

THE CITY OF TORONTO

City Clerk's Office

Minutes of the North York Community Council

Meeting 9

Tuesday, October 12, 2004.

The North York Community Council met on Tuesday, October 12, 2004, in the Council Chambers, North York Civic Centre, commencing at 9:40 a.m.

Attendance:

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

	9:40 a.m. to 12:30 p.m.	2:10 p.m. to 4:05 p.m.
Councillor Minnan-Wong, Chair	x	x
Councillor Augimeri, Vice-Chair	x	x
Councillor Carroll	x	x
Councillor Feldman	x	x
Councillor Filion	x	x
Councillor Jenkins	x	x
Councillor Li Preti	x	x
Councillor Moscoe		
Councillor Pitfield	x	x
Councillor Shiner	x	x
Councillor Stintz	x	x

On motion by Councillor Feldman, Ward 10 - York Centre, the minutes of the meeting of the North York Community Council held on September 14, 2004 were confirmed.

9.1 Request to Remove One City Owned Tree – 168 Bedford Park Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (August 9, 2004) from the Commissioner of Economic Development, Culture and Tourism, reporting on a request to

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remove one City owned tree situated on the City road allowance adjacent to the above noted property.

Recommendations:

It is recommended that:

- (1) the request for removal of one City owned tree at 168 Bedford Park Avenue be denied; or
- (2) the request for the removal of one City owned tree located at 168 Bedford Park Avenue be approved subject to:
 - (i) the applicant paying all applicable costs and complying with all other requirements as set out in City of Toronto Municipal Code, Chapter 813, Trees, Article II; and
 - (ii) the subject tree not being removed until permitted construction and/or demolition related activities in accordance with plans commence and warrant the destruction of the tree; and
 - (iii) the applicant planting one 70-mm replacement tree to the satisfaction of the Commissioner of Economic Development, Culture and Tourism; and
 - (iv) the applicant furnishing a two-year renewable guarantee for the proposed tree planting, in the form of a letter of credit/certified cheque for \$588.00 to cover the costs of removal, replacement and maintenance of the 70-mm tree planted on City property.

On motion by Councillor Stintz, Ward 16, Eglinton-Lawrence, the North York Community Council recommended that City Council adopt Recommendation 2 in the Recommendations Section of the report (August 9, 2004) from the Commissioner of Economic Development, Culture and Tourism as follows:

- “(2) the request for the removal of one City owned tree located at 168 Bedford Park Avenue be approved subject to:
 - (i) the applicant paying all applicable costs and complying with all other requirements as set out in City of Toronto Municipal Code, Chapter 813, Trees, Article II;
 - (ii) the subject tree not being removed until permitted construction and/or demolition related activities in

accordance with plans commence and warrant the destruction of the tree;

- (iii) the applicant planting one 70-mm replacement tree to the satisfaction of the Commissioner of Economic Development, Culture and Tourism; and
- (iv) the applicant furnishing a two-year renewable guarantee for the proposed tree planting, in the form of a letter of credit/certified cheque for \$588.00 to cover the costs of removal, replacement and maintenance of the 70-mm tree planted on City property.”

Report 8, Clause 1

9.2 Request to Remove One City Owned Tree – 360 Joicey Boulevard – (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (August 9, 2004) from the Commissioner of Economic Development, Culture and Tourism, reporting on a request to remove one City owned tree situated on the City road allowance adjacent to the above noted property.

Recommendations:

It is recommended that:

- (1) the request for the removal of one City owned tree at 360 Joicey Boulevard be denied; or
- (2) the request for the removal of one City owned tree located at 360 Joicey Boulevard be approved, subject to:
 - (i) the applicant paying all applicable costs and complying with all other requirements as set out in City of Toronto Municipal Code, Chapter 813, Trees, Article II; and
 - (ii) the subject tree not being removed until permitted construction and/or demolition related activities in accordance with plans commence and warrant the destruction of the tree; and
 - (iii) the applicant paying a \$588.00 fee to cover the costs of planting and maintaining a 70-mm tree planted on City property, elsewhere within

North District, to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Reza Nasab, property owner, appeared before the North York Community Council.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt Recommendation 1 in the Recommendations Section of the report (August 9, 2004) from the Commissioner of Economic Development, Culture and Tourism as follows:

“(1) the request for the removal of one City owned tree located at 360 Joicey Boulevard be denied.”

Report 8, Clause 2

9.3 Request for Fence Exemption – 14 Breen Crescent (Ward 25 – Don Valley West)

The North York considered Clause 4(a) of Toronto North Community Council Report 3, titled “Request for Fence Exemption – 14 Breen Crescent (Ward 25 – Don Valley West), containing the report (March 22, 2004) from the North District Manager, Municipal Licensing & Standards, Urban Development Services, recommending that the application not be approved, which was referred back to Toronto North Community Council by City Council, at its meeting on May 18, 19 and 20.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council deferred Clause 4(a) of Toronto North Community Council Report No. 3, titled “Request for Fence Exemption – 14 Breen Crescent (Ward 25 – Don Valley West)” to its meeting on November 16, 2004.

Report 8, Clause 35(a)

Councillor Augimeri, Vice-Chair, assumed the Chair.

9.4 Request for Fence Exemption – 77 Steeles Avenue West (Ward 24 – Willowdale)

The North York Community Council considered a report (September 12, 2004) from the North District Manager, Municipal Licensing & Standards, Urban Development Services, reporting on a request by the owner for an exemption from the City of Toronto Municipal Code Chapter 447 Fences, in order to exempt parts of their perimeter fence from the required maximum height.

Recommendation:

It is recommended that the application not be approved.

Lisa Ng, property owner, appeared before the North York Community Council.

- A. Councillor Li Preti, Ward 8 – York West, moved that City Council adopt the recommendations in the Recommendations Section of the report (September 12, 2004) from the North District Manager, Municipal Licensing and Standards, Urban Development Services.
- B. Councillor Minnan-Wong, Ward 34 – Don Valley East, moved that the North York Community Council recommend that City Council:
 - (1) not adopt the report (September 12, 2004) from the North District Manager, Municipal Licensing & Standards, Urban Development Services; and
 - (2) approve the request by the owner of 77 Steeles Avenue East, for an exemption from the City of Toronto Municipal Code Chapter 447 Fences, in order to exempt parts of their perimeter fence from the required maximum height.

Upon the question of the adoption of Motion A., by Councillor Li Preti, it was lost.

Upon the question of the adoption of Motion B., by Councillor Minnan-Wong, it was carried.

Report 8, Clause 3

Councillor Minnan-Wong resumed the Chair.

9.5 Natural Garden Exemption Request – Toronto Municipal Code, Chapter 489 – Albert Frey – 453 Elm Road (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (August 16, 2004) from the North District Manager, Municipal Licensing & Standards, Urban Development Services, reporting on a request for a natural garden exemption for 453 Elm Road, received in response to a notice served requiring that long grass and weeds be cut.

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Recommendations:

It is recommended that:

- (1) Community Council not grant the exemption;
- (2) The Notice issued under Toronto Municipal Code Chapter 489, Long Grass and Weeds, in relation to 453 Elm Road, be confirmed; and
- (3) Community Council direct that a second Notice be given under the Chapter requiring compliance.

Albert Frey appeared before the North York Community Council.

On motion by Councillor Carroll, Ward 33, Don Valley East, the North York Community Council:

- (1) deferred the report to its next meeting on November 16, 2004; and
- (2) requested the North District Manager, Municipal Licensing and Standards, Urban Development Services to:
 - (a) contact the property owner prior to making a further inspection so that the owner can be present during the inspection; and
 - (b) report back to the North York Community Council for its meeting on November 16, 2004, regarding this further inspection.

Report 8, Clause 35(b)

9.6 Natural Garden Exemption Request - Toronto Municipal Code, Chapter 489 – 9 Legacy Court (Ward 25 – Don Valley West)

The North York Community Council considered a report (September 13, 2004) from the North District Manager, Municipal Licensing & Standards, Urban Development Services, reporting on a request for a natural garden exemption for 9 Legacy Court, received in response to a notice served requiring that long grass and weeds be cut.

Recommendations:

It is recommended that:

- (1) Community Council not grant the exemption;
- (2) The Notice issued under Toronto Municipal Code Chapter 489, Long Grass and Weeds, in relation to 9 Legacy Court, be confirmed; and
- (3) Community Council direct that a second Notice be given under the Chapter requiring compliance.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 13, 2004) from the North District Manager, Municipal Licensing and Standards, Urban Development Services.

Report 8, Clause 4

9.7 Request for variances from the former Borough of East York Sign By-law No. 64-87, as amended, for the erection of an electronic message display unit attached to a ground sign at 21 Research Road (Ward 26 – Don Valley West)

The North York Community Council considered a report (August 25, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Dominic Rotundo, on behalf of his client “StorageNOW Holdings Inc.” for a variance from the former Borough of East York Sign By-law No. 64-87, as amended, to permit the erection of an electronic message display unit to be attached to an existing ground sign at the above location.

Recommendation:

It is recommended that the request for the variance to allow the electronic message centre be refused.

On motion by Councillor Pitfield, Ward 26 – Don Valley West, the North York Community Council recommended that City Council:

- (1) not adopt the report (August 25, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services; and
- (2) approve the request by Dominic Rotundo, on behalf of StorageNOW Holdings Inc., for a variance from the former Borough of East York Sign By-law No. 64-87, as amended, to permit the erection of an electronic message display unit to be attached to an existing ground sign at 21 Research Road.

Report 8, Clause 5

9.8 Request for a variance from the former City of North York Sign By-law, as amended, for the erection of two ground signs at 2275 Bayview Avenue (Ward 25 – Don Valley West)

The North York Community Council considered a report (August 25, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Albert Kruger of A-Tec Signs on behalf of York University, for variances from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of two ground signs at the above location.

Recommendations:

It is recommended that:

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

Steve Dranitsaris, Senior Executive Officer, Office of the Vice-President, Finance and Administration, Glendon College, York University, appeared before the North York Community Council.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council deferred the report to its next meeting on November 16, 2004, so that the Director of Building and Deputy Chief Building Official, Urban Development Services, in consultation with the Ward Councillor, can notify area residents about the sign variance request for community consultation purposes.

Report 8, Clause 35(c)

9.9 Request for Variances from the former City of North York Sign By-law No. 30788, as amended, for the erection of a third party roof sign on a commercial building at 788 Marlee Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (August 27, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Roy Dzeko of Astral Media Outdoor, on behalf of the Toronto Zionist Council, for a variance from the former City of North York Sign By-law No.

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30788, as amended, to permit the erection of a double faced (one face 10 feet by 35 feet and on 10 feet by 20 feet) illuminated off premise billboard roof sign.

Recommendation:

It is recommended that the request for variance be refused for the reasons outlined in this report.

The North York Community Council also considered a communication (October 8, 2004) from Councillor Moscoe, Ward 15 – Eglinton-Lawrence, requesting that this matter be deferred.

On motion by Councillor Feldman, Ward 10 – York Centre, on behalf of Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council deferred the report to its next meeting on November 16, 2004.

Report 8, Clause 35(d)

9.10 Request for Variances from the former City of North York Sign By-law No. 30788, as amended, for the erection of a projecting sign at 5095 Yonge Street (Ward 23 – Willowdale)

The North York Community Council considered a report (August 30, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Renny Cannon of Daniel Johnson Architect Inc., on behalf of Best Buy Canada Limited for variances from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of 8.64 metres (28 feet 4 inches) tall illuminated projecting sign at 5095 Yonge Street.

Recommendation:

It is recommended that the request for the variance be refused for the reasons outlined in this report.

Daniel Johnson, Daniel Johnson Architect Inc., appeared before the North York Community Council, on behalf of the applicant.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that City Council:

- (1) not adopt the report (August 30, 2004) from the Director of Building and Deputy Chief Building Official; and

- (2) approve the request for variances from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of a 8.64 metres (28 feet 4 inches) tall illuminated projecting sign at 5095 Yonge Street, subject to the following conditions:
- (a) that the applicant be notified of the need to obtain the approval from Transportation Services, North District, Works and Emergency Services;
 - (b) that no permit shall be issued for such sign until an agreement satisfactory to the City Solicitor or her designate has been completed between the City and the owner wherein the owner has agreed to indemnify and save harmless the City from any liability relating to the erection of the sign and that the sign be removed forthwith at the expense of the owner, if so directed by the Chief Building Official, and that the Chief Building Official has the right and authority to cause the sign to be removed if the owner fails to do so; and
 - (c) that the sign not be flashing or moving in any other way.

Report 8, Clause 6

9.11 Request for Approval of Variance from the former City of Toronto Sign By-law No. 297, as amended, to permit the display of a painted mural at 2454 Yonge Street (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 27, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Ivan Martinovic of Arch Design Architects, on behalf of Sporting Life Inc., for a variance from the former City of Toronto Sign By-law No. 297, as amended, to permit the display of a painted mural at the above location.

Recommendation:

It is recommended that the request for the sign variance be approved.

Ivan Martinovic, Arch Design Architects, appeared before the North York Community Council, on behalf of Sporting Life Inc.

On motion by Councillor Stintz, Ward 16 - Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff

recommendation in the Recommendations Section of the report (September 27, 2004) from the Director of Building and Deputy Chief Building Official.

Report 8, Clause 7

9.12 Request for Variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of a pylon sign on public property adjacent to 2 Neptune Drive (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (September 27, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services, reporting on a request by Arthur Landa of the Associated Hebrew School of Toronto, for a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of a pylon sign on public property adjacent to 2 Neptune Drive.

Recommendations:

It is recommended that:

- (1) The request for variance be approved for the reasons outlined in this report and:
 - (a) the applicant must enter into a lease agreement with the City of Toronto,
 - (b) a timer shall be installed, to switch off illumination on the north side of sign between 10:00 PM and 6:00 AM daily,
 - (c) the applicant be advised of the requirements to obtain the necessary sign permit from the Commissioner of Urban Development Services.

The North York Community Council also considered a communication (October 8, 2004) from Councillor Moscoe, Ward 15 - Eglinton-Lawrence, requesting that this matter be deferred.

Abe Lerman appeared before the North York Community Council, on behalf of the Associated Hebrew Schools of Toronto.

On motion by Councillor Augimeri, Ward 9 – York Centre, on behalf of Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council deferred the report to its next meeting on November 16, 2004.

Report 8, Clause 35(e)

Councillor Minnan-Wong resumed the Chair.

9.13 Inclusion on the City of Toronto Inventory of Heritage Properties – 2130 Bayview Avenue (William Booth Memorial College) (Ward 25 – Don Valley West)

The North York Community Council considered a report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism, recommending that Council include the property at 2130 Bayview Avenue (William Booth Memorial College) on the City of Toronto Inventory of Heritage Properties.

Recommendations:

It is recommended that:

- (1) Council include the property at 2130 Bayview Avenue (William Booth Memorial College) on the City of Toronto Inventory of Heritage Properties; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council also considered the following communications:

- (September 23, 2004) from the Toronto Preservation Board, advising that the Toronto Preservation Board, at its meeting held on September 23, 2004, postponed consideration of the report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism until the February 2005 meeting of the Toronto Preservation Board, subject to the Manager, Heritage Preservation Services, getting an undertaking from the Salvation Army that there will be no demolition of the property at that time.
- (September 30, 2004) from the Manager, Preservation Services, Economic Development, Culture and Tourism, requesting that this matter be deferred to the North York Community Council meeting in March 2005.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council deferred the report to its meeting on March 30, 2005.

Report 8, Clause 35(f)

9.14 Alterations to a Designated Heritage Building and Request for Authority to Enter into a Heritage Easement Agreement – 56 Blythwood Road (Herbert Elgie House) (Ward 25 – Don Valley West)

The North York Community Council considered a report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism, reporting on a request for permission to alter a building designated under Part IV of the Ontario Heritage Act in order to permit minor alterations to the exterior and request authority from Council to enter into a Heritage Easement Agreement.

Recommendations:

It is recommended that:

- (1) Council approve the proposed exterior alterations substantially in accordance with the plans by Catherine Nasmith Architect, dated August 25, 2004;
- (2) authority be granted by City Council for the execution of a Heritage Easement Agreement (HEA) for the Herbert Elgie House located at 56 Blythwood Road under Section 37 of the *Ontario Heritage Act* with the owner of the subject property, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Manager, Heritage Preservation Services; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The North York Community Council also considered a communication (September 23, 2004) from the Toronto Preservation Board, advising that the Toronto Preservation Board, at its meeting on September 23, 2004, recommended to the North York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism.

Catherine Nasmith, Architect, appeared before the North York Community Council.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 9, 2004) from the Commissioner of Economic Development, Culture and Tourism.

Report 8, Clause 8

9.15 Request for Driveway Entrance Widening – 17 Rollscourt Drive (Ward 25 – Don Valley West)

The North York Community Council considered a report (September 20, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on a request for a circular driveway entrance widening from 3.1 metres to 4.7 metres at the west driveway entrance at 17 Rollscourt Drive.

Recommendation:

It is recommended that the request for a variance to the Driveway Entrance Policy be approved.

Larry Lerner, property owner, appeared before the North York Community Council.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (September 20, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 9

9.16 Request to Maintain a Driveway Entrance – 55 Anndale Drive (Ward 23 – Willowdale)

The North York Community Council considered a report (September 20, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on a request to maintain a 5.2 metre driveway entrance on the Burnwell Avenue flank of 55 Anndale Drive.

Recommendation:

It is recommended that the request for a variance to the Driveway Entrance Policy be denied.

Peter Lawford, property owner, appeared before the North York Community Council.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council deferred the report to its next meeting on November 16, 2004.

Report 8, Clause 35(g)

9.17 Request for Driveway Entrance Widening – 338 Byng Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (September 17, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on a request for a driveway entrance widening from 6.0 metres to 7.6 metres at 338 Byng Avenue.

Recommendation:

It is recommended that the request for a variance to the residential driveway entrance policy be approved.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (September 17, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 10

9.18 Payment-In-Lieu of Parking – Foresight Corporate Communications Inc. – 15 Glenforest Road (Ward 25 – Don Valley West)

The North York Community Council considered a report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking Council's approval to exempt the applicant from the Toronto Zoning By-law 438-86 requirement of five parking stalls, conditional upon payment-in-lieu of parking.

Recommendations:

It is recommended that:

- (1) Council exempt the applicant from the Toronto Zoning By-law 438-86 parking requirement of five stalls;
- (2) the applicant enter into an Agreement with the City of Toronto for the payment-in-lieu of five parking stalls, which in this case amounts to \$12,500.00; and,
- (3) the appropriate City Officials be requested to take whatever action is necessary to give effect thereto, including the introduction in Council of any bills that may be required.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services:

Report 8, Clause 11

9.19 Permitted Parking Amendments – Little Boulevard (Ward 15 – Eglinton-Lawrence)

The North York Community Council had before it a report (June 18, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on a request to amend the existing parking restrictions on Little Boulevard.

Recommendations:

It is recommended that:

- (1) the former City of York Traffic By-law numbers 196-84 and 2958-94 be amended by deleting the one hour permitted parking from 8:00 a.m. to 7:00 p.m., on the east side of Little Boulevard, from the southerly limit of Bowie Avenue to the northerly limit of Eglinton Avenue West; and
- (2) the appropriate City Officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

The North York Community Council also had before it a communication (October 8, 2004) from Councillor Moscoe, Ward 15 – Eglinton-Lawrence, requesting that the report be withdrawn.

On motion by Councillor Feldman, Ward 10 – York Centre, on behalf of Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council withdrew the report (June 18, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 35(h)

9.20 Proposed Construction of Encroaching Covered Porch and Steps – Divadale Drive Flank of 305 Laird Drive (Ward 26 – Don Valley West)

The North York Community Council considered a report (August 23, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on a request to construct a covered porch a portion of which will encroach 0.4 metres within the public right-of-way and steps which encroach an additional 0.7 metres within the public right-of-way.

Recommendations:

It is recommended that:

- (1) City Council approve the construction of the covered porch and steps on the Divadale Drive flank of 305 Laird Drive subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - (a) indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form approved by the Chief Financial Officer and Treasurer and in an amount not less than \$2,000,000.00 or such greater amount as the Chief Financial Officer may require;
 - (b) maintain the porch and steps at the owner's expense in good repair and a condition satisfactory to the Commissioner of Works and Emergency Services and will not make any additions or modifications to the encroachments beyond what is allowed under the terms of the Agreement;
 - (c) remove the covered porch and steps upon receiving 90 days notice to do so;
 - (d) that the life of the Agreement be limited to 5 years from the date of registration or to the date of removal of the encroachments, at which time, the City may consider the Agreement for further extension if requested by the applicant;
 - (e) accept such additional conditions as the City Solicitor or the Commissioner of Works and Emergency Services may deem necessary in the interest of the City; and

- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the Commissioner of Works and Emergency Services be authorised to extend the Encroachment Agreement to the new owner, subject to the approval of the Commissioner of Works and Emergency Services.

On motion by Councillor Pitfield, Ward 26 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 23, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 12

9.21 Parking Prohibitions – Muirhead Road (Ward 33 – Don Valley East)

The North York Community Council considered a report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on amending the existing parking and stopping regulations on Muirhead Road, in the vicinity of Muirhead Public School.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking Anytime prohibition on the west side of Muirhead Road, from a point 76.25 metres north of the northerly limit of Old Sheppard Avenue to a point 183 metres north of the northerly limit of Old Sheppard Avenue;
- (2) Schedule IX of By-law No. 31001, of the former City of North York, be amended to delete the No Stopping Anytime prohibition on the east side of Muirhead Road, from the northerly limit of Old Sheppard Avenue to a point 198.25 metres north of the northerly limit of Old Sheppard Avenue;
- (3) Schedule X of By-law No. 31001, of the former City of North York, be amended to permit parking for maximum periods of 15 minutes between the hours of 8:00 a.m. and 4:00 p.m., Monday to Friday, on the east side of Muirhead Road, from a point 15 metres north of the northerly limit of Old Sheppard Avenue to a point 80 metres northerly thereof;
- (4) Schedule IX of By-law No. 31001, of the former City of North York, be amended to prohibit stopping at anytime on the east side of Muirhead Road, from a point 95

metres north of the northerly limit of Old Sheppard Avenue to a point 15 metres northerly thereof;

- (5) Schedule IX of By-law No. 31001, of the former City of North York, be amended to prohibit stopping at anytime on the west side of Muirhead Road, from a point 76 metres north of the northerly limit of Old Sheppard Avenue to a point 107 metres northerly thereof;
- (6) By-law No. 32759, of the former City of North York, be amended by installing a school bus loading zone on the east side of Muirhead Road, from a point 125 metres north of the northerly limit of Old Sheppard Avenue to a point 150 metres north of the northerly limit of Old Sheppard Avenue; and
- (7) Schedule IX of By-law No. 31001, of the former City of North York, be amended to prohibit stopping at anytime on the east side of Muirhead Road, from a point 150 metres north of the northerly limit of Old Sheppard Avenue to a point 50 metres northerly thereof.

On motion by Councillor Carroll, Ward 33 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 13

9.22 Parking Regulations – Eglinton Valley Subdivision (Ward 26 – Don Valley West)

The North York Community Council considered a report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on amending the existing parking regulations on Ferrand Drive, Windom Road, Seton Park Road and Wilket Creek Road.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the no parking at anytime prohibition on the west, north and east sides of Ferrand Drive, between the northerly limit of Rochefort Drive and the northerly limit of Deauville Lane;

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- (2) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the east, south and west sides of Ferrand Drive, from the northerly limit of Rochefort Drive (west leg) to the northerly limit of Rochefort Drive (east leg);
- (3) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the south side of Windom Road, from the easterly limit of Ferrand Drive (west leg) to the westerly limit of Ferrand Drive (east leg);
- (4) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking on the north side of Windom Road, from 8:00 a.m. to 6:00 p.m., Monday to Friday, except public holidays, from the easterly limit of Ferrand Drive (west leg) to the westerly limit of Ferrand Drive (east leg);
- (5) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the south side of Seton Park Road, from the easterly limit of Ferrand Drive (west leg) to the westerly limit of Ferrand Drive (east leg);
- (6) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking on the north side of Seton Park Road, from 8:00 a.m. to 6:00 p.m., Monday to Friday, except public holidays, from the easterly limit of Ferrand Drive (westleg) to the westerly limit of Ferrand Drive (east leg);
- (7) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at any time on the north and west sides of Wilket Creek Road, from the easterly limit of Ferrand Drive (west leg) to the southerly limit of Seton Park Road;
- (8) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking on the south and east sides of Wilket Creek Road, from 8:00 a.m. to 6:00 p.m., Monday to Friday, except public holidays, from the easterly limit of Ferrand Drive (west leg) to the southerly limit of Seton Park Road;
- (9) the provision of on-street parking meters on the east, south and west sides of Ferrand Drive (inside perimeter) be deleted; and
- (10) that the installation of parking meters be approved, operational between the hours of 8:00 a.m. and 6:00 p.m., Monday to Friday, except public holidays, on the west, north and east sides of Ferrand Drive, between the northerly limit of Rochefort Drive (west leg) and the northerly limit of Rochefort Drive (east leg), and that the Toronto City Solicitor be directed to prepare the appropriate bills

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 14

9.23 40 km/h Speed Zone – Reiner Road, Faywood Boulevard to Yeomans Road (Ward 10 – York Centre)

The North York Community Council considered a report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to reduce the speed limit on Reiner Road to 40 km/h.

Recommendation:

It is recommended that By-law No. 31878, of the former City of North York, be amended to reduce the speed limit on Reiner Road, from the easterly limit of Faywood Boulevard to the westerly limit of Yeomans Road, to 40 km/h.

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 15

9.24 Parking Prohibitions – Yonge Boulevard (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to amend the existing parking regulations on the north/east side of Yonge Boulevard.

Recommendations:

It is recommended that:

- (1) Schedule XXIII of Chapter 400, of the former City of Toronto Municipal Code, be amended by deleting the No Parking, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to

6:00 p.m., Monday to Friday, prohibition on the east side of Yonge Boulevard, from Yonge Street to the north City limit;

- (2) Schedule XXV of Chapter 400, of the former City of Toronto Municipal Code, be amended by deleting the 60 Minute Permitted Parking, 9:00 a.m. to 4:00 p.m., Monday to Friday, on the east side of Yonge Boulevard, from Yonge Street to the north City limit;
- (3) Schedule XXIII of Chapter 400, of the former City of Toronto Municipal Code, be amended by installing No Parking, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday to Friday, prohibitions on the east side of Yonge Boulevard, from a point 82.0 metres north of the westerly limit of Yonge Street to a point 48.0 metres north of the northerly limit of Mc Nairn Avenue;
- (4) Schedule XXV of Chapter 400, of the City of Toronto Municipal Code, be amended by installing 60 Minute Permitted Parking, 9:00 a.m. to 4:00 p.m., Monday to Friday, on the east side of Yonge Boulevard, from a point 82.0 metres north of the westerly limit of Yonge Street to a point 48.0 metres north of the northerly limit of Mc Nairn Avenue; and
- (5) Schedule XXIII of Chapter 400, of the City of Toronto Municipal Code, be amended by installing No Parking Anytime prohibitions on the north/east side of Yonge Boulevard, from the westerly limit of Yonge Street to a point 82.0 metres west/north of the westerly limit of Yonge Street.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 16

9.25 Turn Prohibitions – 1451 Avenue Road (Havergal College) (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to prohibit traffic movements to/from Havergal College at Avenue Road.

Recommendations:

It is recommended that:

- (1) southbound left turns be prohibited at anytime from Avenue Road into the driveway located approximately 214 metres south of Lawrence Avenue West, on the east side of Avenue Road;
- (2) westbound left turns be prohibited at anytime onto Avenue Road from the driveway located approximately 214 metres south of Lawrence Avenue West, on the east side of Avenue Road; and
- (3) the appropriate by-laws be amended accordingly.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendation Section of the report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 17

9.26 All Way Stop Control – Radine Road and Stuart Avenue (Ward 23 – Willowdale)

The North York Community Council considered a report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to install an all way stop control at the intersection of Radine Road and Stuart Avenue.

Recommendation:

It is recommended that Schedules XVIII and XIX of By-law No. 31001, of the former City of North York, be amended to require traffic to stop on all approaches to the intersection of Radine Road and Stuart Avenue.

The North York Community Council recommended that City Council adopt the staff recommendation in the Recommendations Section of the report (September 21, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 18

9.27 Amendments to Parking Prohibitions – Jainey Place (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to amend the current parking restrictions on Jainey Place.

Recommendation

It is recommended that Schedule VIII of By-law No. 31001, of the former City of North York, be amended to delete the No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday, prohibitions on both sides of Jainey Place, from the southerly limit of Joicey Boulevard to the northerly limit of Haddington Avenue.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (September 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 19

9.28 All Way Stop Control – Englemount Avenue and Hillmount Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered a report (September 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to install an all way stop control at the intersection of Englemount Avenue and Hillmount Avenue.

Recommendation:

It is recommended that Schedules XVIII and XIX of By-law No. 31001, of the former City of North York, be amended to require traffic to stop on all approaches to the intersection of Englemount Avenue and Hillmount Avenue.

The North York Community Council also considered a communication (October 8, 2004) from Councillor Moscoe, Ward 15 – Eglinton-Lawrence, requesting that this matter be approved and adopted.

On motion by Councillor Feldman, Ward 10 – York Centre, on behalf of Councillor Moscoe, Ward 15 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendation in the

Recommendation Section of the report (September 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 20

9.29 Parking Prohibitions – Dunblaine Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, seeking approval to amend the current parking restrictions on Dunblaine Avenue.

Recommendation:

It is recommended that Schedule VIII of By-law No. 31001, of the former City of North York, be amended by deleting the No Parking, 8:30 a.m. to 6:00 p.m., Monday to Friday, prohibitions on north side of Dunblaine Avenue, from the westerly limit of Kelso Street to a point 131 metres west of Kelso Street.

On motion by Councillor Stintz, Ward 16 – Eglinton-Lawrence, the North York Community Council recommended that City Council adopt the staff recommendation in the Recommendation Section of the report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 21

Councillor Augimeri, Vice-Chair, assumed the Chair.

9.30 School Bus Loading Zone – Ness Drive (Ward 34 – Don Valley East)

The North York Community Council considered a report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services on amending the limits of the existing school bus loading zone on Ness Drive, adjacent to Saint Madeline and Saint Isaac Jogues Catholic School.

Recommendations:

It is recommended that:

- (1) By-law No. 32759, of the former City of North York, be amended by deleting the school bus loading zone on the east side of Ness Drive, from a point 61 metres

north of the northerly limit of York Mills Road to a point 61 metres northerly thereof; and

- (2) By-law No. 32759, of the former City of North York, be amended by installing a school bus loading zone on the east side of Ness Drive, from a point 35 metres north of the northerly limit of York Mills Road to a point 72 metres northerly thereof.

On motion by Councillor Minnan-Wong, Ward 34 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 22

Councillor Minnan-Wong resumed the Chair.

9.31 Request for Poll – Speed Hump Plan – Hillmount Avenue between Dalemount Avenue and Shermount Avenue (Ward 15 – Eglinton-Lawrence)

The North York Community Council considered the following Resolution submitted by Councillor Moscoe, Ward 15 – Eglinton-Lawrence:

“WHEREAS residents of Hillmount Ave between Dalemount and Shermount Ave have expressed concern with regards to vehicle speeds on the roadway; and

WHEREAS residents of Hillmount Ave between Dalemount and Shermount Ave have expressed concern with regards to the volume of traffic on the roadway;

THEREFORE BE IT RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents of Hillmount Ave between Dalemount and Shermount Ave for the speed hump plan, in accordance with the City of Toronto Traffic Calming Policy and public notice be given pursuant to the Municipal Class Environmental Assessment Act including Notice of Study Commencement to the Ministry of Environment, Fire Services, Emergency Services and Toronto Police Services; and

BE IT FURTHER RESOLVED THAT the appropriate staff convey the results of the survey to the respondents; and

BE IT FURTHER RESOLVED THAT subject to favourable results of the poll:

- (i) a bylaw be prepared for the alteration of sections of the effected roadway and the speed limit be reduced to 30Km/hr; and
- (ii) Pursuant to the requirements of the Municipal Class Environmental Assessment Act, Notice of Completion be issued; and

BE IT FURTHER RESOLVED THAT the appropriate city officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

The North York Community Council also considered a communication (October 8, 2004) from Councillor Moscoe, Ward 15 – Eglinton-Lawrence, requesting that the Resolution be approved and adopted.

- A. Councillor Carroll, Ward 33 – Don Valley East, on behalf of Councillor Moscoe, Ward 15 – Eglinton-Lawrence, moved that City Council adopt the Resolution submitted by Councillor Moscoe.

Upon the question of the adoption of Motion A., by Councillor Carroll, it was lost.

The North York Community Council received the Resolution submitted by Councillor Moscoe.

Report 8, Clause 35(i)

9.32 Property Standards Inspection – North York Civic Centre

The North York Community Council considered:

- Memorandum (September 9, 2004) from Municipal Standards Officer, Municipal Standards, Licensing & Standards, Urban Development Services, addressed to the North York Civic Centre Ad Hoc Building Committee, responding to the request outlined in Clause 41 of North York Community Council Report 6, headed “Deterioration of North York Civic Centre.”
- Report (September 30, 2004) from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism, reporting on the property standards inspection for the North York Civic Centre, recommending that this report be received for information.

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- Minutes of the Meeting of the North York Civic Centre Ad Hoc Building Committee held on October 8, 2004, outlining the concerns expressed by staff at the North York Civic Centre.

On motion by Councillor Carroll, Ward 33 – Don Valley East, the North York Community Council referred the report (September 30, 2004) from the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism, back to the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism, for a further report to the North York Community Council for its meeting on November 16, 2004, on:

- (a) the frequency of cleaning stipulated in the cleaning contract for the North York Civic Centre, along with providing a copy of the contract to Members of the North York Community Council upon request; and
- (b) the status of the items identified in the memorandum (September 9, 2004) from the Municipal Standards Officer, to the North York Civic Centre Ad Hoc Building Committee, listed by number, as in the original inspection report.

Report 8, Clause 35(j)

9.33 Preliminary Report – Application to Amend the Zoning By-law – 04 169386 NNY 09 OZ – Independence Way Inc. – 2701 Keele Street (Ward 9 – York Centre)

The North York Community Council considered a report (September 27, 2004) from the Director, Community Planning, North District, Urban Development Services, providing preliminary information on the above-noted application and seeking Community Council's directions on further processing of the application and on the community consultation process.

Recommendations:

It is recommended 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.

On motion by Councillor Augimeri, Ward 9 – York Centre, the North York Community Council approved the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Director, Community Planning, North District, Urban Development Services, with Recommendation (2) amended as follows:

- “(2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site and that Independence Way Inc. be requested to provide the mailing addresses of the purchasers to the City Clerk, so that they too may be sent a notice of this public consultation meeting.”

Report 8, Clause 35(k)

9.34 Residential Demolition Applications – 04 161 245, 04 161 249, 04 161 256, 04 161 261, 04 161 266, 04 161 271 – Brydale Developments (Orchard View) Inc. – 58 to 68 Orchard View Boulevard and 439 to 441 Duplex Avenue (Ward 16 – Eglinton-Lawrence)

The North York Community Council considered a report (September 24, 2004) from the Director, Community Planning, North District, Urban Development Services, reporting on applications to demolish 6 semi-detached residential units at 58 to 68 Orchard View Boulevard and 439 to 441 Duplex Avenue, pursuant to Section 33 of the *Planning Act* and the City of Toronto Act, 1984, 1985 and 1991.

Recommendations:

It is recommended that:

- (1) City Council refuse the applications to demolish the 6 semi-detached residential units at 58 to 68 Orchard View Boulevard and 439 to 441 Duplex Avenue.
- (2) the City Solicitor and any other appropriate staff be authorized and directed to oppose any appeal of Council’s refusal of the applications to the Ontario Municipal Board.
- (3) City Officials be authorized and directed to take the necessary actions to give effect thereto.

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The North York Community Council also considered a communication (October 7, 2004) from Peter Tanenbaum, Brydale Developments (Orchardview) Inc.

The following persons appeared before the North York Community Council:

- Robert Warren, who submitted a petition containing 33 signatures of area residents, in support of the applications for demolition of the six semi-detached units; and
 - Gillian Jagasia, Avenue Road Eglinton Residents' Association (AREC).
- A. Councillor Stintz, Ward 16 – Eglinton-Lawrence, moved that the North York Community Council recommend that City Council:
- (1) not adopt the report (September 24, 2004) from the Director, Community Planning, North District, Urban Development Services; and
 - (2) approve the applications to demolish 6 semi-detached residential units at 58 to 68 Orchard View Boulevard and 439 to 441 Duplex Avenue, subject to the following conditions:
 - (a) that the owner shall, prior to the issuance of demolition permits, provide arborist reports, security deposits and tree protection agreements all to the satisfaction of Urban Forestry Services, Economic Development, Culture and Tourism;
 - (b) that all debris and rubble be removed from the site immediately after demolition;
 - (c) that a construction fence be erected in accordance with the provisions of the City of Toronto Municipal Code, Chapter 363, Article III, if deemed appropriate by the Director of Building and Deputy Chief Building Official;
 - (d) that the site be maintained free of garbage and weeds, in accordance with the City of Toronto Municipal Code 623-5 and 629-10, Paragraph B;
 - (e) that the site be planted with sod;
 - (f) that any holes on the properties be back-filled with clean fill; and
 - (g) that the applicant submit a Designated Substance Report, a Dust Control Plan and any other required information for the review and

approval of the Commissioner of Urban Development Services, in consultation with the Medical Officer of Health, prior to the issuance of the demolition permits.

- B. Councillor Jenkins, Ward 25 – Don Valley West, moved that the North York Community Council recommend to City Council that a Letter of Credit, in an amount to be determined by appropriate City staff be required to ensure fulfilment of all conditions until a subsequent development application is approved.

Upon the question of the adoption of Motion A., by Councillor Stintz, it was carried.

Upon the question of the adoption of Motion B., by Councillor Jenkins, it was carried.

Report 8, Clause 23

9.35 Final Report – Rezoning Application – 03 166761 NNY 24 OZ – Louis Zoppi – Marco Marquette Architect – 202 Finch Avenue East (Ward 24 – Willowdale)

As directed by the Toronto North Community Council at its meeting held on January 5, 2004, appropriate notice of this statutory public meeting was given in accordance with the *Planning Act* on the regulations thereunder.

The North York Community Council considered a report (August 20, 2004) from the Director, Community Planning, North District, Urban Development Services, reporting on an application to amend the Zoning By-law to permit redevelopment of the site with two semi-detached units at 202 Finch Avenue East.

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- (3) before introducing the necessary Bills to City Council for enactment, require the owner to:

- (a) convey or cause to be conveyed to the City for dedication as public highway for a nominal sum, free of all encumbrances, a 4.9 metre road widening;
- (b) obtain Site Plan approval under section 41 of the Planning Act from the Director, Community Planning, North District.

Louis Zoppi, applicant, appeared before the North York Community Council.

On motion by Councillor Shiner, Ward 24 – Willowdale, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (August 20, 2004) from the Director, Community Planning, North District.

Report 8, Clause 24

9.36 Final Report – OPA & Rezoning Application 04 107243 NNY 23 OZ – Sterling (Finch) Group Inc. – Rafael & Bigauskas Architects – 203, 205 and 215 Finch Avenue East (Ward 23 – Willowdale)

As directed by the Toronto North Community Council at its meeting held on April 7, 2004, appropriate notice of this statutory public meeting was given in accordance with the *Planning Act* on the regulations thereunder.

The North York Community Council considered a report (September 27, 2004) from the Director, Community Planning, North District, Urban Development Services, reporting on an application to amend the Official Plan and the Zoning By-law to permit 18, 3-storey townhouses at 203, 205 and 215 Finch Avenue East.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendments attached as No. 10.
- (2) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 11.
- (3) amend the Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12.

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- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, the owner is required:
 - (i) obtain site plan approval from the Director, Community Planning, North District, under Section 41 of the *Planning Act* and;
 - (ii) convey to the City, for a nominal sum and free and clear of encumbrances, a road widening measuring approximately 4.89 metres along the Finch Avenue East frontage.

The North York Community Council also considered a communication (October 5, 2004) from Ho Chun Ming.

The following persons appeared before the North York Community Council:

- Adam Brown, Solicitor, of the law firm of Sherman Brown Dryer Karol Gold Lebow, on behalf of the applicant; and
- Cathy McBey.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that:

- (a) the report (September 27, 2004) from the Director, Community Planning, North District, Urban Development Services, not be adopted; and
- (b) the application to amend the Official Plan and Zoning By-law to permit eighteen, 3-storey townhouses at 203, 205 and 215 Finch Avenue East, be refused.

A recorded vote on the motion moved by Councillor Filion, Ward 23 – Willowdale was as follows:

FOR: Councillors Carroll, Filion, Jenkins, Li Preti, Shiner, Stintz

AGAINST: Councillor Minnan Wong

ABSENT: Councillors Augimeri, Feldman, Moscoe, Pitfield

Carried.

Report 8, Clause 25

9.37 Request for Direction Report - OPA & Rezoning Application 04 109551 NNY 23 OZ - Site Plan Application 04 150493 NNY 23 SA - Toronto District School Board and Rosedale Development Inc. - Kohn Shnier Architects and E.I. Richmond Architects - 4917-4975 Yonge Street, 11-27 Hollywood Avenue, 8-18 & 50 Spring Garden Avenue (Ward 23 - Willowdale)

The North York Community Council considered a report (October 5, 2004) from the Director, Community Planning, North District, Urban Development Services, reporting on a proposal to amend the North York Official Plan and Zoning By-law to permit a development encompassing a 35 storey condominium building on Yonge Street having 2 floors of commercial use, a new Toronto District School Board school building, and two 24 storey condominium buildings and a 36 storey condominium is proposed to replace the previously approved 30 storey building.

Recommendations:

It is recommended that City Council:

- (1) Authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the applications submitted;
- (2) Authorize the City Solicitor and appropriate staff to support the applications provided the site plan is revised to the satisfaction of City Planning staff respecting the following:
 - (i) continuous driveway with a dedicated drop-off and pick-up area for the school between Hollywood Avenue and Spring Garden Avenue;
 - (ii) below-grade parking garage for 40 spaces provided beneath the school building;
 - (iii) publicly accessible landscape open space abutting Spring Garden Avenue and the school playground by shifting Building E northward;
 - (iv) consolidation of driveway entrances; and,
 - (v) minimum three floors of retail/commercial uses in Building C along the Yonge Street frontage.
- (3) Authorize the City Solicitor and appropriate staff to support the applications provided that the following standards be secured in the proposed By-laws:

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- (i) For the building located at 8 Spring Garden Avenue (Building B) the following shall apply:
 - (a) total gross floor area to be increased from 20,606 m² to 31,485 m²
 - (b) maximum number of units to be increased from 318 to 342
- (ii) For the building located at 4917-4975 Yonge Street (Building C) the following shall apply:
 - (a) maximum 34,395 m² gross floor area for residential use including density incentives
 - (b) minimum 8,985 m² gross floor area for commercial use, to be located on the first three floors
 - (c) ground floor to be used for retail use, and the second and third floors to have retail / commercial uses
 - (d) maximum number of units of 405.
- (iii) For the buildings located at 18 Spring Garden and 27 Hollywood Avenues, (Buildings D and E), the following shall apply:
 - (a) maximum residential gross floor area of 47,551 m² including density incentives
 - (b) maximum number of units of 580
 - (c) maximum building height of 65 metres.
- (iv) For the school building located at 50 Spring Garden Avenue, the following shall apply:
 - (a) maximum gross floor area of 3789 m²
 - (b) maximum building coverage of 40%
 - (c) maximum building height of 11 metres and 3 storeys.
- (4) Prior to the OMB hearing, the applicants shall submit revised, detailed plans to the City for review, based on the revisions discussed in this Report.
- (5) The City Solicitor shall request the Ontario Municipal Board to withhold its Order approving the Official Plan amendment and Zoning By-law until:
 - (i) The owner has entered into an agreement under Section 37 of the Planning Act to: ensure the provision of an appropriate financial contribution to be used for community facility improvements in the area, to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism in consultation with the ward Councillor. Based on

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the height and density proposed, staff recommend a contribution in the range of \$500,000. In addition to this contribution, the Section 37 agreement shall also secure a contribution towards public art based on one percent of the estimated value of construction for Buildings D and E and the additional density for Buildings B and C. These payment shall be submitted to the City prior to issuance of the first building permit for Buildings B, C, D, or E. Prior to the first building permit, the applicant shall provide an irrevocable letter of credit in the value of 5% of the market value of the net site of Buildings C, D, and E for off-site parkland dedication.

- (ii) Conditions of site plan approval for the entire site have been established and the owner has entered into an agreement under Section 41 of the Planning Act to secure among other matters, the provision of a publicly accessible landscaped open space adjacent to Spring Garden Avenue and the school playground. The site plan agreement shall also continue to secure sidewalk improvements along Yonge Street, landscaping and an interim parking lot, illustrated as Phase 1A on Plan L-1 (Nov. 27, 2003), prior to the issuance of the first building permit for Buildings B, C, D. or E.
- (iii) By-laws are prepared to the satisfaction of the City Solicitor. The detailed zoning by-law shall incorporate performance standards which include, but are not limited to, regulations on building setbacks, building envelopes, build-to lines, parking, building heights, gross floor area of residential and commercial space, type of uses, number of dwelling units, minimum indoor recreational amenity space, outdoor open space area, parking and loading.
- (iv) Upon detailed review of the revised plans, in preparation of the by-laws and required agreements, the applicant shall address the concerns of the commenting departments and agencies including the requirements of the Works and Emergency Services Department, Economic Development, Culture and Tourism Department, and the Toronto Transit Commission. These requirements shall be secured as appropriate in the Section 37 or Site Plan development agreements; and,
- (v) The applicants have given a written undertaking in a form satisfactory to the City Solicitor, that upon the Official Plan amendment and zoning by-law described in this report coming into force and effect, the applicant's appeal of the new Toronto Official Plan as it relates to this site, be settled upon the necessary amendments to the new Toronto Official Plan being made to reflect the Official Plan amendment and zoning by-law approved by the Ontario Municipal Board.

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Naomi Faulkner, Senior Planner, Community Planning, North District, Urban Development Services, made a staff presentation.

The North York Community Council also considered communications:

- (September 30, 2004) from Jack Loman;
- (September 28, 2004) from B. Allen;
- (October 12, 2004) from Ed Levin; and
- (October 12, 2004) from Jeffrey L. Davies, Davies Howe Partners, on behalf of Rosedale Development Inc.

The following persons appeared before the North York Community Council:

- Jeffrey Davies, Davies Howe Partners, on behalf of Rosedale Development Inc.;
- Francine Fleming, on behalf of residents of Hollywood Plaza;
- Ed Levin, President, MTCC 650;
- Edmond Leung;
- John Pavey, who also filed a written submission;
- Calvin Lam;
- Keith Brown, Board of Directors, MTCC 1070; and
- John White, who also filed a written submission;
- Don Stokoe;
- G. Guerra;
- Judy Gibson; and
- Ginger Florian.

On motion by Councillor Filion, Ward 23 - Willowdale, the North York Community Council recommended that City Council:

- (1) not adopt the staff recommendations in the Recommendations Section of the report (October 5, 2004) from the Director, Community Planning, North District, Urban Development Services;
- (2) adopt the following Recommendations submitted by Councillor Filion, Ward 23 – Willowdale:
 - (a) Authorize the City Solicitor and appropriate staff, and if required, outside planning consultants, to attend the Ontario Municipal Board hearing to oppose the applications submitted;
 - (b) Seek the following revisions to the site plan application to the satisfaction of City Planning Staff:

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- (i) continuous driveway with a dedicated drop-off and pick-up area for the school between Hollywood Avenue and Spring Garden Avenue;
 - (ii) below-grade parking garage for 40 spaces provided beneath the school building;
 - (iii) publicly accessible landscape open space abutting Spring Garden Avenue and the school playground by shifting Building E northward or combining Building D and E;
 - (iv) consolidation of driveway entrances;
 - (v) for the building located at 4917 – 4975 Yonge Street (Building C), the use shall remain as commercial use with retail at grade in keeping with the Official Plan, a previous Council resolution and the previous OMB decision of August 2001;
 - (vi) the density incentive derived from the school building shall be based on the gross floor area of the school building or 3789 m² and not 14, 864 m² which represents four times the school gross floor area, (a difference of 11,075 m²);
 - (vii) the applicant shall provide below-grade bicycle storage space to be used for bicycles only, and general storage in each of the residential buildings be provided for that purpose in addition to the bicycle storage;
- (c) The City Solicitor shall request the Ontario Municipal Board to withhold its Order approving the revised Official Plan amendment and Zoning By-law that incorporates the changes noted above until:
- (i) The owner has entered into an agreement under Section 37 of the Planning Act to: ensure the provision of an appropriate financial contribution to be used for community facility improvements in the area, to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism in consultation with the Ward Councillor. The Section 37 agreement shall secure a contribution towards public art based on one percent of the estimated value of construction for Buildings D and E and the additional density for Buildings B and C. These payments shall be submitted to the City prior to issuance of the first building permit for Buildings B, C, D, or E. Prior to the first building permit, the applicant shall provide an irrevocable letter of credit in the value of

five percent (5%) of the market value of the net site of Buildings C, D, and E for off-site parkland dedication.

- (ii) Conditions of site plan approval for the entire site have been established and the owner has entered into an agreement under Section 41 of the Planning Act to secure among other matters, the provision of a publicly accessible landscaped open space adjacent to Spring Garden Avenue and the school playground. The site plan agreement shall also continue to secure sidewalk improvements along Yonge Street, landscaping and an interim parking lot, illustrated as Phase 1A on Plan L-1 (Nov. 27, 2003), prior to the issuance of the first building permit for Buildings B, C, D. or E.
- (iii) By-laws are prepared to the satisfaction of the City Solicitor. The detailed zoning by-law shall incorporate performance standards which include, but are not limited to, regulations on building setbacks, building envelopes, build-to lines, parking, building heights, gross floor area of residential and commercial space, type of uses, number of dwelling units, minimum indoor recreational amenity space, outdoor open space area, parking and loading.
- (iv) Upon detailed review of the revised plans, in preparation of the by-laws and required agreements, the applicant shall address the concerns of the commenting departments and agencies including the requirements of the Works and Emergency Services Department, Economic Development, Culture and Tourism Department, and the Toronto Transit Commission. These requirements shall be secured as appropriate in the Section 37 or Site Plan development agreements; and
- (v) The applicants have given a written undertaking in a form satisfactory to the City Solicitor, that upon the Official Plan amendment and zoning by-law described in this report coming into force and effect, the applicant's appeal of the new Toronto Official Plan as it relates to this site, be settled upon the necessary amendments to the new Toronto Official Plan being made to reflect the Official Plan amendment and zoning by-law approved by the Ontario Municipal Board.

Report 8, Clause 26

9.38 Encroachment Agreement Application – 1 St. Ives Avenue (Ward 25 – Don Valley West)

The North York Community Council considered a communication (October 5, 2004) from the City Clerk, advising that City Council, on September 28, 29, 30 and October 1, 2004, re-opened North York Community Council Report 4, Clause 23, headed “Encroachment Agreement Application – 1 St. Ives”, for further consideration, and that the applicant be permitted to submit a new application.

The North York Community Council also considered a report (September 28, 2004) from the North District Manager, Municipal Licensing and Standards, Urban Development Services, reporting on permitting an encroachment agreement.

Recommendations:

It is recommended that the encroachment application be approved, subject to the following conditions:

- (1) That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and the Commissioner of Urban Development Services;
- (2) That the appropriate City officials be authorized to take the necessary action to give effect thereto;
- (3) That no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
- (4) That the life of the Agreement be limited to 5 years from the date of registration or to the date of removal of the encroachment, at which time, the City may consider the Agreement for further extension if requested by the applicant;
- (5) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- (6) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Commissioner of Urban Development Services;
- (7) The owner(s) will at their expense and to the satisfaction of the Commissioner of Urban Development Services, keep and maintain the encroachment in a good and

proper state of repair and safety and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

- (8) The owner(s) pay the following fees:
- (i) Application Fee of \$423.07
 - (ii) Legal Administration Cost and Registration of \$391.70
 - (iii) Annual Fee (rate adjusted annually) of \$3.30 per square metre for 249.9 square metres, totalling \$824.01 for 2004.

Bernie Morton, Sussex Strategy Group, appeared before the North York Community Council, on behalf of the applicant.

On motion by Councillor Jenkins, Ward 25 – Don Valley West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 28, 2004) from the North District Manager, Municipal Licensing and Standards, Urban Development Services:

Report 8, Clause 27

9.39 Request for Direction Report – Site Plan Approval Application 03 200020 NNY 24 SA – Marek Dzikowski, Dzikowski Architects Inc. – 5845-5955 Leslie Street (Ward 24 – Willowdale)

The North York Community Council considered a report (October 5, 2004) from the Director, Community Planning, North District, Urban Development Services, reporting on a site plan application for a drive-through restaurant on the property known as 5955 Leslie Street.

Recommendations:

- (1) Staff be directed to finalize the site plan details based on the site layout shown in the September 2004 submission in consultation with Works & Emergency Services;
- (2) The City Solicitor be directed to attend the Ontario Municipal Board hearing in support of a site plan approval based on the September submission;
- (3) The City Solicitor and appropriate City staff be authorized to take such actions as necessary to give affect to the above recommendations.

- A. Councillor Shiner, Ward 24 – Willowdale, moved that the North York Community Council recommend that City Council adopt the staff recommendations in the Recommendations Section of the report (October 5, 2004) from the Director, Community Planning, North District, Urban Development Services.
- C. Councillor Feldman, Ward 10 – York Centre, moved that the North York Community Council requested the Director, Community Planning, North District, Urban Development Services, be requested to continue to negotiate with the applicant regarding the relocation of the driveway for the proposed drive through restaurant and report to City Council for its meeting on October 26, 27 and 28, 2004.

Upon the question of the adoption of Motion A., by Councillor Shiner, it was carried.

Upon the question of the adoption of Motion B., by Councillor Feldman, it was carried.

Councillor Augimeri, Vice-Chair, assumed the Chair.

Report 8, Clause 28

9.40 Sale of Surplus Vacant Land – South side of Bartley Drive, east of O’Connor Drive (Ward 34 – Don Valley East)

The North York Community Council considered a report (September 27, 2004) from the Commissioner of Corporate Services, reporting on authorizing the disposal of a parcel of vacant land located on the south side of Bartley Drive between 75 and 85 Bartley Drive.

Recommendations:

It is recommended that:

- (1) the offer from Tajuddin and Nasim Alibhai to purchase the City-owned parcel of vacant land located on the south side of Bartley Drive, being Lot 348, Plan 1995 (the “Property”), in the amount of \$121,110.00 be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (2) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this property;

- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Minnan-Wong, Ward 34 – Don Valley East, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Minnan-Wong, Ward 34 – Don Valley East, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 27, 2004) from the Commissioner of Corporate Services.

Report 8, Clause 29

Councillor Minnan-Wong resumed the Chair.

9.41 Sale of Residual Portion of Mylesview Place (formerly part of Stormont Avenue – as Closed) adjacent to 9 Mylesview Place (Ward 23 – Willowdale)

The North York Community Council considered a report (September 23, 2004) from the Commissioner of Corporate Services, reporting on authorizing the sale of a residual portion of vacant land adjacent to 9 Mylesview Place.

Recommendations:

It is recommended that:

- (1) authority be granted to convey a permanent conservation easement and restrictive covenant to the Toronto Region and Conservation Authority for nominal consideration, over the entire parcel adjacent to 9 Mylesview Place, described as Part of Mylesview Place (formerly part of Stormont Avenue) on Plan 2069, closed by By-law No. 14491 (Instrument Number NY327339), shown as Part 1 on Sketch No. PS-2001-102, amended November 13, 2003, (the “Property”), on terms and conditions satisfactory to the Commissioner of Corporate Services;

- (2) the Offer to Purchase from Philippa Sutcliffe to purchase the Property, in the amount of \$15,000.00 plus GST, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (3) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this Property;
- (4) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Filion, Ward 23 - Willowdale, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 23, 2004) from the Commissioner of Corporate Services.

Report 8, Clause 30

9.42 Sale of Residual Portion of Mylesview Place (formerly part of Stormont Avenue – as Closed) adjacent to 12 Mylesview Place (Ward 23 – Willowdale)

The North York Community Council considered a report (September 23, 2004) from the Commissioner of Corporate Services, reporting on authorizing the sale of a residual portion of vacant land adjacent to 12 Mylesview Place.

Recommendations:

It is recommended that:

- (1) authority be granted to convey a permanent conservation easement and restrictive covenant to the Toronto Region and Conservation Authority for nominal consideration, over the entire parcel adjacent to 12 Mylesview Place, described as Part of Mylesview Place (formerly part of Stormont Avenue) on Plan 2069, closed by By-law No. 14491 (Instrument Number NY327339), shown as Part 2 on Sketch No. PS-2001-102, amended November 13, 2003, (the "Property") on terms and conditions satisfactory to the Commissioner of Corporate Services;
- (2) the Offer to Purchase from William and Diana Santo to purchase the Property, in the amount of \$14,000.00 plus GST, be accepted on the terms outlined in the body of this report, and that either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to accept the Offer on behalf of the City;
- (3) authority be granted to direct a portion of the proceeds on closing to fund the outstanding expenses related to this Property;
- (4) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Filion, Ward 23 - Willowdale, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Filion, Ward 23 - Willowdale, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 23, 2004) from the Commissioner of Corporate Services.

Report 8, Clause 31

9.43 Ontario Municipal Board Hearing – Committee of Adjustment Application – 8 & 10 Community Circle (Ward 23 – Willowdale)

The North York Community Council had before it a Resolution submitted by Councillor Filion, Ward 23 - Willowdale:

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) Deferred Sine Die a consent application by Rajinder Sethi, the owner of 8 Community Circle, for consent to sever the rear 16m of the lands for the purpose of a lot addition to create a new residential building lot fronting onto Terrace Avenue;

WHEREAS the Committee of Adjustment for the City of Toronto (North District) Deferred Sine Die a consent application by Rajinder Sethi, the owner of 10 Community Circle, for consent to sever the rear 16m of the lands for the purpose of a lot addition to create a new residential building lot fronting onto Terrace Avenue;

WHEREAS no minor variance applications were required;

WHEREAS the applicant has appealed the Committee’s failure to make a decision with respect to the above applications to the Ontario Municipal Board;

WHEREAS planning staff did not report on the applications;

WHEREAS the Ontario Municipal Board has not set a hearing date for the applications.

NOW THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to authorize City legal staff to retain outside Planning Support and attend the Ontario Municipal Board hearing to oppose the consent and to defend the Committee of Adjustment’s decision to defer the application.”

On motion by Councillor Filion, Ward 23 - Willowdale, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Filion, the North York Community Council:

- (1) withdrew the Resolution; and
- (2) requested the Manager and Deputy Secretary-Treasurer, Committee of Adjustment - North York Panel, to schedule the severance applications for

8 and 10 Community Circle for a hearing by the Members of the Committee of Adjustment – North York Panel, as soon as possible, and advise the Ontario Municipal Board of the scheduled hearing date.

Report 8, Clause 35(1)

9.44 Ontario Municipal Board Hearing – Committee of Adjustment Application – 54 Dudley Avenue (Ward 23 – Willowdale)

The North York Community Council considered the following Resolution submitted by Councillor Filion, Ward 23 – Willowdale:

“WHEREAS the Committee of Adjustment for the City of Toronto (North York Panel) refused a severance application by Barry and Dianne Citron, the owner of 54 Dudley Avenue, for consent to sever a residential property fronting onto the west side of Dudley Avenue into two residential properties having frontages of 9.17 m and 9.49 m;

WHEREAS the Committee of Adjustment for the City of Toronto (North York Panel) refused the two associated variance applications requesting variances for lot frontage and width; lot area and north and south side yard setbacks;

WHEREAS Planning staff commented the creation of smaller lots to severance is not desirable or appropriate in this instance and recommended refusal;

WHEREAS the applicant has appealed the decisions of the Committee of Adjustment for the severance and minor variance applications to the Ontario Municipal Board;

WHEREAS no date has been set for the hearing of the appeals.

THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment’s decision”.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that City Council adopt the Resolution.

Report 8, Clause 32

9.45 Ontario Municipal Board Hearing – Committee of Adjustment Application – 185 Horsham Avenue (Ward 23 – Willowdale)

The North York Community Council considered the following Resolution submitted by Councillor Filion, Ward 23 – Willowdale:

“WHEREAS the Committee of Adjustment for the City of Toronto (North York Panel) refused a severance application by Vincent Krasna, the owner of 185 Horsham Avenue, for consent to sever a residential property fronting onto the south side of Horsham Avenue into two residential properties having frontages of 9.96m;

WHEREAS the Committee of Adjustment for the City of Toronto (North York Panel) refused the two associated variance applications requesting variances for lot frontage and width; lot area, lot coverage and east and west side yard setbacks;

WHEREAS Planning staff commented that the related variances were not minor in nature, not in keeping with the intent of the by-law and Official Plan and would not represent an appropriate development of the property;

WHEREAS the applicant has appealed the decisions of the Committee of Adjustment for the severance and minor variance applications to the Ontario Municipal Board;

WHEREAS no date has been set for the hearing of the appeals.

THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing to uphold the City’s By-law and the Committee of Adjustment’s decisions.”

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Filion, Ward 23 – Willowdale, the North York Community Council recommended that City Council adopt the Resolution.

Report 8, Clause 33

9.46 Parking Prohibitions – Gosford Boulevard (Ward 8 – York West)

The North York Community Council considered a report (October 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services, reporting on obtaining approval to amend the existing parking prohibitions on Gosford Boulevard.

Recommendations:

It is recommended that:

- (1) Schedule VIII of By-law No. 31001, of the former City of North York, be amended by deleting the No Parking Anytime prohibitions on the west side of Gosford Boulevard, from the northerly limit of Blacksmith Crescent (south leg) to the southerly limit of Blacksmith Crescent (north leg);
- (2) Schedule VIII of By-law No. 31001, of the former City of North York, be amended to prohibit parking at anytime on the west side of Gosford Boulevard, from the northerly limit of Blacksmith Crescent (south leg) to the southerly limit of Hullmar Drive.

On motion by Councillor Li Preti, Ward 8 – York West, the North York Community Council, in accordance with the provisions §27-126B, Supplementary Items, of Chapter 27 of the City of Toronto Municipal Code, waived the requirement that the supplementary item be placed on the agenda for the next regular subsequent regular meeting, and decided to consider same at that meeting, which carried, more than two-thirds of members present, having voted in the affirmative.

On motion by Councillor Li Preti, Ward 8 – York West, the North York Community Council recommended that City Council adopt the staff recommendations in the Recommendations Section of the following report (October 7, 2004) from the Director, Transportation Services, North District, Works and Emergency Services.

Report 8, Clause 34

Adjournment:

The North York Community Council adjourned its meeting at 4:05 p.m. on Tuesday, October 12, 2004.

Chair