



**STAFF REPORT  
ACTION REQUIRED**

**Permanent Closure of the public highway known as  
Cusack Court**

<b>Date:</b>	August 12, 2016
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Transportation Services, North York District
<b>Wards:</b>	<b>Ward 24 – Willowdale</b>
<b>Reference Number:</b>	<i>p:\2015/Cluster B/TRA/North York/ny16081</i>

**SUMMARY**

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Transportation Services recommends that the public highway known as Cusack Court be permanently closed for the incorporation into a proposed mixed-used development of the abutting lands, including Premises Nos. 2 to 14 Cusack Court.

**RECOMMENDATIONS**

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Transportation Services Recommends that:

1. City Council authorize the permanent closure of the public highway legally described as Parcel Plan -1, Section M-1649, being Cusack Court, Township of York/North York, City of Toronto being the whole of PIN 10090-0324 (LT) (the "Highway") and also shown as Part 1 on Sketch No. PS-2012-014, attached to the report dated August 12, 2016, from the Director, Transportation Services, North York District.
2. City Council enact a by-law substantially in the form of the draft by-law attached as Appendix "A" to the report dated August 8, 2016, from the Director, Transportation Services, North York District.

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## **Financial Impact**

The closing of the Highway will not result in any costs to the City as the purchaser of the Highway is responsible to pay all costs associated with the closing of the Highway.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

In accordance with the City's Real Estate Disposal By-law No. 814-2007, the Highway, described by PIN 10090-0324 (LT), was declared surplus on April 19, 2016 by DAF No. 2016-078, conditional upon the Highway being permanently closed, with the intended manner of disposal by way of inviting an offer to purchase the Highway from 2299650 Ontario Inc. (the "Applicant").

By DAF No. 2016-103, dated August 4, 2016, the Chief Corporate Officer authorized the General Manager, Transportation Services, to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of City of Toronto Municipal Code Chapter 162 and the Municipal Class Environmental Assessment for Schedule "A+" activities. DAF No. 2016-103 also authorized the sale of the Highway to the Applicants, conditional upon City Council authorizing the permanent closure of the Highway.

## **ISSUE BACKGROUND**

Transportation Services' staff received a request from Mr. Stanley Cook, on behalf of the Applicant, to investigate the feasibility of closing the Highway for the incorporation into a proposed mixed-used development of the lands, including Premises Nos. 2 to 14 Cusack Court.

## **COMMENTS**

Transportation Services has reviewed the feasibility of closing the Highway and has determined that the Highway can be closed and sold.

The following municipal services and public utilities are located within the Highway and will require relocation at the Applicant's expense.

**Toronto Water** – an active 250 mm diameter sanitary sewer, an active 375 mm diameter storm sewer, an active 150 mm diameter watermain and a hydrant;

**Enbridge Gas** – NPS 1 1/4 PE IP underground plant;

**Rogers Cable** – Buried TV plant: and

**Toronto Hydro** – extensive aerial and underground plant

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In addition, Bell Canada has advised that they will require two months' notice prior to demolition of the existing homes to schedule the removal of aerial cable, poles on Sheppard Avenue East and pedestals within the Highway.

## **Closing Process**

The closing process requires approval from City Council. The draft by-law is an Appendix to the report that recommends the closure of the Highway and is tabled at the same North York Community Council meeting that the public has the opportunity to speak to the matter if they wish to do so.

The requirement for the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notice page of the City's web site for at least five working days prior to the North York Community Council meeting at which the proposed by-law to close the Highway will be considered.

## **CONTACT**

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## **SIGNATURE**

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Jacqueline White, P. Eng.  
Director

## **ATTACHMENTS**

Attachment 1: Appendix "A" – Draft By-law  
Attachment 2 Sketch No. PS-2012-014, dated March 7, 2012