



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

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

<b>Date:</b>	April 14, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	City Solicitor
<b>Reason for Confidential Information:</b>	This report contains advice or communications that are subject to solicitor-client privilege.
<b>Wards:</b>	9 – York Centre
<b>Reference Number:</b>	

**SUMMARY**

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At its meeting on January 15, 2008, North York Community Council deferred the report from the Acting Director, Development Engineering entitled “Assumption of Services – Downsview Lands Secondary Plan owned by Costco Canada Inc., Block H, Plan 64R-16745 – Billy Bishop Way.”

The purpose of this report is to respond to a request by North York Community Council to the Acting Director, Development Engineering with respect to Billy Bishop Way. The confidential attachment sets out legal issues associated with the assumption of municipal services.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council receive the confidential attachment for information and maintain the information in the attachment as confidential pursuant to solicitor-client privilege.

## **FINANCIAL IMPACT**

The recommendation has no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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The Issue Background and Decision History are set out in the report from the Acting Director, Development Engineering, dated March 23, 2009 (NY25.19A). This report is further to a request from Development Engineering for legal advice as to the City's authority to require an owner to enter into a maintenance agreement as a condition of the City assuming Billy Bishop Way and its associated services.

## **COMMENTS**

On August 24, 2000, the City of Toronto entered into a section 37 agreement with Costco Canada Inc. in respect of amendments to the Official Plan and Zoning By-law to increase the density of development permitted on the subject property. These amendments permitted a retail development of five separate retail buildings in the Dufferin Street/Wilson Avenue area.

One of the requirements in the section 37 agreement was the construction and completion of the "Transit Road Extension", now known as Billy Bishop Way.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

1. Confidential Attachment