



**STAFF REPORT  
ACTION REQUIRED**

**Assumption of Services – Downsview Lands Secondary Plan owned by Costco Canada Inc., Block H, Plan 64R-16745 – Billy Bishop Way**

<b>Date:</b>	March 23, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Helen Noehammer, Acting Director, Development Engineering
<b>Wards:</b>	Ward 9 – York Centre
<b>Reference Number:</b>	P:\2009\Cluster B\TEC\NY09005 (AFS #7043)

**SUMMARY**

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This report advises that the municipal services installed under the terms of the Section 37 Agreement for Downsview Lands Secondary Plan - Block H, dated August 28, 2000, between Costco Canada Inc. and the City of Toronto are in the required condition and recommends assumption by the City.

**RECOMMENDATIONS**

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It is recommended that:

1. An assumption by-law be passed to assume the public highways and municipal services in the Billy Bishop Way road allowance within Registered Plan 64R-16745.
2. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

**FINANCIAL IMPACT**

There are no financial implications from this assumption of services other than those considered when the plan was approved in 2000.

## **DECISION HISTORY**

At its meeting on January 15, 2008, North York Community Council deferred consideration of the report (November 14, 2007) from the Acting Director, Development Engineering, and:

1. requested that the Acting Director, Development Engineering communicate with the property owners that the road will not be assumed until the illegal curb cuts have been removed and the dead trees replaced;
2. directed that as a condition of assumption, the property owners be required to enter into an agreement with the City to maintain the boulevard between the south curb of Billy Bishop Way and the Highway 401 right-of-way, to the same standards as their property; and
3. requested that the General Manager, Transportation Services Division submit a report to the North York Community Council on the winter maintenance standards on this road.

## **ISSUE BACKGROUND**

The subject site shown on the attached map is a 13 ha site that has been developed as a Retail Centre that includes five separate retail buildings in the Dufferin St./Wilson Ave. area. The municipal services required under the terms of the Section 37 Agreement for Downsview Lands Secondary Plan – Block H, dated August 28, 2000, between Costco Canada Inc. and the City of Toronto, are in the required condition to be assumed by the City.

Further to Council's direction, the property owners have provided the City with the necessary funds to restore all the illegal curb cuts and replace all the dead trees along the south side of Billy Bishop Way. Transportation Services Division has removed all the illegal curb cuts on Billy Bishop Way and has fully restored the roadway curbs. Urban Forestry has replaced all of the dead trees within the boulevard along the south side of Billy Bishop Way and is monitoring the remaining trees to see if replacement will be necessary in the future.

The legal representatives for the property owners have expressed to the City, after several, discussions and meetings, that the property owners are not prepared to enter into a maintenance agreement to maintain the City boulevard between the south curb of Billy Bishop Way and the Highway 401 right-of-way. The legal representatives have stated that the maintenance requirement is unprecedented for post assumption as it is unfair and inappropriate to seek to burden the property owners any further with a maintenance agreement.

City staff has been unsuccessful in reaching a settlement with the property owners for the maintenance of the boulevard on the south-side of Billy Bishop Way, despite numerous efforts.

## **COMMENTS**

The sodded boulevard on the south side of Billy Bishop, once assumed, will be added to the City's grass cutting maintenance programme. As part of the programme, Transportation Services Division will cut the grass six times a year with the litter and debris collected at the same time as the grass is cut.

As per the Section 37 Agreement for Downsview Lands Secondary Plan – Block H, dated August 28, 2000, prior to assumption Transportation Services Division is required to provide roadway snow clearing services to Billy Bishop Way whenever the City ploughs have been called out. However, over the years and due to a serious accident that occurred on Billy Bishop Way, roadway salting services was also added by Transportation Services Division. Once the City has assumed the municipal services on Billy Bishop Way, Transportation Services Division will be providing the following winter maintenance services on Billy Bishop Way, as required by Council, for minor arterial roads:

- i) Roadway Snow Clearing
- ii) Roadway Salting
- iii) Sidewalk Snow Clearing and Sanding

Transportation Services staff has provided the information contained in this report with respect to winter maintenance standards.

City Legal staff has provided a companion report that clarifies the City's position with respect to the assumption of municipal services within Billy Bishop Way.

It is recommended that Council pass an assumption by-law to assume the public highway and municipal services in the Billy Bishop Way road allowance within Registered Plan 64R-16745.

## **CONTACT**

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## **SIGNATURE**

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Helen C. Noehammer, Acting Director  
Development Engineering

**ATTACHMENTS:** Attachment No. 1 – Map