

Permanent Closure of the East-West Portion of Guest Avenue

Date: November 3, 2021
To: Toronto and East York Community Council
From: Director, Transportation Planning and Capital Program
Transportation Services
Wards: Ward 19, Beaches-East York

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City of Toronto.

SUMMARY

As this report proposes permanently closing a portion of a public highway, City Council approval of this report is required.

Transportation Services recommends that the east-west portion of Guest Avenue be permanently closed and sold to Marlin Springs Limited Partnership and Dandaw Developments Limited (the "Applicant"). Part 1 on the Sketch will remain as public highway, Guest Avenue.

RECOMMENDATIONS

The Director, Transportation Planning and Capital Program, Transportation Services recommends that:

1. City Council authorize the permanent closure of the east-west portion of Guest Avenue, designated as Part 2 on Sketch No. PS-2021-0023 and containing a land area of 344.3 m² (the "Highway"), attached to the report dated November 3, 2021, from the Director, Transportation Planning and Capital Program, Transportation Services.
2. City Council enact a by-law substantially in the form of the draft by-law, provided as Attachment 1 to the report dated November 3, 2021, from the Director, Transportation Planning and Capital Program, Transportation Services.

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.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Toronto and East York Community Council at its meeting of April 24, 2019, considered the Preliminary Report ([Item TE5.29](#)) regarding the Zoning By-law Amendment Application at 10-30 Dawes Road. The Applicant proposed to close a portion of Guest Avenue for inclusion in their development of two residential towers.

On November 6, 2020, the Applicant appealed the Application to the Ontario Land Tribunal (the "OLT") due to Council's failure to make a decision on the Application within the timeframe prescribed by the Planning Act.

On March 10, 2021, City Council adopted [Item TE23.27](#), wherein authority was received to attend the Ontario Land Tribunal hearing in opposition of the Zoning By-law Amendment application (File 19 124138 STE 19 OZ) proposed for 10-30 Dawes Road.

On July 14, 2021, City Council adopted [Item CC35.24](#) with confidential instructions and attachments from the City Solicitor on a proposed settlement for 10-30 Dawes Road. Further details are contained in Confidential Attachment 1.

COMMENTS

Corporate Real Estate Management (CREM) has determined there is no municipal interest in the Highway. Transportation Services has reviewed the feasibility of closing the Highway and has determined that it can be closed and sold to the Applicant as adjacent owner, subject to the relocation of any municipal services and public utilities located within the Highway at no cost to the City of Toronto or subject to retention or grant of any public utility easements. Further authority for this transaction will be sought by way of delegated authority.

The portion of the public lane to be closed will be replaced with a new north-south public lane on the west side of 10-30 Dawes Road. The new lane outlet will be constructed to City standards.

The new north-south public lane will connect to a future east-west extension of Dawes Road. Until the Dawes Road extension is constructed and dedicated as a public highway, the new north-south public lane will require access to existing Dawes Road to ensure connectivity in the transportation network. On that basis, the Applicant shall be

required to construct, at no cost to the City, a temporary vehicular connection from the south limit of Part 3 to the existing Dawes Road, to the satisfaction of the General Manager, Transportation Services and a new north-south public lane shown as Part 3 is constructed and dedicated as a public lane.

Additionally, the stop-up and closure will be conditional upon the issuance of Notice of Approval Conditions related to the Site Plan Control application, 21 196125 STE 19 SA.

The closing process requires approval from City Council. The draft by-law is included as Attachment 1 to this report that recommends the closure of the Highway which will be tabled at the same Toronto and East York Community Council meeting where the public will have the opportunity to speak to the matter if they wish to do so.

The requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notices page of the City's website for at least five (5) working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Highway will be considered.

CONTACT

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SIGNATURE

Ashley Curtis, Director
Transportation Planning and Capital Program
Transportation Services

ATTACHMENTS

Attachment 1 – Draft By-law
Attachment 2 – Sketch No. PS-2021-0023
Confidential Attachment 1 - Confidential Information

Attachment 1 – Draft By-law

Authority: Toronto and East York Community Council Item TE____, as adopted by City of Toronto Council on _____, 2021.

CITY OF TORONTO

Bill

BY-LAW -2021

To permanently close the east-west part of the public highway known as Guest Avenue, Toronto.

Whereas it is recommended that part of the public highway known as Guest Avenue, Toronto be permanently closed as a public highway; and

Whereas notice of the proposed by-law to permanently close part of the said highway was posted on the notices page of the City's web site in accordance with the requirements of City of Toronto Municipal Code, Chapter 162 and the Toronto and East York Community Council heard any person who wished to speak to the matter at its meeting held on _____;

The Council of the City of Toronto enacts:

1. Part of the public highway known as Guest Avenue, Toronto, and described as follows, is hereby permanently closed as a public highway:

Part of PIN 21013-0250

Part of Lot 11, Plan 666 Toronto (East Toronto) being Part 7 on Reference Plan 63R-1144; Part of Lot 12 Plan 666 Toronto (East Toronto) being Parts 8 and 9 on Reference Plan 63R-1144; Part of Lot 3 Concession 1 From the Bay Township of York being Part 1 on Reference Plan 63R-4418; Part of Lanes Plan 666 Toronto (East Toronto) begin Guest Avenue between Danforth Avenue and Dawes Road; designated as Part __ on Plan 66R-_____Toronto, City of Toronto,

2. Section 1 of this By-law does not take effect until the moment in time immediately prior to the registration in the appropriate land registry office of a Transfer, by the City of Toronto as transferor, of the land described in Section 1 of this By-law.

Enacted and passed on _____, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

