

THE CITY OF TORONTO

City Clerk's Division

Minutes of the North York Community Council

Special Meeting No. 6

Wednesday, July 17, 2002.

The North York Community Council met on Wednesday, July 17, 2002, in the Council Chamber, North York Civic Centre, commencing at 10:10 a.m.

Attendance:

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

	10:10 a.m. to 12:00 p.m.
Councillor Mammoliti, Chair	x
Councillor Augimeri, Vice-Chair	x
Councillor Filion	x
Councillor Feldman	x
Councillor Li Preti	x
Councillor Shiner	x
Councillor Sutherland	x

Confirmation of Minutes:

On motion by Councillor Feldman, Ward 10 – York Centre, the minutes of the meeting of the North York Community Council held on June 5, 2002 were confirmed.

6.1 Request for Exemption to Noise By-law No. 31317 – Earth Tech Canada Inc. – Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Bayview Avenue – Ward 9 – York Centre, Ward 10 – York Centre, Ward 23 – Willowdale, Ward 24 – Willowdale, Ward 33 – Don Valley East.

The North York Community Council had before it a report (June 14, 2002) from the North District Manager, Municipal Licensing and Standards and Court Services, Urban Development Services, reporting on a request for an exemption to the former City of North York's Noise By-law No. 31317 by Earth Tech Canada Inc., on behalf of the Ministry of Transportation of Ontario (MTO), for the period commencing August 1, 2002 to November 30, 2002, so that the rehabilitation work can preserve the long-term integrity of the highway to improve/upgrade roadside safety, bring the facility into conformance with present MTO standards, minimize future user costs, provide relief of bottlenecks and improve overall traffic operations; and recommending that this initial exemption request be approved in view of the responsible management of the construction activities involving the Ministry of Transportation of Ontario to date.

The North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 - Clause No. 1)

6.2 Request for Exemption to Noise By-law No. 31317 – District 3, Engineering Services, Works and Emergency Services, City of Toronto – Reconstruction of Sanitary Sewer and Watermain on Sheppard Avenue East from Provost Drive to Rean Drive – Ward 24 – Willowdale.

The North York Community Council had before it a report (June 14, 2002) from the North District Manager, Municipal Licensing and Standards and Court Services, Urban Development Services, reporting on a request for an exemption to the former City of North York's Noise By-law No. 31317, by District 3, Engineering Services, Works and Emergency Services, for the period commencing August 1, 2002 to January 30, 2003, so the reconstruction of sanitary sewer and watermain on Sheppard Avenue East from Provost Drive to Rean Drive can be completed within the project timelines and recommending that this initial exemption request be approved in view of the responsible management of the construction activities involving Works and Emergency Services, City of Toronto.

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The North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 – Clause No. 2)

6.3 Request for Temporary Extension of Liquor License – Club Epiphany – Annual Cultural Family Event – Sunday, August 4, 2002 and Monday, August 5, 2002 from 11:00 a.m. to 11:00 p.m. – 11 Arrow Road – Ward 7 – York West.

The North York Community Council had before it a communication (June 7, 2002) from Ms. Phyllis James, Managing Director, Club Epiphany, requesting that the Community Council, for liquor licensing purposes, grant a temporary extension of liquor license for the purposes of an Annual Cultural Family Event at Club Epiphany on Sunday, August 4, 2002 and Monday, August 5, 2002 from 11:00 a.m. to 11:00 p.m.

The North York Community Council also had before it a memorandum (July 17, 2002) from the North District Manager, Municipal Licensing and Standards and Court Services, reporting as requested, regarding activities at or about the restaurant and lounge at 11 Arrow Road; indicating that applying for an extension to a Liquor License through Community Council is not appropriate and should be filtered through the AGCO and recommending that no extension be granted by Community Council.

- A. Councillor Li Preti, Ward 8 – York West, moved that it be recommended to City Council that the request by Club Epiphany for a temporary extension of the liquor license for the purposes of an Annual Cultural Event to be held on Sunday, August 4, 2002 and Monday, August 5, 2002 from 11:00 a.m. to 11:00 p.m. be granted; and that the owners of Club Epiphany be advised that the North York Community Council has some serious concerns with respect to the existing operation on this site.

Councillor Augimeri, Vice-Chair assumed the Chair.

- B. Councillor Mammoliti, Ward 7 – York West, moved that the North York Community Council recommend to City Council that, on the basis of the information outlined in the communication (July 17, 2002) from the North District Manager, Municipal Licensing and Standards and Court Services, Urban Development Services, that:

- (1) the request from Club Epiphany Restaurant and Lounge for a

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temporary extension of their Liquor License, for the purpose of an Annual Cultural Family Event to be held on Sunday, August 4, 2002 and Monday August 5, 2002 from 11:00 a.m. to 11:00 p.m., be denied, and that the Alcohol and Gaming Commission of Ontario be so advised;

- (2) the Alcohol and Gaming Commission of Ontario be requested to consider revocation of the existing liquor license issued to Club Epiphany Restaurant and Lounge; and
- (3) the existing business license issued on January 29, 2002 and expiring December 31, 2002, not be renewed until such time as all the issues outlined in the communication (July 17, 2002) from the North District Manager, Municipal Licensing and Standards have been addressed.

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

Having regard for the foregoing decision of the North York Community Council, Motion A., moved by Councillor Li Preti, was not voted upon.

(Report No. 2 – Clause No. 3)

Councillor Mammoliti resumed the Chair.

6.4 Final Report – Application for Part Lot Control Exemption – TB PLC 2002 0002 – Pleasantville Gardens Inc. – 19A, 19B 21A 21B 23 & 25 Brian Drive, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 29 Doubletree Road, 46, 48, 50, 52, 54 & 56 Wilkinson Drive – Ward 33 – Don Valley East.

The North York Community Council had before it a report (June 18, 2002) from the Director, Community Planning, North District, Urban Development Services, reporting on a request for an exemption from part lot control in order that 24 semi-detached dwelling units may be conveyed into separate ownership; and recommending that:

- (1) the application be approved;
- (2) the City Solicitor be authorized to introduce the necessary Bills in Council to given effect to Recommendation 1;

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- (3) the by-law shall expire one year from the date of enactment; and
- (4) the appropriate City Official be authorized and directed to register the By-law on title.

On motion by Councillor Sutherland, Ward 33 – Don Valley East, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 – Clause No. 4)

6.5 Renaming Portion of Brookwell Drive and Naming of Private Lanes at York Condominium Corporation 108 – Ward 9 – York Centre.

The North York Community Council had before it a report (June 18, 2002) from the City Surveyor, Works and Emergency Services, recommending that the portion of Brookwell Drive extending easterly from Sentinel Road be renamed “Streamdale Court”, and the two private lanes at York Condominium Corporation 108, as illustrated on Attachment No. 1, be named “Enclave Mews” and “Inlet Mews”; and further recommending that:

- (1) subject to the statutory requirements for changing the name of a street under the Municipal Act, the portion of Brookwell Drive extending easterly from Sentinel Road, as illustrated on Attachment No. 1, be renamed to “Streamdale Court”;
- (2) the private lanes extending easterly from Sentinel Road, be named “Enclave Mews” and “Inlet Mews”, as illustrated on Attachment No. 1;
- (3) the municipal addresses for the units in York Condominium Corporation 108 be amended accordingly; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Augimeri, Ward 9 – York Centre, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 – Clause No. 5)**6.6 Proposed Road Alteration and Stopping Up and Closing to Vehicular Traffic:
Part of Leona Drive – North of Lyndale Drive – Ward 23 – Willowdale.**

The North York Community Council had before it a report (June 11, 2002) from the Director, Transportation Services, District 3, Works and Emergency Services, seeking authority for the proposed alteration of part of Leona Drive just north of Lyndale Drive more particularly described in the body of the report and shown in Appendix B, consisting of the construction of a new cul-de-sac on Leona Drive; seeking authority for the stopping up and closing to vehicular traffic of a portion of Leona Drive just north of Lyndale Drive in conjunction with the above proposed cul-de-sac and recommending that:

- (1) Subject to approval by the Works Committee, the former North York Development Charges Reserve Fund fund all costs of the proposed new cul-de-sac north of Lyndale Drive, including the costs of publishing the necessary *Municipal Act* public notices and the costs of adjusting or relocating services and/or utilities, with the costs to be determined by the Commissioner of Works and Emergency Services and the appropriate utility companies;
- (2) Leona Drive be altered north of Lyndale Drive as set out in this report;
- (3) a 0.3 metre wide strip of land across Leona Drive immediately north of Lyndale Drive (the “Highway”) be stopped-up and closed to vehicular traffic and a barricade be erected to enforce the due observance thereof, in accordance with the requirements of the *Municipal Act*;
- (4) easements be reserved, if necessary, for the City and granted, if necessary, to the appropriate utilities, over the entire portions of Leona Drive to be closed, for access, operation, use, inspection, repair, maintenance, reconstruction or alteration of the existing utilities and for the construction of additional or new services;
- (5) vehicular entry be prohibited on Leona Drive northbound from the intersection of Leona and Lyndale Drives;
- (6) Notice be given to the public of the proposed by-law to alter Leona Drive and

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the proposed by-law to stop up and close the Highway, in accordance with the requirements of the *Municipal Act* and the Municipal Class Environmental Assessment;

- (7) The North York Community Council hold a public hearing concerning the proposed by-law if any person claims that the person's land will be prejudicially affected by the proposed by-laws applies to be heard, in accordance with the requirements of the *Municipal Act*;
- (8) the temporary closure of Leona Drive at its existing location be retained until either the end of 2003 or this road alteration is constructed, whichever comes first;
- (9) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that might be required.

The North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 – Clause No. 6)

6.7 Surplus Land Declaration and Proposed Closing and Sale of Part of Terlean Road – Ward 23 – Willowdale.

The North York Community Council had before it a joint report (June 19, 2002) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services, recommending that a portion of the road allowance known as Terlean Road, shown as Parts 1 and 2 on the attached Sketch No. PS-2001-084 (the "Highway"), be stopped up and closed, declared surplus, and offered for sale to the abutting owners in accordance with the requirements of the *Municipal Act*; and further recommending that:

- (1) notice be given to the public of a proposed by-law to stop up, close and sell the Highway, in accordance with the requirements of the *Municipal Act*;
- (2) the North York Community Council hold a public hearing concerning the proposed by-law if any person who claims that the person's land will be prejudicially affected by the proposed by-law applies to be heard, in

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accordance with the requirements of the *Municipal Act*;

- (3) subject to compliance with the requirements of the *Municipal Act*, the Highway be stopped up and closed as a public highway;
- (4) the Highway be declared surplus to the City's requirements and notice of the proposed sale be given to the public in accordance with the requirements of Chapter 213 of the City of Toronto Municipal Code;
- (5) the sale price for the portion of the Highway shown as Part 1 on Sketch No. PS-2001-084 (the "East Highway"), having an approximate area of 229 square metres, be set at \$70.00 per square foot, for an estimated sale price of \$170,000.00, plus GST, with the final sale price to be calculated following the preparation of a reference plan of survey;
- (6) the East Highway be offered for sale to the abutting owner of the property known municipally as 19 Avondale Avenue (the "East Owner"), on the terms and conditions set out in the body of this report;
- (7) the sale price for the portion of the Highway shown as Part 2 on Sketch No. PS-2001-084 (the "West Highway"), having an approximate area of 229 square metres, be set at \$70.00 per square foot, for an estimated sale price of \$170,000.00, plus GST, with the final sale price to be calculated following the preparation of a reference plan of survey;
- (8) the West Highway be offered for sale to the abutting owner of the property legally described as Block 4 on Plan 66M-2354 (the "West Owner"), on the terms and conditions set out in the body of this report;
- (9) if neither the East Owner nor the West Owner accepts the City's offers to sell, the Highway be listed for sale on the open market;
- (10) either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to sign the offers to sell on behalf of the City;
- (11) the City Surveyor be requested to prepare the necessary reference plan of survey if one or both of the City's offers to sell are accepted;
- (12) if one or both of the City's offers to sell are accepted, the City Solicitor be authorized to complete the transactions referred to in Recommendation Nos.

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(6) and (8) on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as she considers reasonable; and

- (13) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto.

The North York Community Council also had before it a communication (June 25, 2002) from Adam J. Brown, Brown Dryer Karol, Solicitors on behalf of the owners of Avondale, Blocks 4 and 5, requesting an opportunity to make a deputation to the Community Council with respect to the proposed closing and stopping up of Terlean Road.

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

- Ms. Mary L. Flynn-Guglietti, McMillan Binch, Barristers and Solicitors, who appeared on behalf of the property owner of the Bales Estate; and
 - Mr. Adam J. Brown, Brown Dryer Karol, Solicitors on behalf of the property owner of Avondale, Blocks 4 and 5.
- A. Councillor Sutherland, Ward 33 – Don Valley East, moved that the North York Community Council defer consideration of the foregoing report to a future meeting of the North York Community Council in order to:
- (1) allow the abutting property owner of the property known municipally as 19 Avondale Avenue (the “East Owner”) and the abutting property owner of the property described as Block 4 on Plan 66M-2354 (the “West Owner”) an opportunity to meet to further discuss their plans for a comprehensive development; and
 - (2) allow the aforementioned property owners an opportunity to submit a development application to the Planning Division (North District); and to allow the Director, Community Planning, North District, to report thereon to the North York Community Council; and
- B. Councillor Filion, Ward 23 – Willowdale, moved in amendment to Motion

A., moved by Councillor Sutherland, that consideration of this matter be deferred to a future meeting of the North York Community Council in order to also allow the Commissioner of Corporate Services an opportunity to submit a further report to the North York Community Council on the proposed purchase price for that part of Terlean Road being declared as surplus and whether the proposed purchase price represents fair market value.

Upon the question of the adoption of Motion B., moved by Councillor Filion, in amendment to Motion A., moved by Councillor Sutherland, and the adoption of Motion A., it was carried.

(Report No. 9 – Clause No. 10(a))

6.8 Ontario Municipal Board Hearing - Committee of Adjustment Application – 249 Finch Avenue West – Ward 23 – Willowdale.

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

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by Karen Serbinsk, the owner of 249 Finch Avenue West, for the construction of a second storey addition above the existing dwelling and a two storey addition attached to the rear of the existing garage. Also proposed was a two storey addition above the existing garage and the conversion of the existing garage into habitable space.

WHEREAS variances were requested for an east side yard setback, building height and number of storeys (3).

WHEREAS the applicant has appealed the Committee’s decision to the Ontario Municipal Board.

WHEREAS no date has been set for the hearing of the consent application appeal.

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

On motion by Councillor Filion, Ward 23 – Willowdale, the North York

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Community Council recommended to City Council, the adoption of the foregoing Resolution.

(Report No. 9 – Clause No. 7)

6.9 Ontario Municipal Board Hearing – Committee of Adjustment Applications – 6020 Bathurst Street and 6030 Bathurst Street – Ward 10- York Centre.

The North York Community Council had before it the following Resolution submitted by Councillor Feldman, Ward 10 – York Centre:

“WHEREAS the Committee of Adjustment for the City of Toronto (North District) refused an application by 1261370 Ontario Limited, the owner of 6020 Bathurst Street, for consent to sever the lands into two parts for the purpose of a lot addition, to be added to the lands to be severed from 6030 Bathurst Street and for the granting of easements and rights-of-way.

WHEREAS the Committee of Adjustment also refused the associated consent application by Carldale Holdings Limited and 1169763 Ontario Limited, the owners of 6030 Bathurst Street, for consent to sever the lands into four parts for the purpose of a lot addition, to be added to the lands to be severed from 6020 Bathurst Street and for the granting of easements and rights-of-way.

WHEREAS the Committee of Adjustment refused the associated minor variance application requesting variances with respect to a reduced landscape area, number of parking spaces provided, combined gross floor area, distance between the buildings on site and to permit By-law 7625 to continue to be administered over the entire parcel of land despite the proposed severance.

WHEREAS the applicant has appealed the Committee of Adjustment’s decisions to the Ontario Municipal Board.

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

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

AND THEREFORE BE IT RESOLVED THAT Council direct the City Solicitor to authorize the retention of outside planning staff to defend the Committee of Adjustment’s decisions.”

On motion by Councillor Feldman, Ward 10 – York Centre, the North York Community Council, in accordance with the provisions of §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 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 Feldman, Ward 10 – York Centre, the North York Community Council recommended to City Council, the adoption of the foregoing Resolution.

(Report No. 9 – Clause No. 8)

6.10 Request for Driveway Widening – 47 Warfield Drive – Ward 33 – Don Valley East.

The North York Community Council had before it a report (June 17, 2002) from the Director, Transportation Services, District 3, Works and Emergency Services, reporting on a request to widen the driveway entrance to 47 Warfield Drive from 3.6 metres to 5.0 metres; and recommending that the request for a variance from the residential driveway entrance policy be approved.

On motion by Councillor Sutherland, Ward 33 – Don Valley East, the North York Community Council, in accordance with the provisions of §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 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 Sutherland, Ward 33 – Don Valley East, the North York Community Council recommended to City Council, the adoption of the foregoing report.

(Report No. 9 – Clause No. 9)

6.11 Installation of Metal Collars on Hydro Poles for Placement of Pennants for World Youth Day Event – Sheppard and Keele and Keele and Wilson Intersections – Ward 7 – York West and Ward 9 – York Centre.

The North York Community Council had before it the following motion:

“Moved by Councillor Augimeri, Ward 9 – York Centre:

THAT metal collars be permitted to be affixed to hydro poles in and around the intersections of Keele Street and Wilson Avenue and Sheppard Avenue and Wilson Avenue for the purposes of hanging celebratory pennants for the World Youth Day event, as may be deemed appropriate by City staff.”

On motion by Councillor Augimeri, Ward 9 – York Centre, the North York Community Council, in accordance with the provisions of §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 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 Augimeri, Ward 9 – York Centre, the North York Community Council endorsed the foregoing motion.

(Report No. 9 – Clause No. 10(b))

Staff Appreciation Motion – Director, Community Planning, North District and North District Manager – Municipal Licensing and Standards and Court Services.

On motion by Councillor Li Preti, Ward 8 – York West, the North York Community Council endorsed the following motion:

“That the North York Community Council extend its thanks and appreciation to Mr. Rob Dolan, Director, Community Planning, North District, and to Ms. Donna Perrin, North District Manager, Municipal Licensing and Standards and Court Services, for their outstanding service to the North York Community Council and to wish them the best of luck in their new endeavours.”

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Adjournment:

The North York Community Council adjourned its meeting at 12:00 p.m., Wednesday, July 17, 2002.

Chair.