

**THE CORPORATION OF THE CITY OF TORONTO**

**Clerk's Department**

**Minutes of the Toronto East Community Council**

**Meeting No. 2**

**Monday, January 5, 2004**

The Toronto East Community Council met on Monday, January 5, 2004, in the Meeting Hall, Scarborough Civic Centre, commencing at 9:35 a.m.

Members present:

	9:35 a.m. - <u>12:30 p.m.</u>	2:10 p.m. - <u>5:05 p.m.</u>
Councillor Raymond Cho, Chair	x	x
Councillor Michael Thompson, Vice Chair	x	x
Councillor Gerry Altobello	-	x
Councillor Brian Ashton	x	x
Councillor Bas Balkissoon	x	x
Councillor Gay Cowbourne	x	x
Councillor Glenn De Baeremaeker	x	x
Councillor Mike Del Grande	x	x
Councillor Norm Kelly	x	x
Councillor David Soknacki	x	x

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

**Declarations of Interest**

Councillor Altobello declared an interest in Minute No. 2.25 (Removal of Privately-Owned Trees – 378 Centennial Road), in that he owns property in the area, and took no part in the discussion or vote thereon.

**Confirmation of Minutes**

On a motion by Councillor Ashton, the Minutes of the meeting of the Scarborough Community Council held on September 9, 2003, and the Minutes of the Special Meeting of the Toronto East Community Council held on December 3, 2003, were confirmed.

## **2.1 Permanent Community Council Names**

The Toronto East Community Council conducted a Public Meeting in accordance with the Municipal Act, notice of such meeting having been published in the Toronto Sun on December 22 and posted to the City's website from December 22, 2003, to January 5, 2004, inclusive.

The Toronto East Community Council had before it a communication from Rick Schofield, Scarborough Heritage Consultant and Archivist, Scarborough Historical Society, recommending that the name "Scarborough" be retained as the official name of the Community Council.

Councillor Ashton moved that the Toronto East Community Council recommend to the Policy and Finance Committee and Council that the permanent name "Scarborough Community Council" be approved.

On the adoption of the foregoing Motion by Councillor Ashton, a recorded vote was taken, as follows:

Yeas: Councillors Altobello, Ashton, Balkissoon, Cho, Cowbourne, De Baeremaeker, Del Grande, Soknacki, Thompson – 9

Nays: Nil

Decided unanimously in the affirmative by the Members of Community Council present and voting.

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Rick Schofield appeared before the Community Council in connection with the foregoing matter.

**(Clause No. 24(a), Report No. 1)**

## **2.2 Toronto East Community Preservation Panel Annual Report**

The Toronto East Community Council had before it a communication from Rick Schofield, Chairman, Toronto East Community Preservation Panel, submitting the 2003 year-end report of the Panel's activities.

On a motion by Councillor Cowbourne, the Toronto East Community Council received the aforementioned 2003 year-end report of the Panel's activities.

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Rick Schofield appeared before the Community Council in connection with the foregoing matter.

**(Clause No. 24(b), Report No. 1)**

**2.3 Appointment of Members of Council to the Scarborough Historical Museum Community Museum Management Board and the Toronto East Community Preservation Panel**

The Community Council had before it a report (December 10, 2003) from the City Clerk, recommending that:

- (1) Toronto East Community Council consider Members' preferences listed in the attached Schedule 1 and recommend to Council the appointment of:
  - (a) one or two Members to the Scarborough Historical Museum Community Museum Management Board; and
  - (b) one or two Members to the Toronto East Community Preservation Panel;for a term of office expiring May 31, 2005 and until their successors are appointed; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Councillor Soknacki moved that Toronto East Community Council recommend to City Council that:

- (1) Councillor Norm Kelly be appointed to the Scarborough Historical Museum Community Museum Management Board; and
- (2) Councillor Gay Cowbourne be appointed to the Toronto East Community Preservation Panel;

for a term of office expiring May 31, 2005, and until their successors are appointed.

**(Carried)**

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

#### **2.4 Toronto East Community Council Orientation**

The Toronto East Community Council received the orientation presentation and requested that:

- (1) the Community Council Administrator gather together contact information for each of the reporting Departments and provide to Members of Community Council; and
- (2) the Director of Solid Waste Management Services, Districts 3 and 4, be requested to attend the next meeting of Community Council on February 17, 2004, to answer questions respecting the collection of white goods (appliances) at the curb.

**(Clause No. 24(d), Report No. 1)**

#### **2.5 Naming of a Memorial in Recognition of The Late Shirley Eidt**

The Community Council had before it a communication (December 8, 2003) from the City Clerk, referring a Motion of Condolence, adopted at City Council on December 3, 2003, subject to adding the following:

“AND BE IT FURTHER RESOLVED THAT the Toronto East Community Council be requested to give consideration to an appropriate naming opportunity to recognize the tremendous contribution to the former City of Scarborough by Councillor Shirley Eidt.”

On a motion by Councillor Ashton, the Toronto East Community Council referred the matter of a memorial in recognition of the late Councillor Shirley Eidt to the Director of Parks and Recreation, East District, for consideration and consultation with the family and local Councillors, and report thereon to the Community Council.

**(Clause No. 24(d), Report No. 1)**

#### **2.6 To Repeal, in part, Heritage Designation By-law for 90 Morningside Avenue (Purvis/Castle Log House) (Ward 43 – Scarborough East)**

The Community Council had before it a report (December 1, 2003) from the City Clerk, recommending that:

- (1) Council authority be granted for the introduction of the necessary Bill in Council to repeal, in part, By-law No. 21184 of the former City of Scarborough (the “Heritage By-law”), which designates 90 Morningside Avenue under Part IV of the Ontario Heritage Act;

- (2) notice of Council's action be published and served in accordance with the requirements of Part IV of the Ontario Heritage Act;
- (3) the resulting by-law be registered on title to the lands subject to the Heritage By-law;
- (4) the register of designated properties maintained by the City pursuant to the Ontario Heritage Act be amended to reflect the amendments to the Heritage By-law; and
- (5) the appropriate City Officials be directed to take whatever action may be necessary to give effect to the above and to comply with the provisions of the Ontario Heritage Act.

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

**(Clause No. 2, Report No. 1)**

**2.7 Withdrawal of Objection to the Designation of the Scarborough Civic Centre under the Ontario Heritage Act (Ward 38 – Scarborough Centre)**

The Community Council had before it a communication (December 8, 2003) from the City Clerk advising that the objection received to the designation of the Scarborough Civic Centre under the Ontario Heritage Act has been withdrawn and recommending that:

- (1) authority be granted for the introduction of the necessary Bill in Council to designate the Scarborough Civic Centre, 140-150 Borough Drive, as a property of architectural and historical value or interest under Part IV of the Ontario Heritage Act; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On a motion by Councillor Del Grande, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 3, Report No. 1)**

## **2.8 Designation of Fire Routes in the Former Scarborough Urban Area**

The Community Council had before it a report (December 9, 2003) from the District Chief, Fire Prevention – East Command, recommending that:

- (1) By-law No. 13897 of the former City of Scarborough, as amended, be amended by adding the locations identified on the attached Appendix “A” to Schedule “B” of the By-law, thereby designating those locations as fire routes within the meaning of the By-law;
- (2) the City be authorized to enter into the related fire route agreements for those locations; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On a motion by Councillor Del Grande, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 4, Report No. 1)**

## **2.9 Status Report – OPA and Rezoning Application TF CMB 2002 0015 – Site Plan Control Application 03 157325 ESC 37 SA – Inaugural Source Inc. (Gabor & Popper Architects Inc.) – West Side of Brimley Road, South of Lawrence Avenue East – Bendale Community (Ward 37 – Scarborough Centre)**

The Community Council had before it a report (December 18, 2003) from the Acting Director of Community Planning – East, recommending that staff be authorized to report directly to City Council at its meeting of January 27, 28 and 29, 2004, if required, to obtain directions for the Ontario Municipal Board hearing commencing February 10, 2004.

On a motion by Councillor Thompson, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

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

## **2.10 Preliminary Report – Rezoning Application 03 182931 ESC 40 OZ – Temporary Use By-law – Ronald Kanter (Architect, n/a) – 2969 Sheppard Avenue East – Sullivan Community (Ward 40 – Scarborough Agincourt)**

The Community Council had before it a report (December 15, 2003) from the Acting Director of Community Planning – East, recommending that:

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

On a motion by Councillor Kelly, the Toronto East Community Council approved the aforementioned report.

**(Clause No. 24(e), Report No. 1)**

**2.11 Final Report – Rezoning Application 03 035264 ESC 44 OZ – Austin Burnett (Architecnics & Associate Architect) – 10126 Sheppard Avenue East Rouge Community (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 15, 2003) from the Acting Director of Community Planning – East, recommending that this application be refused and that no further processing take place for the reasons outlined in the report.

- A. Councillor Kelly moved that the Toronto East Community Council request the Commissioner of Community and Neighborhood Services to report directly to City Council at its meeting to be held on January 27, 2004, on the number of persons within the Scarborough area that might be expected to benefit from this proposed expansion.

**(Lost)**

- B. Councillor Cowbourne moved that the report (December 15, 2003) from the Acting Director of Community Planning – East, be approved.

**(Carried)**

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Mr. Austin Burnett, the applicant, appeared before the Community Council in connection with the foregoing matter.

**(Clause No. 10, Report No. 1)**

**2.12 Removal of Five Privately Owned Trees - 20 Port Union Road – North East Corner Port Union Road and Duthie Street (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 15, 2003) from the Commissioner of Economic Development, Culture and Tourism, recommending that:

- (1) Toronto East Community Council approve the request for a permit to remove five privately owned trees located on the lands east of Port Union Road and north of Duthie Street, conditional on:
  - (a) the owner submitting revised landscape plans that are satisfactory to the Commissioner of Economic Development, Culture and Tourism; and
  - (b) the trees in question not be removed until permitted construction activities in accordance with plans approved under the site plan application for the site commence which warrant the destruction of the trees;or
- (2) Toronto East Community Council deny the request for a permit to remove five privately owned trees on the lands north of east of Port Union Road and north of Duthie Street.

On a motion by Councillor Cowbourne, the Toronto East Community Council deferred the aforementioned report until the report from the Acting Director of Community Planning – East, on the combined application to amend the Official Plan and Zoning By-law for these lands, is before Toronto East Community Council.

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William F. Sheehan appeared before the Community Council in connection with the foregoing matter.

**(Clause No. 24(h), Report No. 1)**

**2.13 Assumption of Services – Paradise Homes Neilson Limited – Southeast of Finch Avenue and Neilson Road (Ward 42 – Scarborough Rouge River)**

The Community Council had before it a report (December 22, 2003) from the City Solicitor, recommending that:

- (1) the services installed for Registered Plan 66M-2355 be assumed and that the City formally assume the roads within the Plan of Subdivision;



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- (2) the Legal Services Division be authorized to release the performance guarantee with the exception of the letter of credit held pursuant to Clause 9 of the Subdivision Agreement as set out in the report; and
- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.

On a motion by Councillor Thompson, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 13, Report No. 1)**

**2.14 Assumption of Services – 574780 Ontario Limited - 8119 Sheppard Avenue East (Ward 44 - Scarborough East)**

The Community Council had before it a report (December 18, 2003) from the City Solicitor, recommending that:

- (1) the services installed for the above development be assumed and that the City formally assume the road within the development;
- (2) the Legal Services Division be authorized to release the performance guarantee; and
- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.

On a motion by Councillor Cowbourne, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 14, Report No. 1)**

**2.15 Assumption of Services – Maria Jeanne O’Brien, Lois Eileen Hill Lazo Mikijelj (Estate Trustees with a Will), Nadezda Mikijelj (Estate) and Cyrno Holdings Inc. 236, 238, 240 & 259 Ridgewood Road (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 18, 2003) from the City Solicitor, recommending that:

- (1) the services installed for the above development be assumed and that the City formally assume the road within the development;

- (2) the Legal Services Division be authorized to release the performance guarantee;  
and
- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.

On a motion by Councillor Cowbourne, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 15, Report No. 1)**

**2.16 Assumption of Services – Schergate Developments Limited - 351 Manse Road (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 18, 2003) from the City Solicitor, recommending that:

- (1) the services installed for the above development be assumed and that the City formally assume the road within the development;
- (2) the Legal Services Division be authorized to release the performance guarantee;  
and
- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.

On a motion by Councillor Cowbourne, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 16, Report No. 1)**

**2.17 Assumption of Services – Cimas Construction Ltd. – West Side of Zaph Avenue between Ellesmere Road and Euclid Avenue (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 17, 2003) from the City Solicitor, recommending that:

- (1) the services installed for Registered Plan 66M-2286 be assumed and that the City formally assume the roads within the Plan of Subdivision;
- (2) the Legal Services Division be authorized to release the performance guarantee;  
and

- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.

On a motion by Councillor Cowbourne, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 17, Report No. 1)**

**2.18 Request for Approval of Variances from the Former Scarborough Sign By-law No. 22980, as amended, for One Ground Sign at 1571 Sandhurst Circle – Bank of Montreal (Ward 41 – Scarborough Rouge River)**

The Community Council had before it a report (November 28, 2003) from the Director of Building and Deputy Chief Building Official, recommending that:

- (1) the request for variances be approved for the reasons outlined in this report; and  
(2) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permit.

On a motion by Councillor Balkissoon, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 20, Report No. 1)**

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The Community Council recessed at 12:30 p.m. and reconvened at 2:10 p.m.

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**2.19 Proposed Minor Street Stop Signs on Valdor Drive (Ward 41 – Scarborough Rouge River)**

The Community Council had before it a report (December 10, 2003) from the Director of Transportation Services, District 4, recommending that:

- (1) the “Through Streets” regulation on Valdor Drive, as identified in Appendix 1 of this report, be adopted for the installation of stop signs on the two roads intersecting Valdor Drive between Alexmuir Boulevard and Cleadon Road; and  
(2) the appropriate by-law be amended accordingly.

On a motion by Councillor Del Grande, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

**(Clause No. 5, Report No. 1)**

**2.20 Preliminary Report - OPA and Rezoning Application 03 190138 ESC 37 OZ  
Elena Lerinman (ADB Services, Architect), 728 Brimley Road  
Bendale Community (Ward 37 – Scarborough Centre)**

The Community Council had before it a report (December 11, 2003) from the Acting Director of Community Planning – East, recommending that:

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

A. Councillor Thompson moved that the report (December 11, 2003) from the Acting Director of Community Planning – East, be approved, subject to expanding the area of notification to include:

“the triangle bounded by the west side of Brimley Road, all properties fronting on Haileybury Drive and Watercourse to the south and to include all properties on the West side of Brimley Road from the Hydro Substation to the Watercourse,”

the cost of such expanded notification to be borne by the applicant.

The Toronto East Community Council consented to the withdrawal of Motion A. by Councillor Thompson.

B. Councillor Balkissoon moved that the recommendations in the report (December 11, 2003) from the Acting Director of Community Planning – East, be struck out and the application be refused on the grounds that it is not in conformity with the Official Plan and the Zoning by-law nor does it conform to the clause in the Official Plan which speaks to protecting established neighbourhoods, and further, the proposed use would not benefit the community and the potential parking problems would have an adverse impact.

**(Carried)**

**(Clause No. 8, Report No. 1)**

**2.21 Site Plan Bump Up Report – Site Plan Approval Application 03 153868 ESC 44 SA Jack Morelli (Joseph Battaglia, Architect) – 6742, 6746 and 6758 Kingston Road Rouge Community (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 16, 2003) from the Acting Director of Community Planning – East, recommending that:

- (1) approve the proposed 2,517 square metre commercial development, as indicated on the drawings entitled site and landscape plan, and elevation plans, as illustrated in Attachments 1, 2 and 3, subject to the conditions of approval as listed in Attachment 5;
- (2) direct the City Solicitor to prepare any necessary site plan agreement(s); and
- (3) authorize the Acting Director, Community Planning – East, to execute the agreement.

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

**(Clause No. 6, Report No. 1)**

**2.22 Preliminary Report – OPA and Rezoning Application 03 154931 ESC 37 OZ – R.P.C. Design Group, Robbie Robinson – 1465 Birchmount Road (Ward 37 – Scarborough Centre)**

The Community Council had before it a report (December 16, 2003) from the Acting Director of Community Planning – East, recommending that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site;
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act; and
- (4) the applicant be required to submit a detailed Site Plan Control application to facilitate the City's further review of this proposal.

- A. Councillor Thompson moved that the recommendation in the report (December 16, 2003) from the Acting Director of Community Planning – East, be struck out and the application be refused on the grounds that the proposed building does not respect and reinforce the physical patterns and character of the established

Neighbourhood with respect to buildings, streetscapes and open space, with particular regard to matters such as heights, massing, scale and type of dwelling unit compatible with that permitted by the zoning by-law for nearby residential properties.

- B. Councillor Balkissoon moved that, having regard that the current application is premature, the Acting Director of Community Planning – East, be directed to undertake the necessary land use study with respect to these and abutting lands to ensure appropriate land use which respects and has due regard for the surrounding neighbourhood.

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

Yeas: Councillors Altobello, Balkissoon, Cho, Cowbourne, De Baeremaeker, Del Grande, Kelly, Soknacki, Thompson –9

Nays: Councillor Ashton –1

Decided in the affirmative by a majority of 8.

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

Yeas: Councillors Altobello, Ashton, Balkissoon, Cho, Cowbourne, De Baeremaeker, Del Grande, Kelly, Soknacki, Thompson -10

Nays: Nil

Decided unanimously in the affirmative.

**(Clause No. 9, Report No. 1)**

**2.23 Preliminary Report – Rezoning Application 03 187830 ESC 43 OZ - Robert Segarra Architect Inc. (Applicant and Architect) – 80 Mornelle Court – Morningside Community (Ward 43 – Scarborough East)**

The Community Council had before it a report (December 10, 2003) from the Acting Director of Community Planning – East, recommending that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and

- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.

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

Robert Segarra, Architect, appeared before the Community Council in connection with the foregoing matter.

**(Clause No. 24(f), Report No. 1)**

**2.24 Preliminary Report - Rezoning Application 00 036159 ESC 44 OZ (SC-Z2000 0028) 1070662 Ontario Inc. (Roger Davidson Leasing Ltd.) (Wes Surdika, Architect) 377 Beechgrove Drive - West Hill Community (Ward 44 – Scarborough East)**

The Community Council had before it a report (December 8, 2003) from the Acting Director of Community Planning – East, recommending that:

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

On a motion by Councillor Cowbourne, the Toronto East Community Council approved the aforementioned report.

**(Clause No. 24(g), Report No. 1)**

**2.25 Removal of Privately Owned Trees - 378 Centennial Road (Ward 44 - Scarborough East)**

The Community Council had before it a report (December 15, 2003) from the Commissioner of Economic Development, Culture and Tourism, recommending that:

- (1) Toronto East Community Council deny the request for the removal of privately owned trees at 378 Centennial Road;

or

- (2) Toronto East Community Council approve the request for the removal of up to five privately owned trees located at 378 Centennial Road conditional on the applicant agreeing to implement the planting of five 70mm caliper, large growing shade trees on the private property of 376 and 378 Centennial Road, satisfactory to the Commissioner of Economic Development, Culture and Tourism.

On a motion by Councillor Cowbourne, the Toronto East Community Council recommended to City Council the adoption of Recommendation No. (1) in the aforementioned report.

**(Clause No. 11, Report No. 1)**

**2.26 Removal of Eighty-Two (82) Privately Owned Trees - South West Corner of Morningside Avenue and Highway 401 (Ward 43 – Scarborough East)**

The Community Council had before it a report (December 15, 2003) from the Commissioner of Economic Development, Culture and Tourism, recommending that:

- (1) Toronto East Community Council approve the request for a permit to remove eighty-two (82) privately owned trees located on the lands at the south west corner of Morningside Avenue and Highway 401, conditional on:
- (a) the owner submitting landscape plans satisfactory to the Commissioner of Economic Development, Culture and Tourism; and
  - (b) the trees in question not be removed until permitted construction activities in accordance with plans approved under the site plan application for the site commence which warrant the destruction of the trees;
- or
- (2) Toronto East Community Council deny the request for a permit to remove eighty-two (82) privately owned trees on the lands at the south west corner of Morningside Avenue and Highway 401.
- A. Councillor Soknacki moved that Recommendation No. (2) in the report (December 15, 2003) from the Commissioner of Economic Development, Culture and Tourism, to deny the request, be approved.
- B. Councillor Ashton moved that Recommendation No. (1) in the report (December 15, 2003) from the Commissioner of Economic Development, Culture and Tourism, be approved, subject to adding the following words to Recommendation No. (1)(a):

“further, that approval of the tree removal permit be conditional on a tree replacement planting at a rate of three new trees for each tree removed;”



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

Yeas: Councillors Cho, Cowbourne, De Baeremaeker, Soknacki -4

Nays: Councillors Altobello, Ashton, Balkissoon, Del Grande, Kelly, Thompson -6

Decided in the negative by a majority of 2.

Motion B. by Councillor Ashton carried.

**(Clause No. 12, Report No. 1)**

**2.27 Albert Campbell Square Permit Process Review (Ward 38 – Scarborough Centre)**

The Community Council had before it a report (December 17, 2003) from the Commissioner of Economic Development, Culture and Tourism, recommending that this report be received for information.

Councillor Balkissoon moved that:

- (1) the report (December 17, 2003) from the Commissioner of Economic Development, Culture and Tourism, be received; and
- (2) the Acting Director of Planning – East, be requested to report back to its meeting scheduled to be held on February 17, 2004, on a mechanism whereby Monarch Construction may be advised of the City's intention to place in the Condominium Declaration for the development under construction immediately north of the Square, a warning clause regarding the potential impact of activities in the Square, and to ensure that the rights of the Square as a public space will be protected.

**(Carried)**

**(Clause No. 24(i), Report No. 1)**

**2.28 Assumption of Services – Kennedy Commons Inc. and Lansing Building Supply Limited – 1997, 2021 and 2031 Kennedy Road and 50 Progress Avenue (Ward 40 – Scarborough Agincourt)**

The Community Council had before it a report (December 18, 2003) from the City Solicitor, recommending that:

- (1) the services installed for the above development be assumed and the City formally assume the road within the development;

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- (2) the Legal Services Division be authorized to release the performance guarantee;  
and
- (3) the City Clerk and Treasurer be authorized to sign any release or other documentation necessary to give effect thereto.
- A. Councillor De Baeremaeker moved that the report (December 18, 2003) from the City Solicitor, be referred back to the City Solicitor to ensure that this specific site is safe before the City assumes the road within the development, and to report back thereon to Community Council.
- B. Councillor Balkissoon moved that:
  - (1) the report (December 18, 2003) from the City Solicitor be deferred;
  - (2) the City Solicitor be requested, in consultation with the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, with respect to the assumption of the road within the development, to review:
    - (i) the safety of the intersection where William Kitchen Road meets the internal driveway of this development, near the “Mr. Greek” Restaurant, with regard to traffic studies done at the time of the application approval which indicated that this particular intersection should be uncontrolled as added traffic controls were not warranted;
    - (ii) the issue of who should be responsible for installing traffic controls at this intersection; and
    - (iii) report thereon to the Community Council in six months’ time.

The Toronto East Community Council consented to the withdrawal of Motion A. by Councillor De Baeremaeker.

Motion B. by Councillor Balkissoon carried.

**(Clause No. 24(j), Report No. 1)**

**2.29 Request for Approval of Variances from the former Scarborough Sign By-law No. 22980, as amended, for Two Ground Signs at 1897 Eglinton Avenue East - Golden Mile Motors Limited (Ward 35 – Scarborough Southwest)**

The Community Council had before it a report (November 25, 2003) from the Director of Building and Deputy Chief Building Official, recommending that the request for variances be refused for the reasons outlined in this report.

Councillor Altobello moved that the recommendations in the report (November 25, 2003) from the Director of Building and Deputy Chief Building Official, be struck out and the request for variances from the former Scarborough Sign By-law be approved.

(Carried)

(Clause No. 18, Report No. 1)

**2.30 Request for Approval of a Variance from the former Scarborough Sign By-law No. 22980, as amended, for the Installation of Additional Wall Sign Area at 5074 Sheppard Avenue East – Canadian Imperial Bank of Commerce (Ward 41 – Scarborough Rouge River)**

The Community Council had before it a report (December 2, 2003) from the Director of Building and Deputy Chief Building Official, recommending that:

- (1) that the request for variance be approved for the reasons outlined in this report; and
- (2) the applicant be advised, upon approval of the variance, of the requirement to obtain the necessary sign permit.

On a motion by Councillor Balkissoon, the Toronto East Community Council recommended to City Council the adoption of the aforementioned report.

(Clause No. 19, Report No. 1)

**2.31 Request for Approval of Variances from the Former Scarborough Sign By-law No. 22980, as amended, for Two Wall Signs and One Ground Sign at 9390 Sheppard Avenue East – Pizza Pizza Limited (Ward 42 – Scarborough Rouge River)**

The Community Council had before it a report (December 11, 2003) from the Director of Building and Deputy Chief Building Official, recommending that the request for variances be refused for the reasons outlined in this report.

On a motion by Councillor Balkissoon, the Toronto East Community Council deferred consideration of the foregoing report to the next meeting scheduled to be held on February 17, 2004, and that the applicant be notified and provided with a copy of the staff report.

**(Clause No. 24(k), Report No. 1)**

**2.32 Request for Approval of Variances from the former Scarborough Sign By-law No. 22980, as amended, for the installation of a Ground Sign for a Pizza Pizza Store at 575-579 Markham Road – Pizza Pizza Limited (Ward 43 – Scarborough East)**

The Community Council had before it a report (December 4, 2003) from the Director of Building and Deputy Chief Building Official, recommending that the request for variances be refused for the reasons outlined in this report.

On a motion by Councillor Balkissoon, the Toronto East Community Council deferred consideration of the foregoing report to the next meeting scheduled to be held on February 17, 2004, and that the applicant be notified and provided with a copy of the staff report.

**(Clause No. 24(l), Report No. 1)**

**2.33 Surplus Land Declaration and Proposed Closing of a Portion of the Cherry Street Road Allowance (Ward 44 – Scarborough East)**

The Community Council had before it a communication (December 19, 2003) from Councillor Gay Cowbourne, requesting Community Council's consideration of the following recommendation:

**“WHEREAS** pursuant to Clause 17 of Scarborough Community Council Report No. 6, as adopted by City Council at its meeting held on July 22, 23 and 24, 2003, City Council declared certain portions of the Cherry Street road allowance, shown as Parts 1, 2 and 3 on the attached Sketch No. PS-2002-090 (the “Westerly Highway Lands”) to be surplus to municipal requirements, authorized the closure of the Westerly Highway Lands as a public highway and directed the Commissioner of Corporate Services to invite an offer to purchase from the developer of the adjoining lands for the sale of the Westerly Highway Lands; and

**WHEREAS** the owners of 12 Duthie Street subsequently submitted an Application for First Registration under the Land Titles Act to request that they be certified as the owners, through adverse possession, of the most easterly 70 metres of the Cherry Street road allowance and the lane extending south-westerly from the east end of Cherry Street to the east end of Duthie Street (now shown as Parts 1 to 5 on the attached Sketch No. PS-2003-075) (the “Disputed Highway Lands”); and

**WHEREAS** pursuant to Notice of Motion J(32), moved by Councillor Moeser and seconded by Councillor Altobello, as adopted by City Council at its meeting held on September 22, 23, 24 and 25, 2003, City Council directed the City Solicitor to object to any Application for First Registration submitted under the Land Titles Act in respect of the Disputed Highway Lands, which the City Solicitor has done, and to take all steps necessary to assert the City's ownership claim to these lands; and

**WHEREAS** the issue of the ownership of the Disputed Highway Lands has not yet been resolved; and

**WHEREAS** before a decision is made to sell the Westerly Highway Lands, further community consultation should take place concerning the future of the entire Cherry Street road allowance and the lane extending south-westerly therefrom;

**THEREFORE BE IT RESOLVED THAT** the Toronto East Community Council recommend to City Council that City Council's earlier direction to the Commissioner of Corporate Services to invite an offer to purchase the Westerly Highway Lands from the developer of the lands adjoining the Westerly Highway Lands be held in abeyance until the Ward Councillor has had an opportunity to consult with the community concerning the future of the Cherry Street road allowance and the adjoining lane and the Toronto East Community Council has had an opportunity to consider the results of such consultation and to make recommendations to City Council concerning the future of the Cherry Street road allowance and the adjoining lane."

The Toronto East Community Council recommended to City Council the adoption of the aforementioned Motion by Councillor Cowbourne.

**(Clause No. 21, Report No. 1)**

#### **2.34 MFIPPA – Consent to Disclosure of Information**

On a motion by Councillor Ashton, the Toronto East Community Council recommended to City Council the adoption of the following:

“Resolved that the Commissioner of Corporate Services be requested to report to Administration Committee on the protocol followed to determine “consent” for the publication of private information.”

**(Clause No. 22, Report No. 1)**

**2.35 Former City of Scarborough Flag**

On a motion by Councillor De Baeremaeker, the Toronto East Community Council recommended to City Council the adoption of the following:

“Resolved that City Council authorize the display of the former City of Scarborough flag at the Scarborough Civic Centre, at other Scarborough locations where the Toronto flag is flown, and at events hosted by the Toronto East Community Council, and further, that the former City of Scarborough flag be made available to members of the public for community use.”

**(Clause No. 23, Report No. 1)**

The Community Council adjourned its meeting at 5:05 p.m.

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Chair.