the CPR spur line and shall make satisfactory arrangements with the Commissioner of Works and Emergency Services to provide all necessary funding for the construction of the Neilson Road grade separation.

- 6.14 The Owners shall make satisfactory arrangements with the City of Toronto regarding intersection and/or road improvements as deemed necessary by the Commissioner of Works and Emergency Services to service the plans of subdivision. Intersection and/or road improvements shall include:
- (i) improvements to the Staines/Finch intersection, including an additional west bound lane on Finch Avenue from Staines Road to Neilson Road;
  - (ii) improvements to the Neilson and Finch intersection in the event that these intersection improvements are required before the Morningside/Finch intersection improvements have been completed by the City of Toronto;
  - (iii) improvements to Passmore Avenue to the CPR Havelock line until the ultimate alignment for the Morningside Avenue extension is determined by the City of Toronto.
  - (iv) improvements to Morningside Avenue north from Neilson Road to a point north of the hydro corridor. From north of the CPR Belleville line to Neilson Road, the Owners shall denote the 36 metre (118 feet) right-of-way for Morningside Avenue on a reference plan, but shall not dedicate the lands until the final alignment for Morningside and Finch Avenues is determined. The draft plans shall be red line revised in the event any adjustment is necessary as a result of the final intersection design.
  - (v) improvements to Neilson Road, north of Finch Avenue.
  - (vi) new traffic control signals or upgrades to existing signals, as warranted associated with the foregoing list of improvements and at intersections on Morningside Avenue north of the CPR Belleville line within the development lands.
- 6.14.1 Engineering drawings shall be submitted that will include configurations of intersections, introduction of separate turning lanes, turning radii and lane widths, among other items which shall be provided to the City of Toronto in a manner satisfactory to the Commissioner of Works and Emergency Services.
- 6.14.2 The Owners shall make the necessary redline changes to the plans of subdivision regarding rights-of-way, corner roundings, sight lines and 0.3 metre (1 foot) reserves satisfactory to the Commissioner of Works and Emergency Services in consultation with the Commissioner of Urban Development Services.

- 6.15 The Owners shall enter into the appropriate Subdivision Agreements with the City of Toronto. The executed Subdivision Agreements shall be forwarded to the Toronto and Region Conservation Authority for reference and information and shall, among other things, provide for, the Owners to:
- (i) obtain all necessary permits;
  - (ii) cause all works to be carried out in accordance with the approved detailed design engineering submissions;
  - (iii) maintain all works completed by the Owner, satisfactory to the Commissioner of Works and Emergency Services, the Commissioner of Economic Development, Culture and Tourism and the Toronto Region and Conservation Authority, for a period of time as prescribed in the Agreement;
  - (iv) provide 1.8 metre (6 feet), black vinyl chain link fencing where residential lots abut or flank, Ontario Hydro Services Company corridor lands, open space, valleylands and woodlots satisfactory to the Commissioner of Works and Emergency Services and the Toronto and Region Conservation Authority.
- 6.16 The Owners shall enter into an Agreement with Toronto Hydro for the installation of an underground hydro and street lighting system.
- 6.17 The Owners shall provide detailed planting, restoration and/or re-naturalisation plans for all woodlots, open space, and valley lands, satisfactory to the Toronto and Region Conservation Authority, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism, prior to or in conjunction with engineering design approvals for the development of the Plans of Subdivision.
- 6.17.1 On acceptance of the detailed planting and restoration plans as set out above, each Owner shall, at registration, convey the open space, valley lands and woodlots within their respective Plans of Subdivision to an appropriate public agency for nominal consideration in a condition satisfactory to the City of Toronto and the Toronto and Region Conservation Authority as specified in draft conditions of approval for each of the plans of subdivision.
- 6.18 Each Owner shall obtain approval of the Ministry of Citizenship, Culture and Recreation of archaeological assessments for the

subject properties and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Without the prior written approval of the Commissioner of Works and Emergency Services, no grading or other soil disturbances shall take place on the subject properties until the City of Toronto and the Ministry of Citizenship, Culture and Recreation confirm that all archaeological resource concerns have been identified and appropriate licensing and resource conservation requirements have been established.

- 6.19 The Owners shall agree, in the Subdivision Agreements, to include in all offers of purchase and sale or lease, the following warning clause for a period of 10 years after registration of the subdivision plan:

“Until adequate funds are available for the construction of local school facilities, accommodation will be provided at facilities outside of the area. If bussing is provided by the Toronto District School Board, children will not be bussed from home to school and/or from school to home, but will meet the bus at designated locations in the area.”

- 6.20 The Owners shall make satisfactory arrangements with the City of Toronto regarding the acquisition and or exchange and/or closure and/or reconstruction of the alignment of Staines Road, Neilson Road, Morningside Avenue, Passmore Avenue and Finch Avenue.
- 6.21 The Owners shall ensure, at their cost, that parkland dedication and timing of parkland dedication to the City of Toronto for each of the plans of subdivision are satisfactory to the Commissioner of Economic Development, Culture and Tourism. The statutory 5% parkland requirement shall be met over the combined area of the plans of subdivision. The Owners shall pay for the costs of the dedications, including any Land Transfer Tax and the preparation and registration of all relevant documents.
- 6.22 Final location, configuration and the development of all parkland fulfilling the statutory parkland dedication to be conveyed to the City of Toronto, shall be free and clear, above and below grade, of all easements, encumbrances and encroachments, save and except those in favour of the City of Toronto, satisfactory to the Commissioner of Economic Development, Culture and Tourism.
- 6.23 Prior to dedication of the parkland, each Owner shall be responsible for Phase I Environmental Assessment and/or any

subsequent Environmental Assessments of the lands to be conveyed as parkland to the City and any associated costs or remediation works required as a result of those assessments. Such assessments or remediation shall ensure the lands for parkland dedication, at the time of dedication, will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. The Environmental Assessment shall be prepared by a qualified environmental consultant acceptable to the Commissioner of Economic Development, Culture and Tourism.

6.24 The Owners shall provide, at their cost, all legal descriptions and applicable reference plans of survey for the parkland dedication lands, satisfactory to the City Solicitor.

6.25 The Owners shall be responsible for the following Base Park improvements of those lands to be dedicated as park:

- (i) grading, sodding, and fencing (inclusive of topsoil supply and placement);
- (ii) all necessary drainage systems;
- (iii) electrical and water connections to the street line; and
- (iv) street trees and other plantings shall be provided by the Owners along all public road allowances abutting City owned parkland.

6.25.1 The above noted works shall be completed satisfactory to the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Works and Emergency Services. Timing and installation of fencing will be determined prior to registration of the plans of subdivision. No credit shall be given towards the Park and Recreation component of the Development Charges for the costs associated with the above noted Base Park improvements.

6.26 The Owners shall make arrangements for timing and amount of Letters of Credit for 120% of the value of Base Park installation, parkland improvements and street trees and other plantings that permits the rotation of Letters of Credit satisfactory to the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Finance.

- 6.27 The Owners shall be responsible for the design, construction and installation of all parkland improvements, above and beyond the Base Park improvements satisfactory to the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Works and Emergency Services. The Owners' expenditure towards parkland improvements above Base Park improvements shall not exceed the amount of the Parks and Recreation service component of the Development Charges available from the plans of subdivision. The Owners shall receive a credit against the Parks and Recreation Service component of the Development Charges for the cost of the parkland improvements.
- 6.28 The Owners may be permitted to use parkland sites as an interim construction staging area, but only until such time as the first residential dwelling unit in the vicinity of the parkland sites is ready for occupancy, satisfactory to the Commissioner of Economic Development, Culture and Tourism.
- 6.29 Final design and programming of all parkland conveyed to the City of Toronto shall be satisfactory to the Commissioner of Economic Development, Culture and Tourism.
- 6.30 The Owners shall contribute \$50,000 towards a Recreational Impact Assessment, which will be administered by the Economic Development, Culture and Tourism Department.
- 6.31 In preparation of the Lot Drainage and House Site Control Plans, each Owner shall provide plans showing the itemised methods of protecting trees during construction beside and around woodlots in order to minimise impacts on trees being retained. The plan shall be completed satisfactory to the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Works and Emergency Services.
- 6.32 The Owners shall provide detailed plans and Arborist Reports, which shall be prepared by a certified or registered consulting arborist or registered professional forester. These reports and plans shall indicate location of existing trees that meet the criteria of the Tree Protection and Conservation By-law No. 25150 and shall be prepared in consultation with the Commissioner of Economic Development, Culture and Tourism, at no cost to the City, prior to the approval of engineering designs by the Commissioner of Works and Emergency Services.

- 6.33 Prior to approval of the detailed engineering designs by the Commissioner of Works and Emergency Services, the Owners shall provide vegetation management plans that shall include the identification of certain areas that require silvicultural management, and recommendation of proposed management methods, including:
- (i) areas that will be disturbed by development;
  - (ii) areas of high priority for invasive species management;
  - (iii) areas of hazard tree management where changes to moisture gradients will result from development;
  - (iv) areas of identified rare species that may be under threat due to changing site use, due to invasive plants or due to changing ecological conditions.
- 6.34 The Owners shall provide, in conjunction with the detailed design engineering drawings, planting plans or landscape plans satisfactory to the Commissioner of Economic Development, Culture and Tourism that indicate the species, size, and location of all proposed street trees and other plantings, and location of any roads, sidewalks, driveways, street lines and utilities. The planting and landscape plans shall be approved in conjunction with the approval of engineering designs by the Commissioner of Works and Emergency Services.
- 6.35 The Owners shall make satisfactory arrangements regarding street tree plantings and associated plantings with the Commissioner of Works and Emergency Services Department and the Commissioner of Economic Development, Culture and Tourism, as per the approved planting plans or landscape plans. There shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the Developer (and their agents). At the end of that period, the City shall accept maintenance responsibilities and return the Letter of Credit issued in respect of planting and landscaping.
- 6.36 The Owners shall agree, satisfactory to the Commissioner of Economic Development, Culture and Tourism, that wording be added to all Agreements of Purchase and Sale for:
- (i) lots abutting City owned parkland or open spaces maintained by the City that prohibit the installation of any form of screening or fencing along their abutting property lines other than the standard 1.8 metre (6 feet), black vinyl chain link fence required by the City;

- (ii) lots abutting City owned parkland or open spaces maintained by the City that prohibit gates or private accesses onto parkland or open spaces; and
- (iii) lots abutting City owned parkland or open spaced maintained by the City that warn that there may a trail in the abutting parkland or open spaces.

(NOTE: No wording shall be in any agreements of purchase and sale guaranteeing that there will be one street tree per lot, or words to that effect.)

6.37 The Owners shall make satisfactory arrangements with the City of Toronto regarding:

- (i) the conveyance to the City of Toronto of all services and easements as required by the Commissioner of Works and Emergency Services; and
- (ii) the conveyance of all lands to the City of Toronto shall be free and clear, above and below grade, of all easements, encumbrances and encroachments, except those existing already on the lands that are for the benefit of the City of Toronto.

6.38 The Owners shall prepare the final plans of subdivision in metric units related to the Ontario Co-ordinate System and shall submit a digital plan to the Commissioner of Works and Emergency Services.

6.39 The Owners shall satisfy all requirements, financial and otherwise, of the Commissioner of Works and Emergency Services including, among other matters, selected inspection fees and the provision of geodetic and aerial surveys.

6.40 The Owners shall locate any required acoustical fence(s) satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.

6.41 The Owners shall retain an architect acceptable to the City of Toronto to formulate privately administered Architectural Design Control Guidelines and shall covenant and agree in the Subdivision Agreement to implement the Architectural Control Guidelines.



- 6.42 The Owners shall name road allowances included in the plans of subdivision satisfactory to the Commissioner of Works and Emergency Services.
- 6.43 The Owners shall make satisfactory arrangements, financial and otherwise, with Bell Canada or such other telecommunications provider, satisfactory to the City Solicitor, for the delivery of telecommunication services to the plans of subdivision and shall provide the necessary easements for the installation of the services essential to the delivery of telecommunication services to the community.
- 6.44 The Owners shall implement recommendations numbers 1 to 4 inclusive and number 7 contained in the Noise and Vibration Analysis Morningside Heights dated July 21, 1999 prepared by Jade Acoustics satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.
- 6.45 The Owners shall be required to submit a revised Noise and Vibration Analysis prepared by a qualified noise consultant in order to provide for additional analysis of existing industrial facilities surrounding the subject properties for their respective draft plans of subdivision. Such report(s) shall be prepared satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services and shall assume that no buildings have been constructed within lands designated as Business Park in the Morningside Heights Community Plan. The Owner shall be required to implement the recommendations of the revised analysis satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.

In the event that buildings are constructed within the Business Park in a manner that provides noise buffers to residential dwellings, the Owners may submit an addendum or supplemental report to their original Noise and Vibration Analysis. The Owners shall then be required to implement the recommendations of the addendum or supplemental report satisfactory to the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.

Owners having residential lots within 75 metres (246 feet) of the CPR rights-of-way shall be required to address, in their Noise and Vibration Analysis, ground-borne vibration due to the rail sources.

- 6.46 The Owners shall use their best efforts to utilise existing topsoil and plant material, such as cedars and yellow birch, in the renaturalisation of the Morningside Tributary. Such work shall be completed satisfactory to the Toronto Region and Conservation Authority.
- 6.47 The Owners shall make satisfactory arrangements, financial and otherwise, with Enbridge Consumers Gas or such other gas provider satisfactory to the City Solicitor, for the delivery of gas services to the plans of subdivision and shall provide the necessary easements for the installation of services essential to the delivery of gas services to the community.
- (7) Conditions pertaining only to SC-T19990003 (Village Securities Ltd.) plan of subdivision dated May 3, 2000:
- 7.1 The Owner shall make red-line changes to the plan of subdivision satisfactory to the Commissioner of Urban Development Services so no Trans-Northern Pipeline right-of-way is included in the dwelling lots. The Owner shall ensure that dwelling units shall be set back a minimum of 7.5 metres (25 feet) from the Trans-Northern Pipelines Inc. right-of-way limits.
- 7.2 The Owner shall be required to provide a letter of approval from the Trans-Northern Pipelines Inc. prior to approval of engineering designs by the Commissioner of Works and Emergency Services.
- 7.3 Those portions of Block 83 as defined by the Commissioner of Economic Development, Culture and Tourism that are not within the 30 metre (100 feet) top-of-bank setback on the plan of subdivision dated May 3, 2000 shall be dedicated, free and clear of all encumbrances, to the City of Toronto as parkland.
- 7.4 The Owners shall ensure that there will be no soil disturbance of any nature within the proposed boundaries of the draft plan of subdivision prior to determining a clear definition of boundaries for AkGT-17 (Archie Little II). The boundary definition for the Ak-Gt-17 (Archie Little II) site shall be established through an archaeological assessment by a licensed archaeological consultant satisfactory to the Ministry of Citizenship, Culture and Recreation.

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- 7.5 The Owner shall enter into an Agreement satisfactory to the Toronto Region Conservation Authority and the City of Toronto regarding the conveyance of the stream corridor and woodlots (that portion of Block 83 and Block 85 to Block 89 inclusive within the 30 metre setback) to an appropriate public agency for a nominal consideration.
- (8) Conditions pertaining only to SC-T19990006 (554056 Ontario Limited) plan of subdivision dated April 27, 2000, SC-T19990007 (Silvercore Properties Inc.) plan of subdivision dated April 24, 2000 and SC-T19990016 (Trans-Gate Inc.) plan of subdivision dated April 20, 2000:
- 8.1 The Owners shall, at their expense, erect a berm or combination berm and noise attenuation fence, having extensions or returns of the ends, on adjoining property, parallel to the railway right-of-way satisfactory to CPR and the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services.
- 8.2 The Owner shall include in all offers of purchase and sale or lease, and cause to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, a clause advising that any berm, fencing or vibration isolation features implemented are not to be tampered with or altered, and that the Owner and successors in title shall have the sole responsibility for and shall maintain these features.
- 8.3 The Owner shall ensure that dwellings be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. The Owner shall be required to complete a noise report(s) by a professional noise consultant and implement any recommendations contained in the report satisfactory to CPR and the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services. The noise report shall determine what impact, if any, railway noise would have on residents of proposed subdivisions and recommend mitigation measures, if required, satisfactory to the Railway and the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services.
- 8.4 All dwellings units shall be set back from the railway right-of-way a minimum 30 metres (100 feet). An accessory building, such as a garage, may be built closer to the right-of-way in consultation with the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services. A berm adjacent

to the right-of-way shall be provided in all instances satisfactory to CPR.

- 8.5 Ground vibration transmission shall be estimated through site tests. If they are in excess of the acceptable levels, the Owners shall implement vibration mitigation measures satisfactory to the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services for all dwellings within 75 metres (246 feet) of the nearest track.
- 8.6 The Owner shall include in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 metres (984 feet) of the railway right-of-way, a warning to prospective purchasers or tenants of the existence of the CPR's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansions may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
- 8.7 The Owner shall ensure that any proposed alterations to the existing drainage pattern affecting the railway property receives prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed and approved by CPR in consultation with the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services.
- 8.8 A 1.8 metres (6 feet) high chain-link fence shall be constructed and maintained in consultation with the Commissioner of Urban Development Services and the Commissioner of Works and Emergency Services along the common property line of the Railway and the development by the developer at his expense, and the developer shall include a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.
- 8.9 Any proposed utilities prior under or over CPR property to serve the development shall be approved by CPR in consultation with the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services prior to their installation and be covered by the Railway's standard agreement.

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- 8.10 The Owner shall enter into a Development Agreement with CRP, which addresses CPR's concerns and will pay all of the Railway's administrative costs.
- (9) Conditions pertaining only to SC-T19990006 (554056 Ontario Limited) for the plan of subdivision dated April 27, 2000:
- 9.1 The Owner shall defer development of Lots 696 to 704 inclusive, Lots 723 to 747 inclusive and Block 943 on Plan SC-T19990006 until the Toronto and Region Conservation Authority staff and the Commissioner of Works and Emergency Services are satisfied in consultation with the Commissioner of Economic Development, Culture and Tourism that the stormwater management ponds proposed within the Morningside Tributary corridor can be accommodated.
- 9.2 The Owner shall make arrangements satisfactory to the Toronto District School Board and the Toronto Catholic School Board to grant those School Boards an option to purchase Block 955, for elementary school purposes.
- 9.3 The Owner shall make arrangements satisfactory to the City of Toronto to grant the City the right of first refusal to purchase Block 955. This right of first refusal to the City will arise in the event that the respective School Boards do not exercise their options to purchase this Block for school sites. The right of first refusal to the City shall be open and exercisable by it for a period of twelve months from the expiration or termination of the options to purchase granted to the two School Boards. The terms of purchase by the City shall be to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, its Commissioner of Works and Emergency Services, and to the City Solicitor.
- 9.4 In the event that Block 955 is acquired by the Toronto District School Board and the Toronto Catholic School Board, the Owner shall ensure that this block will meet all applicable laws, regulations and guidelines respecting sites to be used for school and public park purposes including any City of Toronto and Ministry policies. Such opinion shall be prepared by a qualified environmental consultant acceptable to the Medical Officer of Health.
- 9.5 The Owner shall ensure that any clearing, including the removal of any structures or trees, and grading of blocks for school purposes be undertaken satisfactory to the Toronto District School Board,

the Toronto Catholic School Board, the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism.

- 9.6 Issuance of building permits shall be restricted for lots north of Street F and east of the Morningside Tributary until a secondary road access and/or watermain looping is adequately provided satisfactory to the Commissioner of Works and Emergency Services.
- 9.7 The Owner shall ensure that residential lots shall be set back 10 metres from the Trans-Northern Pipelines Inc. right-of-way limit satisfactory to the Trans-Northern Pipelines Inc. and the Commissioner of Urban Development Services.
- 9.8 The Owner shall be required to provide a letter of approval from the Trans-Northern Pipelines Inc. prior to approval of final engineering designs by the Commissioner of Works and Emergency Services.
- 9.9 Block 956 and Blocks 961 to 965 inclusive shall be dedicated, free and clear of all encumbrances, to the City of Toronto for park purposes.
- 9.10 Blocks 966 and 967 shall be dedicated to the Toronto and Region Conservation Authority.
- 9.11 The Owner shall defer development of Lots 887 to 908 inclusive, on the plan of subdivision dated April 27, 2000, pending completion of redline changes to the plan of subdivision for park area(s) satisfactory to the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services.
- 9.12 The Owner shall defer development of Block 953 for five years after registration of this plan of subdivision, pending the final determination of access to the Maduri/Pittelli property. The Owner may make satisfactory arrangements with Messrs. Maduri and Pittelli to grant them an option to purchase Block 953 for access purposes. If no such access has been proposed through development applications for Block 953 at the end of the five year term, the Block shall be developed according the provisions of the Morningside Heights Community Zoning By-law.

- 9.13 The Owner shall defer development of Lots 226 to 207 inclusive and Street Q from the cul-de-sac to Street O until such time as the boundaries of the woodlot are justified satisfactory to the City of Toronto and the Toronto and Region Conservation Authority.
- 9.14 The Owner shall prepare an edge management plan and environmental impact statement to establish the final boundary of the woodlot. These reports shall include, but are not limited to, recommendations dealing with grading, fencing, protection of the woodlot during and after construction and access to the woodlot in a manner satisfactory to the Toronto and Region Conservation Authority and the City of Toronto
- 9.15 In the event that any portion of or all of Lots 226 to 207 inclusive and Street Q from the cul-de-sac to Street O are deemed part of the woodlot, the Owners shall dedicate those areas to the Toronto and Region Conservation Authority.
- 9.16 The Owners shall include in all offers of purchase and sale or lease the following warning clause for a period of 10 years after registration of their plans of subdivision for all lots north of Street F satisfactory to the Chief General Manager or Manager of Service Planning of the Toronto Transit Commission:
- "Despite the best efforts of the Toronto Transit Commission (TTC), transit service by the TTC may not be accommodated in this area."
- 9.17 The Owner shall defer development of Block 977 until the location of the extension of Morningside Avenue or a proposed lotting concept plan has been finalised for this Block satisfactory to the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services.
- 9.18 The Owner shall make red-line changes to the plan of subdivision generally in the area of Lots 150 to 187 inclusive, Lots 565 to 558 inclusive, Lots 618 to 630 inclusive, Lot 671 to 684 inclusive Block 942, Street Q from Staines Road to Street R, Street R from Staines Road to Street Q, Street S and Street T to accommodate a realignment of Staines Road, satisfactory to the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services.
- (10) Conditions pertaining only to SC-T19990007 (Silvercore Properties Ltd.) for plan of subdivision dated April 24, 2000:

- 10.1 The Owner shall defer development of Lots 1 to 32 inclusive and Blocks 251 and 254 as shown on the plan of subdivision until the Toronto and Region Conservation Authority staff and the Commissioner of Works and Emergency Services are satisfied in consultation with the Commissioner of Economic Development, Culture and Tourism that the stormwater management ponds proposed within the Morningside Tributary corridor can be accommodated.
- 10.2 Those portions of Block 256 as defined by the Commissioner of Economic Development, Culture and Tourism that are not within the 30 metre (100 feet) top-of-bank setback shall be dedicated, free and clear of all encumbrances, to the City of Toronto for park purposes.
- (11) Conditions pertaining only to SC-T19990008 (M & R Holdings) and SC-T19990010 (Mattamy (Staines) Limited):
- 11.1 The Owner shall ensure that dwellings be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. The Owner shall be required to complete a noise report(s) by a professional noise consultant and implement any recommendations contained in the report satisfactory to CPR and the Commissioner of Urban Development Services in consultation with the Commissioner of Works and Emergency Services. The noise report shall determine what impact, if any, railway noise would have on residents of proposed subdivisions and recommend mitigation measures, if required, satisfactory to CPR and the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services.
- 11.2 The Owner shall include in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300 metres (1,000 feet) of the railway right-of-way, a clause warning prospective purchasers or tenants of the existence of the CPR's operating right-of-way; the possibility of alterations including the possibility that CPR way may expand its operations, which expansions may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that CPR will not be responsible for complaints or claims arising from the use of its facilities and/or operations.



- 11.3 The Owner shall enter into a Development Agreement with CPR, which addresses the CPR's concerns and will pay all of CPR's administrative costs.
- (12) Conditions pertaining only to SC-T19990008 (M & R Holdings) draft plan of subdivision dated April 26, 2000:
- 12.1 Blocks 235 to 237 inclusive on the plan of subdivision shall be dedicated, free and clear of all encumbrances, to the City of Toronto for park purposes.
- 12.2 The Owner shall make arrangements satisfactory to the Toronto District School Board to grant the School Board an option to purchase Block 234 for elementary school purposes.
- 12.3 The Owner shall make arrangements satisfactory to the City of Toronto to grant the City the right of first refusal to purchase Block 234. This right of first refusal to the City will arise in the event that the School Board does not exercise their options to purchase this Block for a school site. The right of first refusal to the City shall be open and exercisable by it for a period of twelve months from the expiration or termination of the options to purchase granted to the School Board. The terms of purchase by the City shall be to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services, and to the City Solicitor.
- 12.4 In the event that Block 234 is acquired by the Toronto District School Board, the Owner shall ensure that this block will meet all applicable laws, regulations and guidelines respecting sites to be used for school and public park purposes including any City of Toronto and Ministry policies. Such opinion shall be prepared by a qualified environmental consultant acceptable to the Medical Officer of Health.
- 12.5 The Owner shall ensure that any clearing, including the removal of any structures or trees, and grading of blocks for school purposes be undertaken satisfactory to the Toronto District School Board, the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism.
- 12.6 The Owner shall defer development of Block 231 and that portion of Block 232 as deemed satisfactory to the Commissioner of Works and Emergency Services pending the completion of detailed

engineering designs on the future grade separation of Neilson Road.

- (13) Conditions pertaining only to SC-T19990009 (Mattamy (Neilson) Limited) draft plan of subdivision dated April 25, 2000:
- 13.1 The Owner shall defer development of Lots 1 to 25 inclusive and Lots 111 to 113 inclusive and portions of Street AM perpendicular to the Buffer Reserve and to Street AP until the Toronto and Region Conservation Authority and Commissioner of Works and Emergency Services are satisfied that the limit of the woodlot is sufficiently justified satisfactory to the Toronto and Region Conservation and the City of Toronto.
  - 13.2 The Owner shall prepare an edge management plan and environmental impact statement to establish the final boundary of the woodlot. These report shall include, but are not limited to, recommendations dealing with grading, fencing, protection of the woodlot during and after construction and access to the woodlot in a manner satisfactory to the Toronto and Region Conservation Authority and the City of Toronto.
  - 13.3 The Owner shall be required to provide a letter of approval from the Trans-Northern Pipelines Inc. prior to approval of final engineering designs by the Commissioner of Works and Emergency Services.
  - 13.4 The Owner shall grant all necessary easements satisfactory to the Trans-Northern Pipelines Inc.
  - 13.5 Block 129 on the plan of subdivision shall be dedicated, free and clear of all encumbrances, to the City of Toronto for parkland.
  - 13.6 Block 130 on the plan of subdivision shall be dedicated to the Toronto and Region Conservation Authority. In the event that any portion of or all of Lots 1 to 25 inclusive and Lots 111 to 113 inclusive and portions of Street AM parallel to the Buffer Reserve and perpendicular to Street AP are deemed part of the woodlot, the Owners shall dedicate those areas to the Toronto and Region Conservation Authority.
  - 13.7 The Owner shall defer development of portions Block 132 from Passmore Avenue to the north limit of Street AP, until the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services are satisfied with

the location of the extension of Morningside Avenue or with a proposed lotting concept plan for this portion of the Block.

- (14) Conditions pertaining only to SC-T19990010 (Mattamy (Staines) Limited) plan of subdivision dated April 26, 2000:
- 14.1 The Owner shall make arrangements satisfactory to the Toronto District School Board to grant the School Board an option to purchase Block 489 for elementary school purposes.
  - 14.2 The Owner shall make arrangements satisfactory to the City of Toronto to grant the City the right of first refusal to purchase Block 489. This right of first refusal to the City will arise in the event that the School Board does not exercise their option to purchase this Block for a school site. The right of first refusal to the City shall be open and exercisable by it for a period of twelve months from the expiration or termination of the options to purchase granted to the School Board. The terms of purchase by the City shall be to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, the Commissioner of Works and Emergency Services, and the City Solicitor.
  - 14.3 In the event that Block 489 is acquired by the Toronto District School Board, the Owner shall ensure that this block will meet all applicable laws, regulations and guidelines respecting site to be used for school and public park purposes including any City of Toronto and Ministry policies. Such opinion shall be prepared by a qualified environmental consultant acceptable to the Medical Officer of Health.
  - 14.4 The Owner shall ensure that any clearing, including the removal of any structures or trees, and grading of blocks for school purposes be undertaken satisfactory to the Toronto District School Board, the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism.
  - 14.5 The Owner shall install a 1.8 metres (6 foot) City of Toronto standard chainlink fence satisfactory to the Commissioner of Works and Emergency Services along the Lane abutting Lot 217 and Lots 236 to 238 inclusive.
  - 14.6 The Owner shall defer development of Lots 361 to 372 inclusive, Lots 398, 399, 424 and 425 pending the completion of redline changes to the plan of subdivision for park area(s) satisfactory to

the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Urban Development Services.

- 14.7 Block 490 on the plan of subdivision, shall be dedicated, free and clear of all encumbrances to the City of Toronto for parkland.
- 14.8 The Owner shall reserve lands within the Business Park on the south-west corner of Street B and the proposed Morningside Avenue extension satisfactory to the Chief General Manager or Manager of Service Planning of the Toronto Transit Commission for a future bus loop.
- 14.9 The Owner shall make satisfactory arrangements with the Toronto Transit Commission in consultation with the City of Toronto regarding the funding and construction of the proposed bus loop to be located on the south-west corner of the proposed Finch Avenue extension and the proposed Morningside Avenue extension.
- 14.10 The Owner shall defer development of Lots 236 to 239 inclusive, Blocks 476 to 479 inclusive, Blocks 486, 487, Street B (from the possible Finch Avenue extension to Street X), Lane BD and Lane BE and that portion of Street B, Street X from Street B to Lane BE and portions of the proposed Morningside Avenue extension satisfactory to the Commissioner of Works and Emergency Services pending the completion of the Morningside Avenue and Finch Avenue Class Environmental Assessment satisfactory to the Commissioner of Works and Emergency Services in consultation with the Commissioner of Urban Development Services.
- 14.11 the Owner shall defer development of Lots 76 to 82 inclusive, Lots 97 to 102 inclusive, Lots 113, 114 and Block 483 until the Toronto and Region Conservation Authority and the Commissioner of Economic Development, Culture and Tourism staff are satisfied that the storm water management ponds proposed within the stream corridor can be accommodated;
- 14.12 the Owner shall make red-line changes to the plan of subdivision satisfactory to the City of Toronto to provide a single loaded road abutting the Pitchfork Tributary. The road shall have a 16.5 metre (54 feet) right-of-way and there shall be no retaining walls abutting the Pitchfork Tributary; and

(C) OTHER MATTERS:

15. recommend that Scarborough Community Council direct City Council to place the improvements to Finch Avenue and Morningside Avenue as a high priority in the City's 2001/2002 Capital Works Program.

(June 19, 2000) from the Director of Community Planning, East District,

Purpose:

To bring forward minor changes and clarify certain staff recommended conditions of draft approval for the above noted plans of subdivision in Recommendation Report No. 3 and to replace Attachment 2 with the Revised Attachment 2 appended to this report.

To seek authority to initiate an Official Plan Amendment to redesignate lands shown as "P-Open Space Neighbourhood Park" to "O-Open Space" on the north side of the Ontario Hydro Services Company corridor, for lands owned by Village Securities Ltd., as now requested by Economic, Development Culture and Tourism staff.

Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that City Council:

(A) OFFICIAL PLAN AMENDMENT:

- (1) authorise staff to initiate the process for an Official Plan Amendment to redesignate lands shown as "P-Open Space Neighbourhood Park" to "O-Open Space" on the north side of the Ontario Hydro Services Company corridor for lands owned by Village Securities Ltd.;
- (2) authorise staff to target a public meeting under the Planning Act for September 2000 and that notice be given in accordance with the regulations under the Planning Act.

(B) DRAFT PLANS OF SUBDIVISION

- (1) modify Condition 7.1 as follows:

7.1 "The Owner shall make red-line changes to the plan of subdivision satisfactory to the Commissioner of Urban Development Services

so that the Trans-Northern Pipeline right-of-way is excluded from any dwelling lots. The Owner shall ensure that the dwelling units shall be set back a minimum of 7.25 metres (23.7 feet) from the Trans-Northern Pipelines Inc. right-of-way limits.";

- (2) modify Condition 9.7 as follows:

9.7 "The Owner shall ensure that the dwelling units shall be set back a minimum of 7.25 metres (23.7 feet) from the Trans-Northern Pipelines Inc. right-of-way limits.";

- (3) modify Condition 9.13 as follows:

9.13 "The Owner shall defer development of lots 207 to 227 inclusive and Street Q from the cul-de-sac to Street O until such time as the boundaries of the woodlot are justified satisfactory to the City of Toronto and the Toronto and Region Conservation Authority.";

- (4) modify Condition 15 as follows:

15. "Place the improvements to Finch Avenue and Morningside Avenue as a high priority in the City of Toronto's 2001/2002 Capital Works Program";

- (5) modify Page 32 of Recommendation Report No. 3 as follows:

(i) Delete the words, "final and binding" from the third paragraph, last sentence.; and

- (6) delete Attachment 2 of Recommendation Report No. 3 and replace it with the Morningside Heights Community Secondary Plan appended as, Revised Attachment 2, to this report.

Background:

Staff are recommending modest modifications to certain proposed conditions of draft plan approval and the replacement of Attachment No. 2 with a corrected version.

Planning staff prepared OPA No. 1045 based on a plan of subdivision by Village Securities Ltd. dated June 1, 1999. The Official Plan Amendment is now in effect and was set out in a manner that incorporated recommendations by Parks staff. Revisions to the Village Securities Ltd. plan of subdivision were received by staff after Scarborough Community Council considered OPA No. 1045.

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Comments:

Parks staff after completing their review of the revised plan have advised that they are not prepared to accept the proposed park block (north of the Ontario Hydro Services Company corridor) due to encroachments on the required 30 metre top-of-bank setback from the Rouge River.

Recommendation Report No. 3 did not include the position of Parks staff since confirmation of this matter was received after the report was signed.

Attachment 2 illustrating the Morningside Heights Community Secondary Plan has been revised to reflect the Ontario Municipal Board's decision of February 22, 1999 respecting the 30 metre top-of-bank buffer from the Rouge River.

Conclusion:

Staff recommend that the modified conditions of draft approval be adopted by Council and that Council authorise staff to initiate an Official Plan Amendment to redesignate those lands shown as "P-Open Space Neighbourhood Park" to "O-Open Space" on the north side of the Ontario Hydro Services Company corridor for lands owned by Village Securities Ltd.

Contact:

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E-mail: [kdarling@city.toronto.on.c](mailto:kdarling@city.toronto.on.c)

(May 1, 2000) from the Director of Transportation Services, District 4:

Purpose:

To propose an alternative alignment for a small portion of Staines Road which would reduce speeds and lessen future traffic infiltration.

Financial Implications and Impact Statement :

There are no financial implications arising from this report.

Recommendations :

It is recommended that:

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- (1) the lengthy straight alignment of Staines Road proposed within the Morningside Heights Community, measuring approximately 800 metres in length, be interrupted by a physical realignment of the road north of the intersection of Street "F", the main east-west collector road; and
- (2) as illustrated in concept by Attachment 1, the developer(s) should revise their Draft Plans of Subdivision to accommodate a westerly shift of approximately 90 metres in the alignment of Staines Road, north of Street "F".

Background:

As a result of the recommendation by UDS staff to support the original Draft Plans of Subdivision as submitted for the alignment of Staines Road, Transportation Services submits this report as an alternate recommendation for the alignment of a portion of Staines Road to reduce traffic speeds and neighbourhood traffic infiltration.

Comments:

Staines Road is being planned as a collector road connecting Steeles Avenue in the north to the Morningside Avenue/Finch Avenue area in the south within the proposed Morningside Heights Community. It would service a number of intersecting local streets within the proposed Draft Plans of Subdivision to provide access out to the main arterial roads. It would be a continuous north-south through route with major internal intersections only at other collector roads, such as Street "F" (i.e., the main east-west collector road) and Street "B" (i.e., the southern gateway into the community). Being a continuous north-south route through the new community, it also has the potential to attract some motorists external to the community with a view towards finding a "short-cut" between Steeles Avenue and the Morningside Avenue/Finch Avenue area.

Due to a particularly lengthy section of Staines Road in the area across the Hydro corridor proposed by the developer(s) through their Draft Plans of Subdivision, Transportation Services staff expressed concern over its attractiveness to "short-cutting" traffic and potential speeding problems created by this alignment. This one section, measuring about 800 metres in length, represents about one-third of the entire journey between Steeles Avenue and the future Morningside Avenue/Finch Avenue intersection. In order to avoid future complaints over high speeds typically resulting on straight sections of roadway such as this, Transportation Services staff recommended that a discontinuity be introduced on Staines Road by shifting the alignment to the west, north of Street "F". This change would not affect the collector road function of Staines Road, nor would it impact upon the transit route through the community which would use Street "F" and Staines Road to the south only. It would effectively and physically force infiltrating motorists to make a number of stops and low speed turns in this location; thereby reducing its attractiveness as a short-cut route and resolving the speeding concern.



Conclusions:

Transportation Services staff recommend that the lengthy straight alignment of Staines Road, generally found north and south of the Hydro corridor and measuring about 800 metres in length, should be interrupted by a physical realignment of the road. This concern stems from the potential use of Staines Road as an infiltration route between Steeles Avenue and the Morningside/Finch area, and for speeds to be particularly high on the subject stretch. For example, if Staines Road was made discontinuous at Street "F", and its alignment shifted westerly north of Street F, then infiltrating motorists would be forced to make a number of stops and low-speed turns in this location; thereby, reducing its attractiveness as a short-cut route and resolving the speeding concern.

Contact:

Peter J. Noehammer, P.Eng.  
Manager, Traffic Planning/Right-of-Way Mgmt., Works and Emergency Services  
Tel: 396-5670  
Fax: 396-5681  
E-Mail: noehammer@city.toronto.on.ca

The Community Council also had before it the following communications:

(June 15, 2000) from Lorne Ross, Lorne Ross Planning Services Inc.:

I have reviewed your report dated June 14th to the Scarborough Community Council's June 20th meeting regarding the Village Securities applications.

I will be seeking instructions from my client regarding a number of matters contained in the report however there is one matter which requires immediate attention.

There appears to be some confusion as to the official Plan designation of lands adjacent to the 10 m EIZ along the top-of-bank of the Rouge River in both the Village Securities lands and also the adjoining Silvercore and Transgate properties. We were led to believe from the staff reports of March and April that a "P-Open Space-Neighbourhood Park" designation applied to the 20m blocks on the Transgate and Silvercore lands and that this designation would be extended through the Official Plan amendment across the Village Securities lands.

Although the amendment text and Notice both state that a 'P-Open Space-Neighbourhood Park' designation will be applied to the Village Securities lands, the map attached to the amendment employs an 'OS-Open Space' designation. In addition, no park or open space designation appears on the Silvercore and Transgate properties in the amendment map or Notice.

Notwithstanding the map attached to the Official Plan Amendment, the “P-Open Space-Neighbourhood Park” designation of the Transgate and Silvercore properties reappears in your most recent staff report, see Attachment 2, Morningside Heights Community Secondary Plan, dated June 13th, 2000.

The difference is significant to Village Securities.

Your recommended draft plan conditions require dedication for nominal consideration of open space, (see condition 6.17.1). Lands dedicated as parks, on the other hand, count toward the statutory 5% maximum parkland contribution (see condition 6.21).

Village Securities has made it plain to Community Council and to your staff that they will dedicate for a nominal consideration all portions of the draft plan which are within the valley and within 10 m of the stable top of bank. We have been equally plain in stating that we will not dedicate for nominal consideration any other portions of the property beyond lands required to satisfy the statutory maximum 5% parkland dedication.

Village Securities was not provided with a copy of the amendment until after its enactment by Toronto Council. There is no question that the amendment is substantially of advantage to Village Securities interests in its designation of Low and Medium Density residential lands. However, it is unfair to designate the 20 m blocks for Open Space if there is any implication or expectation on the City’s part that by virtue of this designation these lands must be conveyed to the City at nominal consideration.

It is particularly unfair to designate Village Securities lands Open Space if in fact there is no comparable designation for Neighbourhood Park or for Open Space on the adjacent Silvercore and Transgate properties.

In order to prepare our presentation to Scarborough Community Council for June 20th, Village Securities needs to understand your opinion on three questions arising from these observations:

1. How do you interpret Official Plan Amendment 1045 with respect to the 20 m blocks when the text of the amendment and Notice describes it as ‘P-Open Space Neighbourhood Park’ but the schedules show it as ‘OS-Open Space’.
2. Are the 20 m blocks in the Silvercore and Transgate properties designated ‘P-Open Space-Neighbourhood Park’ as shown on attachment 2 to your June 14th report, titled Morningside Heights Community Secondary Plan and all version of this drawing in previously published staff reports; or are they designated Low Density Residential, as shown in the schedules to Amendment 1045 and the Notice of Enactment.

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3. Does the City expect that land will be dedicated at nominal consideration to the City if it is designated 'Open Space', whereas land designated 'P-Open Space Neighbourhood Park' will be acquired by the City for valuable consideration or as 5% statutory parkland dedication.

Your opinion on these matters is of critical importance to Village Securities in preparing their submission to Scarborough Community Council. We would appreciate your response at the earliest opportunity. We request an opportunity to meet with you on Monday June 19th to discuss these matters in advance of the Community Council meeting.

(June 19, 2000) from Bela Kaposi for Bela & Patricia Kaposi:

Comments

We are the owners of a parcel of land abutting the north limit of the Hydro line on the east side of Neilson Road. The owners do not support the proposed subdivision layouts where they abut the north and east limits of the Kaposi ownership. The owners also object to the relocation of the Neilson Tributary as proposed.

Further, we do not support the By-law amendment applications to implement the proposed subdivisions.

Recommendations

That a 30 metre wide strip of land be delineated abutting on the north and east boundary of the Kaposi ownership to provide for the Neilson tributary. The 30 metre wide strip of land to be shown on the draft plans of the Raponi and 554056 Ontario Limited ownerships.

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The Community Council also had before it a communication (May 30, 2000) from Mr. Jim Robb, Friends of the Rough Watershed, submitting for consideration of the Community Council, conditions that should be fulfilled prior to approval of the Draft Plan of Subdivision applications.

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Lorne Ross, Lorne Ross Planning Services, Inc., representing Village Securities Limited, requesting approval of his client's Zoning By-law Amendment at this time and expressing concerns related to Conditions Nos. 6.17 and 7.5 embodied in the report of the Director of Community Planning, dated June 14, 2000, and referred to in his foregoing communication;

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- Mr. Bela Kaposi, in opposition to the application as expressed in his foregoing communication;
- Mr. John Bousfield, on behalf of the Morningside Heights applicants;
- Mr. Garry Watchorn, on behalf of the Morningside Heights applicants;
- Mr. Hugh Wilkins, Morris Rose Ledgett, Barristers and Solicitors, on behalf of Cedar Brae Golf and Country Club;
- Mr. Andrew Madden, Morningside Heights applicants;
- Mr. Paulo Raponi, an area landowner; and
- Mr. Kulbir Singh, owner of a business in the area.

Upon the question of the adoption of Recommendation No. (2), to defer approval of the Zoning By-law Amendment Application by Village Security, a recorded vote was taken, as follows:

Yeas: Councillors Ashton, Cho, Mahood, Tzekas –4

Nays: Councillors Altobello, Balkissoon, Berardinetti, Duguid, Kelly, Soknacki, Shaw –7

Decided in the negative by a majority of 3.

- A. Councillor Kelly moved that this matter be held down and heard as the first item after the Fair Hearings that are scheduled for 2:00 p.m.
- B. Councillor Ashton moved that this matter be held down and heard at 9:30 a.m. on June 21, 2000.
- C. Councillor Mahood moved that this matter be held down and heard at 10:00 a.m. on July 19, 2000.

Upon the question of the adoption of Motion A. by Councillor Kelly, a recorded vote was taken:

Yeas: Altobello, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki –7

Nays: Councillors Ashton, Cho, Mahood, Tzekas –4

Decided in the affirmative by a majority of 3.

Motions B. and C. by Councillors Ashton and Mahood were not voted upon as the motion of Councillor Kelly carried.

**(Refer also to Minute Nos. 6.27 and 6.40)**

**(Clause No. 13, Report No. 7)**

**6.18 Public Meeting – Alteration of a Public Highway  
Birchmount Road Pedestrian Refuge Island at  
The Scarborough Hospital – Grace Division  
(Ward 17 – Scarborough Agincourt)**

The Community Council pursuant to Clause No. 9 of Report No. 5 of the Scarborough Community Council, as adopted by Council on May 9, 2000, conducted a public hearing with respect to the proposed by-law to construct a pedestrian refuge island on Birchmount Road at the Scarborough Hospital – Grace Division and published in the Toronto Sun newspaper on May 29, June 5, 12 and 19, 2000 notice of this public hearing.

On a motion by Councillor Shaw, the Scarborough Community Council recommended to City Council that, as the requirements of the Municipal Act were fulfilled and no evidence was presented to the Community Council to persuade it that the proposed by-law should not be enacted, the by-law to give effect to the Pedestrian Refuge Island on Birchmount Road at the Scarborough Hospital – Grace Division, in the form of the draft by-law attached thereto be enacted.

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Colonel Irene Stickland, The Scarborough Hospital – Grace Division;
- Ms. Sylvia Pusey, Member of the Hospital Advisory Committee; and
- Ms. Lois James, Member, The Toronto Pedestrian Committee.

**(Clause No. 7, Report No. 7)**

**6.19 Installation of a “Bubble” Over Five Outdoor Tennis Courts  
at L’Amoreaux Tennis Centre  
(Ward 17 – Scarborough Agincourt)**

The Community Council had before it a report (May 31, 2000) from the Commissioner of Economic Development, Culture and Tourism, recommending that staff take the necessary action to proceed with the installation of an air-inflated structure over five of

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the existing outdoor tennis courts at the L'Amoreaux Tennis Centre, as approved in the 2000 Capital Budget.

A. Councillor Shaw moved that:

- (1) the recommendation embodied in the aforementioned report be struck out; and
- (2) staff be directed to proceed with the installation of a permanent structure over five of the existing outdoor tennis courts at the L'Amoreaux Tennis Centre, and take the necessary action to define the source of funding over the next three years in the Capital Budget.

**(Lost)**

B. Councillor Berardinetti moved that Scarborough Community Council recommend to City Council the adoption of the aforementioned report.

**(Carried)**

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Dave Currie, President, L'Amoreaux Winter Tennis Club, in support of the tennis bubble;
- Mr. Ozzie Salens, area resident, who tabled a petition containing 436 signatures in support of the tennis bubble, which is on file in the Office of the City Clerk, Scarborough Civic Centre;
- Mr. John Montague, representing seniors, in support of the tennis bubble;
- Mr. Wes Lore, Scarborough Junior Tennis Club, who tabled a petition containing 315 signatures in support of the tennis bubble, which is on file in the Office of the City Clerk, Scarborough Civic Centre;
- Mr. Michael Del Grande, Co-President, Silver Springs Community Association, in opposition to the tennis bubble, who tabled a letter from Jim Karygiannis, M.P., Scarborough-Agincourt, indicating his support for the erection of a permanent structure, and a copy thereof is on file in the Office of the City Clerk, Scarborough Civic Centre;

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- Ms. Cathy Gaspar, area resident, who tabled a petition containing 164 signatures in opposition to the tennis bubble, which is on file in the Office of the City Clerk, Scarborough Civic Centre; and
- Mr. Troy Russell, tennis player, in support of the bubble.

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The Community Council also received the following communications:

- (i) (June 1, 2000) from Councillor Sherene Shaw forwarding the following communications:
- (ii) (April 27, 2000) from Mike Del Grande, Co-President, Silver Springs Community Association;
- (iii) (April 28, 2000) from Mary Creighton, Manager, Parks and Recreation, North Region, East District, enclosing letter (April 24, 200) from Mr. Dave Currie, President, Scarborough Winter Tennis Club;
- (iv) (June 1, 2000) and (May 19, 2000) from Dave Currie;
- (v) (June 19, 2000) from Reni Barlow, Principal, Silver Springs Public School, in support of the bubble;
- (vi) (June 15, 2000) from William Targett, Principal, St. Sylvester Catholic School, in support of the bubble;
- (vii) (June 16, 2000) from Elisabeth Partridge, Co-President, Silver Springs Community Association, advising that the community is not opposed to a cover over the tennis courts, but definitely does not support the bubble;
- (viii) (June 17, 2000) from Dave Currie, President, Scarborough Winter Tennis Club; and
- (ix) (June 19, 2000) from Cathy Gaspar and Jacqueline Lynch, in opposition to the bubble;

a copy of all of the foregoing communications was provided to all Members of the Community Council, and a copy thereof is on file in the Office of the City Clerk, Scarborough Civic Centre.

**(Clause No. 10, Report No. 7)**

**6.20 Status Report – Site Plan Control Application SS98069  
Parasco Morrish Inc., 34 Morrish Road  
(Ward 16 – Scarborough Highland Creek)**

The Community Council had before it a report (May 29, 2000) from the Director of Community Planning, East District, responding to a request by Councillor Moeser that the result of staff negotiations to resolve issues related to the aforementioned Site Plan Control Application be reported to Scarborough Community Council; concluding that the latest proposed site plan is satisfactory to staff, such that the site plan may now be approved, and recommending that this report be received for information.

On a motion by Councillor Soknacki, the Scarborough Community Council deferred consideration of the foregoing report to its next regular meeting to be held on July 18, 2000 to allow the Ward Councillors an opportunity to obtain an update on the status of the Urban Design Study for Highland Creek and to have a meeting with the Highland Creek Community Association.

The Community Council also received a communication (June 19, 2000) from Councillor Moeser requesting that the aforementioned report be deferred for consideration on July 18, 2000, to permit him the opportunity to obtain an update on the status of the urban Design Study for Highland Creek and to have a meeting with the Highland Creek Community Association.

Mr. Bill Kew, representing Parasco Morrish Inc., appeared before the Community Council and requested that the Director of Community Planning, East District, now approve the Site Plan application by Parasco Morrish Inc.

**(Clause No. 19(e), Report No. 7)**

**6.21 Disposition of Former City of Scarborough Boundary Signs  
(All Scarborough Wards)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that one of the former City of Scarborough boundary signs be forwarded to the City of Toronto archives, and at least two signs be forwarded to the Scarborough Historical Society.

On a motion by Councillor Ashton, the Scarborough Community Council approved the aforementioned report, subject to adding that the fourth boundary sign, which is in poor condition, be forwarded to Mr. Richard Schofield, Scarborough Historical Society.

**(Clause No. 19(a), Report No. 7)**



**6.22 Harmonization of By-Laws passed Under Section 210 of the Municipal Act - The Keeping of Lands in a Clean Condition**

The Community Council had before it a communication (May 24, 2000) from the City Clerk, forwarding the report (March 27, 2000) from the Commissioner of Urban Development Services, and the proposed harmonized by-law appended thereto, with the request that the Community Council submit its comments thereon to the Planning and Transportation Committee.

On a motion by Councillor Ashton, the Scarborough Community Council advised the Planning and Transportation Committee that it supports the recommendations embodied in the report (March 27, 2000) from the Commissioner of Urban Development Services.

**(Clause No. 19(j), Report No. 7)**

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The Community Council recessed at 12:40 p.m.

The Community Council reconvened at 2:12 p.m.

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**6.23 Official Plan Amendment Application SC-P19990015  
Zoning By-Law Amendment Application SC-Z19990026  
Petro Canada  
3270 Kingston Road and 5 Bellamy Road South  
Scarborough Village Community  
(Ward 13 – Scarborough Bluffs)**

The Community Council conducted a statutory public meeting, in accordance with Section 17 and Section 34 of The Planning Act; appropriate notice of this meeting having been given in accordance with The Planning Act and the regulations thereunder; and had before it a report (May 9, 2000) from the Director of Community Planning, East District, recommending that City Council:

(1) Official Plan Amendment:

amend the Scarborough Village Community Secondary Plan with respect to the property located at the northeast corner of Kingston Road and Bellamy Road, by deleting the Neighbourhood Commercial Uses designation and incorporating a Medium Density Residential designation, to permit the development of 32 townhouses;

(2) Zoning By-law Amendment:

amend the Scarborough Village Community Zoning By-law Number 10010, as amended, with respect to 3270 Kingston Road and 5 Bellamy Road South, being Part of Block H, Registered Plan 1104 and Part of Lot1, Registered Plan 1834, by deleting the existing zoning, replacing it as follows:

- (a) permitted use: Multiple-Family Residential (M) Zone;
- (b) one dwelling unit per 110 square metres (1,184 square feet) of lot area;
- (c) minimum building setback 2 metres (6 feet) from the street line;
- (d) minimum east side-yard building setback 5 metres (15 feet);
- (e) minimum building setback 0.6 metres (2 feet) abutting the Single-Family Residential (S) Zone;
- (f) the General Provisions requiring a minimum 1.5 metres (5 feet) landscaping strip abutting the Single-Family Residential (S) Zone, shall not apply;
- (g) maximum building coverage 45 percent of the area of the lot;
- (h) maximum building height 3 storeys; and
- (i) an attached garage shall be erected with each dwelling unit;

the provisions of this By-law shall apply collectively to this property notwithstanding its division into two or more parcels;

(3) Site Plan Control:

enact a Site Plan Control By-law to place 5 Bellamy Road South under Site Plan Control; and

(4) Miscellaneous:

authorize such unsubstantive technical, stylistic or format changes to the Official Plan and Zoning By-law Amendments as may be required to properly carry out the intent of this resolution.

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- A. Councillor Altobello moved that the aforementioned report be deferred to the next Scarborough Community Council meeting scheduled to be held on July 18, 2000 at 2:00 p.m. or as soon thereafter as possible; and the Public Meeting be continued at that time with respect to the Site Plan Application only.

(Carried)

- B. Councillor Mahood moved that Motion A. by Councillor Altobello be amended to include a direction that the report of the Director of Community Planning, East District, respecting the Site Plan Application also take into consideration the existing parking standard.

(Carried)

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The Community Council received a communication from Ms. Pali Tassone, area resident, in opposition to the application, a copy of which was provided to all Members of the Community Council, and a copy thereof is on file in the Office of the City Clerk, Scarborough Civic Centre.

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Bernie Feintuch, Solicitor, on behalf of the applicant, who tabled a letter from two residents of Bellamy Road in support of the application, which is on file in the Office of the City Clerk, Scarborough Civic Centre;
- Mr. Peter Pitino, the applicant, in support of the application;
- Mr. Giancarlo Cesarone, area resident, in opposition to the application;
- Mr. Leslie Zold, area resident, in opposition to the application; and
- Mr. Dave Richardson, area resident, in opposition to the application.

(Clause No. 19(o), Report No. 7)

**6.24 Official Plan Amendment Application SC-P19990025  
Zoning By-Law Amendment Application SC-Z19990044  
R.J.W. Incorporated (Formerly Pajelle Investments Ltd.)  
2139 Lawrence Avenue East  
Wexford Employment District  
(Ward 14 – Scarborough Wexford)**

The Community Council conducted a statutory public meeting, in accordance with Section 17 and Section 34 of The Planning Act; appropriate notice of this meeting having

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been given in accordance with The Planning Act and the regulations thereunder; and had before it a report (May 9, 2000) from the Director of Community Planning, East District, recommending that City Council:

(1) Official Plan:

amend the Wexford Employment District Secondary Plan as it applies to the subject lands by:

- (a) amending Numbered Policy No. 5 to exclude the subject site, so that the policy now reads:

“5. South-east corner of Lawrence Avenue  
and Underwriters Road

Community Commercial, excluding Automobile Service Stations and Non-Accessory Third Party Signs excluding Marketplace Signs is permitted in addition to General Industrial Uses with High Performance Standards.”;

- (b) adding a new Numbered Policy No. 7 to apply to the subject lands as follows:

“7. South side of Lawrence Avenue, east of Underwriters Road

Community Commercial, excluding Non-Accessory Third Party Signs excluding Marketplace Signs is permitted in addition to General Industrial Uses with High Performance Standards.

Council, in zoning to permit automobile sales and service uses, shall ensure that their impacts on the Lawrence Avenue streetscape are minimized.”;

(2) Zoning By-law

amend the Scarborough Employment Districts Zoning By-law No. 24982 (Wexford) as it applies to the subject lands by

- (a) adding the following provisions:

Additional Permitted Uses:

- (i) Vehicle Sales Operation;  
(ii) Vehicle Service Garage;

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- (iii) Vehicle Service Station, excluding the storage and sale of fuel;

the vehicle sales and service uses shall be restricted to a maximum of 1 400 m<sup>2</sup> of gross floor area and shall be located a minimum of 48 metres from the front lot line;

the storage of vehicles and all work related to the automotive operations shall be conducted wholly indoors;

- (b) adding Vehicle Sales Operation, Vehicle Service Garage, and Vehicle Service Station to the existing parking requirement so that it now reads:

“Minimum 2.2 parking spaces per 100 m<sup>2</sup> of gross floor area for the Retail Sale of Furniture, Floor and Wall Coverings, Appliances, Household Electronics, Home Entertainment Products, Vehicle Sales Operations, Vehicle Service Garages, and Vehicle Service Stations.”; and

- (3) Miscellaneous:

authorize any unsubstantive technical, stylistic or format changes to the Official Plan and Zoning By-law Amendments as may be required to give effect to this resolution.

On a motion by Councillor Tzekas, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

The Community Council also had before it the following communications:

(June 5, 2000) from Mr. David Coviensky:

I am writing to voice my concerns over the proposed changes to the above listed by-law. My wife and I reside at 2155 Lawrence Ave E. and our apartment faces the rear of the building. We have a two-year-old son and I work shift work so noise levels and hours of operation are of major concern to us when contemplating a new business moving in next to our building.

My wife and I have been at this address for more than three years and have been pleased to note that the previous retail business on that site (2139 Lawrence Ave E.) never posed a problem in terms of high noise levels or late hours of operation. Other businesses on the other sides of our building have also been very considerate. This new business may pose a problem, however, as we have already had reason to remark on both the late hours of operation (sometimes until 11 PM) and the occasional high levels of noise. There have been incidents of racing engines either inside or outside of the establishment, which we

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fear may be a portent of things to come on a more frequent basis when the business is in full operation.

The shape and placement of our building is such that all sounds seem to be reflected up the sides and appear to be occurring right outside the windows. Our primary concerns are that either our son's sleep or our rest will be affected when keeping windows open for fresh air during the temperate months and that spending time on the balcony will be affected by sounds of engines racing and power tools operating, possibly late into the night.

If our concerns are not enough to stop the amendment from being adopted, we would like to know if the owners of this establishment would be willing to voluntarily put controls and/or procedures in effect which would minimize the foreseeable problems and put our reasonable concerns to rest.

I would like to receive notification, at the above address, of the city's decision regarding this matter whether adopted, rejected, or amended before adoption.

(June 19, 2000) from Mr. David Coviensky:

I am writing to follow up regarding the letter I submitted to the City Clerk's Office on June 5, 2000. In that letter I voiced my concerns over the proposed change to the local by-law to allow the operation of an automotive sales and service facility at 2139 Lawrence Ave. E., Scarborough. I would like to advise you and the Scarborough Community Council that my concerns have recently been addressed.

On June 12, 2000 I was contacted by phone by Mr. John Wadman of R.J.W. Incorporated. Mr. Wadman expressed a desire to meet with me to discuss my concerns over his incoming business so we met June 15, 2000 at my apartment. During the course of our discussion, Mr. Wadman made it apparent to me that he genuinely wanted to put my concerns to rest. He assured me that the hours of operation of the proposed automotive sales and service facility would be reasonable – stating that the business day would be from 9:00 a.m. to 6:00 p.m., sound levels low, and that all the work would be performed indoors.

Mr. Wadman also showed me a computer-generated image of what the building in question will look like when the renovations are complete. Although I had not stated so in my original letter, I had been concerned with the present look of the building and hoped that the new owner would choose to improve the appearance. I was very relieved to see that the proposed changes will greatly enhance the appearance of the building.

Mr. Wadman assured me that he would be available on-site at any time should I have any concerns that I wanted to discuss. In short, at the end of our meeting I felt much more at ease and consider my concerns to have been addressed to my satisfaction.

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(June 13, 2000) from Mr. Edward R. Fleury, Solicitor, on behalf of Sandra Surujpa and other residents at 2155 Lawrence Avenue East:

We have been retained on behalf of Sandra Surujpa who is a resident at 2155 Lawrence Avenue East to appear on her behalf and on behalf of other residents at 2155 Lawrence Avenue East to oppose the applications of R.J.W. Incorporated to amend the Official Plan and the Zoning by-laws so as to allow automotive related uses at 2139 Lawrence Avenue East.

It would be appreciated if you note that someone from our office will be appearing presumably as delegation in that regard.

The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Adam Brown, Solicitor, requesting approval of the staff recommendation, on behalf of the applicant; advising that his client has had a long and exemplary business record in the Scarborough community and that this is a modest and reasonable application that fully meets the intent of the planning proposals for the area and will in fact improve a former unsightly façade on Lawrence Avenue;
- Mr. Udo Franz, adjacent apartment building resident, in opposition to the application, expressing concerns of potential increased noise caused by tow trucks arriving on the site late in the evening and possible unlawful uses being carried out inside the facility;
- Ms. Wendie McGuigan, adjacent apartment building resident, in support of the application, particularly in view of the fact that the applicant will be greatly improving what was formerly a very unsightly façade which her apartment building overlooks;
- Mr. Edward Fleury, Solicitor, on behalf of Sandra Surujpa and other area residents, in opposition to the application, and suggesting that the proposed use is in contravention to the former City of Scarborough planning proposals for this area;
- Ms. Sandra Surujpa, adjacent apartment building resident, in opposition to the application, and reiterating concerns expressed by a petition signed by residents in 1999 regarding increased noise and the presence of odorous and dangerous fumes; and
- Ms. Kaslyn Low, adjacent apartment building resident, agreeing with the remarks made by Ms. Surujpa.

**(Clause No. 14, Report No. 7)**

**6.25 Official Plan Amendment Application SC-P19990023  
Zoning By-law Amendment Application SC-Z19990042  
ENA Hospitality Corporation  
North Side of Estate Drive  
Progress Employment District  
(Ward 15 – Scarborough City Centre)**

The Community Council conducted a statutory public meeting, in accordance with Section 17 and Section 34 of The Planning Act; appropriate notice of this meeting having been given in accordance with The Planning Act and the regulations thereunder; and had before it a report (May 1, 2000) from the Director of Community Planning, East District, recommending that City Council:

(1) Official Plan:

amend the Progress Employment District Secondary Plan as it applies to the subject lands, by adding a numbered policy as follows:

“18. North Side of Estate Drive

In addition to the General Industrial Uses with High Performance Standards designation, Restaurant and Hotel uses may also be permitted.”;

(2) Zoning By-law:

amend the Employment Districts By-law No. 24982 (Progress), as it applies to the subject lands, to apply the following performance standards:

- (i) maximum gross floor area of all buildings shall not exceed 0.60 times the area of the lot;
- (ii) maximum number of hotel bedroom units – 95;
- (iii) maximum total gross floor area of all Hotels shall not exceed 4879 square metres;
- (iv) maximum total gross floor area of all Restaurants shall not exceed 585 square metres;
- (v) minimum street yard setback of 3 metres;
- (vi) minimum side yard setback of 3 metres;
- (vii) minimum setback from Highway 401 of 13.7 metres; and



(viii) the provisions of this By-law shall apply collectively to this land, notwithstanding its future division into two or more parcels of land;

(3) Miscellaneous:

authorize such unsubstantive technical, stylistic or format changes as may be necessary to the Official Plan and Zoning By-law amendments as may be required to give effect to this resolution.

On a motion by Councillor Duguid, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

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Mr. Vince Baffa, appeared before Community Council on behalf of ENA Hospitality Corporation and in support of the staff recommendation.

**(Clause No. 15, Report No. 7)**

**6.26 Official Plan Amendment Application SC-P19990017  
Zoning By-Law Amendment Application SC-Z19990034  
Bahadur Premji, 960 Markham Road  
Woburn Community  
(Ward 15 – Scarborough City Centre)**

The Community Council conducted a statutory public meeting, in accordance with Section 17 and Section 34 of The Planning Act; appropriate notice of this meeting having been given in accordance with The Planning Act and the regulations thereunder; and had before it a report (May 9, 2000) from the Director of Community Planning, East District, recommending that City Council:

(1) Official Plan:

amend the Woburn Community Secondary Plan as it applies to the subject lands, by adding the following numbered policy:

“9. West Side of Markham Road, South of Brimorton Drive

The High Density Residential designation permits development to a maximum residential density of 158 units per hectare.”;

(2) Zoning By-law:

amend the Woburn Community Zoning By-law No. 9510 as follows:

(a) to establish the following development standards:

(i) a maximum of one dwelling unit per 63 square metres of lot area;

(ii) minimum floor area (inside dimensions) for units as follows:

Bachelor	30 square metres
1-Bedroom	40 square metres

(iii) an outdoor children's play area with minimum area of 158 square metres shall be provided on site;

(b) to delete the performance standard restricting ground floor or first floor area to be utilized for dwelling units to a maximum 50 percent;

(c) to delete the performance standard requiring a recreation room;  
and

(3) Miscellaneous:

authorize any unsubstantive technical, stylistic or format changes to the Official Plan and Zoning By-law Amendments as may be required to give effect to this resolution.

On a motion by Councillor Soknacki, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

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Mr. Paul Anderson, Architect, appeared before the Community Council on behalf of the applicant and in support of the staff recommendation.

**(Clause No. 16, Report No. 7)**

**6.27 City-initiated Official Plan Amendment and  
Various Zoning By-law Amendment Applications and  
Draft Plan of Subdivision Applications in the  
Morningside Heights and Upper Rouge Communities  
(Ward 18 – Scarborough Malvern)**

**(Refer also to Minute No. 6.17 and 6.40)**

- A. Councillor Duguid moved that the continuation of the Public Meeting respecting the Village Securities Zoning By-law Amendment Application, and consideration of the other Morningside Heights Applications be held at 9:30 a.m. on June 21, 2000.

**(Carried)**

- B. Councillor Berardinetti moved that the issue of timing of the consideration of the Public Meeting respecting the Village Securities Zoning By-law Amendment Application be re-opened, which was ruled out of order since the motion by Councillor Duguid carried and an announcement made to that effect.

**(Clause No. 13, Report No. 7)**

**6.28 Preliminary Report  
Applications to amend the Official Plan and Zoning By-Law  
Trusthouse 88 Inc.  
North Side of Ellesmere Road, East of Kennedy Road  
Progress Employment District/Scarborough City Centre  
File Nos. SC-P20000005 and SC-Z20000012  
(Ward 15 – Scarborough City Centre)**

The Community Council had before it a report (June 5, 2000) from the Director of Community Planning, East District, recommending that City Council REFUSE the subject applications on the basis that they are contrary to the principles and general intent of the industrial, office, residential, employment and transit policies of the Official Plan, that the site represents an inappropriate location for ground-related medium density family housing, and that the proposal does not represent good or desirable land use planning.

- A. Councillor Berardinetti moved the Scarborough Community Council recommend to City Council that:

- (1) the staff recommendation be struck out; and

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- (2) the Director of Community Planning, East District, be directed to process the applications in the normal manner.

B. Councillor Mahood moved that the Scarborough Community Council recommend to City Council the adoption of the aforementioned report to refuse the application.

Upon the question of the adoption of Motion A. by Councillor Berardinetti, the vote was taken, as follows:

Yeas: Councillors Altobello, Berardinetti, Duguid, Kelly, Shaw –5

Nays: Councillors Ashton, Balkissoon, Cho, Soknacki, Tzekas, Mahood –6

Decided in the negative by a majority of 1.

Upon the question of the adoption of Motion B. by Councillor Mahood, the vote was taken, as follows:

Yeas: Councillors Ashton, Balkissoon, Cho, Kelly, Mahood, Soknacki, Tzekas –7

Nays: Councillors Altobello, Berardinetti, Duguid, Shaw -4

Decided in the affirmative by a majority of 3.

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Mr. Carl Januszczak appeared before the Community Council on behalf of the applicant and in opposition to the staff recommendation that City Council refuse his client's application.

**(Clause No. 8, Report No. 7)**

**6.29 Request for Fence Exemption**  
**Janet Diesberger, James S. Greensides**  
**14 Cedarview Drive**  
**(Ward 16 – Scarborough Highland Creek)**

The Community Council had before it a report (June 6, 2000) from the Commissioner of Urban Development Services, recommending that City Council:

- (1) approve the application to permit the existing 2.4 metre (8 foot) solid board fence behind the main front wall of the house;
- (2) deny the application to permit a 2 metre (6 foot 8 inch) fence in the front yard and direct that this portion of the fence be lowered to meet By-law requirements of 1.2 metres (4 feet);

- (3) direct the removal of the portion of the fence which is located on City property;  
and
- (4) direct that all fence posts be lowered and capped to the approved fence height.

On a motion by Councillor Soknacki, the Scarborough Community Council recommended to City Council the adoption of the aforementioned report.

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The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. David Zbarsky, Solicitor, on behalf of Janet Diesberger and James Greensides;
- Mr. James Greensides, the applicant;
- Ms. Janet Diesberger, the applicant;
- Mr. Michael Drysdale, the adjacent resident, in support of the recommendation;  
and
- Ms. Kelly Drysdale, the adjacent resident, in support of the recommendation.

**(Clause No. 11, Report No. 7)**

**6.30 Request by the Toronto Dominion Bank  
for Use of the Albert Campbell Square**

The Community Council had before it a report (June 5, 2000) from the Commissioner of Urban Development Services, advising of a request by the Toronto Dominion Bank to use space in the Albert Campbell Square for promotional purposes and recommending that this request not be approved.

- A. Councillor Duguid moved that the report of the Commissioner of Urban Development Services, dated June 5, 2000, be amended as follows:
  - (1) strike out the staff recommendation;
  - (2) recommend to City Council the approval of the request by the Toronto Dominion Bank to use space in the Albert Campbell Square for promotional purposes for a maximum period of three (3) days as defined in the report; and

- (3) direct that the East District Manager, Municipal Licensing and Standards, meet with Bank officials to identify the most suitable location for the proposed use and resolve the insurance issues.

**(Carried)**

- B. Councillor Shaw moved that Motion A. by Councillor Duguid be amended to read “one (1)” day.

**(Lost)**

- C. Councillor Ashton moved that Motion A. by Councillor Duguid be amended to add the following:

“That the Manager of Municipal Licensing and Standards be requested to treat this proposal as a Pilot Project and report back to the Community Council on the use of public space for this purpose.”

**(Carried)**

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The Community Council also received a communication (June 14, 2000) from Councillor Duguid, respecting the request by the Toronto Dominion Bank for use of the Albert Campbell Square for a promotional event; advising that he is in favour of approving the Bank’s proposal, and requesting Community Council’s support, a copy of which was provided to all Members of the Community Council, and a copy thereof is on file in the Office of the City Clerk, Scarborough Civic Centre.

Mr. Michael Longo, representing the Toronto Dominion Bank, appeared before the Community Council in support of the aforementioned request.

**(Clause No. 12, Report No. 7)**

### **6.31 Procedure for Eliminating Duplicate Street Names**

The Community Council had before it a communication (May 17, 2000), forwarding, as directed by the Works Committee at its meeting held on May 17, 2000, the report (May 8, 2000) from the Commissioner of Works and Emergency Services, recommending a process for eliminating duplicate and triplicate street names, for consideration by the Community Council.

Councillor Altobello moved that the Works Committee be advised that the Community Council does not support the renaming of any duplicate streets.

**(Lost)**

Upon the question that the Scarborough Community Council advise the Works Committee that Scarborough Community Council supports the recommendations embodied in the foregoing report, it was carried.

**(Clause No. 19(k), Report No. 7)**

**6.32 Year 2000 New Bus Shelter Installation Program  
(All Scarborough Wards)**

The Community Council had before it a report (June 2, 2000) from the Director of Transportation Services, District 4, recommending that the new bus passenger shelter locations identified in Appendix 1 of this report, numbered (1) to (15) inclusive, be adopted.

- A. Councillor Tzekas moved that the report by the Director of Transportation Services, District 4, dated June 2, 2000, be approved, subject to deleting the shelter ranked as No. 12 at Meadowvale opposite Muirbank, and substituting in lieu thereof the shelter ranked as A1 – Ellesmere Road opposite Mondeo Drive.

**(Carried)**

- B. Councillor Balkissoon moved that the Scarborough Community Council request the Director of Transportation Services, District 4, to report to the first meeting of the 2000-2004 Community Council on the status of the installation of these shelters.

**(Carried)**

- C. Councillor Berardinetti moved that Scarborough Community Council request the Director of Transportation Services, District 4, to investigate the relocation of used Bus Shelters to accommodate those ranked A2 to A5, and report back to the first meeting of the 2000 – 2004 Community Council in December.

**(Carried)**

**(Clause No. 6, Report No. 7)**

**6.33 Preliminary Report**  
**Official Plan Amendment Application SC-P20000004**  
**Zoning By-law Amendment Application SC-Z20000009**  
**Bozian Holdings, 5060 Sheppard Avenue East**  
**Marshalling Yard Employment District**  
**(Ward 18 – Scarborough Malvern)**

**(Refer to Minute No. 6.7)**

On a motion by Councillor Cho to reopen the aforementioned matter, it was carried.

Councillor Cho moved that Recommendation (2) be deleted and the following substituted in lieu thereof:

- “(2) Notice of a community meeting be given to landowners and residents within 120 metres of the subject site and to an expanded notice area south of Sheppard Avenue bounded on the west by the rear of lots fronting on Springfront Square and a line extending south therefrom to the north limit of Invergordon Drive, easterly to the centreline of Scunthorpe Road, northerly on Scunthorpe Road to the centreline of Kimbercroft Court, easterly to Markham Road, north on Markham Road to Sheppard Avenue, then west to intersect the 120 metre radius.

**(Carried)**

**(Clause No. 19(c), Report No. 7)**

**6.34 Toronto Hydro – Transformer Pads in the Guildwood Village Community**

On a motion by Councillor Ashton, the Scarborough Community Council advised the Director of Transportation Services, District 4, that it endorses the installation of above ground transformer pads in the Guildwood Village Community as a method of hydro upgrading.

**(Clause No. 19(p), Report No. 7)**

**6.35 Purchase of 60 Sylvan Avenue**  
**(Ward 13 – Scarborough Bluffs)**

The Community Council had before it a communication (June 13, 2000) from Councillor Ashton, recommending that City Council:

- (1) direct the appropriate staff to enter into negotiations for purchase of the aforementioned property;



- (2) that staff undertake an appraisal of the property to assist in the negotiations;
- (3) that, subject to the successful negotiation, the Chief Financial Officer and Treasurer identify in consultation with the Commissioner of Parks, Culture and Tourism a funding source;
- (4) that the staff consult with the Toronto and Region Conservation Authority on the proposed purchase; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On a motion by Councillor Ashton, the Scarborough Community Council recommended to City Council the adoption of the aforementioned recommendations embodied in the communication from Councillor Ashton.

**(Clause No. 17, Report No. 7)**

#### **6.36 Potential Acquisition of No. 14 Thora Avenue**

On a motion by Councillor Altobello, the Scarborough Community Council requested the Commissioner of Corporate Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, to investigate and report to Community Council at its meeting to be held on July 18, 2000 on the possibility of purchasing the property currently for sale at 14 Thora Avenue in order to increase the parking available for the adjacent City-run Bocce facility.

**(Clause No. 19(r), Report No. 7)**

#### **6.37 Naming of a Trail in Honour of Doris McCarthy**

On a motion by Councillor Tzekas, the Scarborough Community Council requested the Commissioner of Economic Development, Culture and Tourism, in consultation with the Commissioner of Works and Emergency Services, to report to Community Council at its meeting to be held on July 18, 2000, respecting the naming of a trail in the Scarborough community area, such as that adjacent to the Bellamy Ravine, in honour of Doris McCarthy.

**(Clause No. 19(s), Report No. 7)**

**6.38 Naming of a City Property in Honour of The Late Gus Harris**

On a motion by Councillor Berardinetti, the Scarborough Community Council requested the Commissioner of Economic Development, Culture and Tourism to investigate the possibility of naming a City park or other appropriate landmark within the community area of Scarborough in honour of The Late Gus Harris; consult thereon with the Harris Family, and report back to the Scarborough Community Council at its meeting to be held on July 18, 2000.

**(Clause No. 19(q), Report No. 7)**

**6.39 47 Crockford Boulevard  
Ontario Municipal Board Appeal  
(Ward 14 – Scarborough Wexford)**

The Community Council resolved itself to meet in camera to discuss the confidential report (June 19, 2000) from the City Solicitor, respecting an Ontario Municipal Board Appeal regarding 47 Crockford Boulevard, having regard that the subject matter may involve litigation or potential litigation.

The Committee of the Whole rose and reported progress.

Councillor Tzekas moved that the aforementioned report be forwarded to City Council with a recommendation that City Council direct the City Solicitor to request the Ontario Municipal Board to review its decision on this matter pursuant to Section 43 of the Ontario Municipal Board Act.

**(Carried)**

**(Clause No. 18, Report No. 7)**

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The Community Council recessed at 6:30 p.m. on June 20, 2000.

The Community Council reconvened at 9:30 a.m. on June 21, 2000.

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**6.40 City-initiated Official Plan Amendment and Various Zoning By-law Amendment Applications and Draft Plan of Subdivision Applications in the Morningside Heights and Upper Rouge Communities (Ward 18 – Scarborough Malvern)**

**(Refer also to Minute Nos. 6.17 and 6.27)**

A. Councillor Balkissoon moved that the report (June 14, 2000) of the Director of Community Planning, East District, be approved, as amended by the supplementary report (June 19, 2000), subject to:

(1) striking out Recommendation No. (2) embodied therein and substituting in lieu thereof, the following:

“(2) approve Zoning By-law Amendment Application SC-Z19990019 by Village Securities Ltd.,”

On the question of the adoption of the foregoing Motion A. by Councillor Balkissoon, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Balkissoon, Kelly, Shaw, Soknacki –5  
Nays: Councillors Ashton, Cho –2

Decided in the affirmative by a majority of 3.

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Upon the question to continue beyond 12:30 p.m. to complete the agenda, the vote was taken, as follows:

Yeas: Altobello, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki –7  
Nays: Ashton, Cho –2

Decided in the affirmative by a majority of 5.

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B. Councillor Berardinetti moved that the report dated June 14, 2000, be further amended, as follows:

(1) Condition 9.18 be deleted;

(2) Condition 14.12 be deleted; and

(3) the report (May 1, 2000) from the Director of Transportation Services, District 4, be received.

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Councillor Shaw moved that Motion B. by Councillor Berardinetti be amended by substituting the following wording for Condition 14.12:

“14.12 the owner shall make red-line changes to the plan of subdivision satisfactory to the City of Toronto to provide a one-way ring road abutting the Pitchfork Tributary. The road shall have a 14.25 metre right-of-way;”

On the question of the adoption of the foregoing Motion B. by Councillor Berardinetti, to delete Condition 9.18, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Berardinetti, Duguid, Kelly, Shaw,  
Soknacki –7

Nays: Councillors Balkissoon, Cho –2

Decided in the affirmative by a majority of 5.

On the question of the adoption of the foregoing Motion B. by Councillor Berardinetti, amended by Councillor Shaw, to reword Condition 14.12, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Cho, Duguid,  
Shaw, Soknacki –8

Nays: Councillor Kelly –1

Decided in the affirmative by a majority of 7.

On the question of the adoption of Motion B. by Councillor Berardinetti, to receive the report (May 1, 2000) from the Director of Transportation Services, District 4, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Berardinetti, Cho, Duguid, Kelly, Shaw,  
Soknacki –8

Nays: Councillor Balkissoon –1

Decided in the affirmative by a majority of 7.

C. Councillor Balkissoon moved that the following Permitted Uses be deleted under “Community Commercial (CC) Zone”:

- Vehicle Sales Operation
- Vehicle Service Garage
- Automatic Car Wash
- Vehicle Service Station

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- Frozen Food Storage and space rental and other commercial storage, if incidental to and a part of the retail shopping use.

On the question of the adoption of Motion C. by Councillor Balkissoon, save and except the deletion of "Vehicle Service Station," a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Cho, Duguid, Kelly, Shaw, Soknacki –9

Nays: Nil

Decided unanimously in the affirmative.

On the question of the adoption of Motion C. by Councillor Balkissoon, respecting the deletion of "Vehicle Service Station", a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Balkissoon, Cho, Duguid –5

Nays: Councillors Berardinetti, Kelly, Shaw, Soknacki –4

Decided in the affirmative by a majority of 1.

- D. Councillor Balkissoon moved that Motion B. by Councillor Berardinetti be amended to add a new Recommendation (16), under "Other Matters", as follows:

"(16) request the Director of Transportation Services, District 4, to implement appropriate traffic calming measures, during design and construction of all roadways, as part of the subdivision development, any additional cost of such measures to be borne by the developer as part of the subdivision agreement."

On the question of the adoption of Motion D. by Councillor Balkissoon, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Cho, Duguid, Shaw, Soknacki –8

Nays: Councillor Kelly –1

Decided in the affirmative by a majority of 7.

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- E. Councillor Cho moved that the report of the Director of Community Planning, East District, dated June 14, 2000, be amended by adding the following:
- (1) the Environmental Assessment of Morningside and Finch Avenue East relating to traffic problems in that area should be completed by the end of this year or at the latest, by the beginning of next year; and
  - (2) traffic congestion problems at the Morningside and Finch Avenue (C.P. Rail underpass) should be resolved before the first house is built at Morningside Heights.

Motion E. by Councillor Cho was ruled out of order by the Acting Chair, Councillor Altobello, because the Environmental Assessment and the issue of the C.P. Rail Underpass, referred to in the motion, was not before the Community Council for consideration.

Councillor Cho challenged the Ruling of the Chair. A recorded vote was taken on upholding the Chair:

Yeas: Councillors Altobello, Ashton, Balkissoon, Berardinetti, Duguid, Kelly, Shaw, Soknacki – 8  
Nays: Councillor Cho -1

Decided in the negative by a majority of 7.

On the question of the adoption of the Recommendations, as amended, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Berardinetti, Duguid, Kelly, Shaw, Soknacki –7  
Nays: Councillors Balkissoon, Cho –2

Decided in the affirmative by a majority of 5.

**(Clause No. 13, Report No. 7)**

The Community Council adjourned its meeting on June 21, 2000, at 1:15 p.m.

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Chair.