



PHOTO: LARA O'KEEFE

Once a bustling Birch Cliff retail strip, storefronts at 1480 to 1496 Kingston Road now sit empty.

## Developer, tenant spar in Birch Cliff

By Lara O'Keefe

**PLANS FOR** a mixed-use development on a well-known retail stretch of Kingston Road began to emerge early this year, with businesses along the Birch Cliff strip receiving notice in January that they had six months to vacate. Not six months later, the strip sits largely empty with a number of windows boarded up.

After Toronto real estate developers Core Development Group purchased the 1480 to 1496 Kingston Rd. property, home to several leased storefronts, tenants were told they had until July 2017 to vacate. Among those tenants were New Energy Muay Thai & Fitness, Mayfair Custom Upholstery, The Salvage Shop, Becker's, and Wimpy's Diner.

At the time, many of the businesses voiced their concerns about having only six months to pack up and move. Ward 36 councillor Gary Crawford tried to allay fears in February, saying he felt confident after speaking with representatives of the developer that they would work with the current tenants to find a more suitable solution for all parties.

"Core Development continues to work closely with my office, Economic Development and a

number of businesses," said Crawford April 26.

This includes Roy Clifford, owner of The Salvage Shop, one of the only businesses still operating along the strip, who said he's been so distraught over the move that he "forgot to eat the other day."

He said Core Development has offered to help him find another suitable location, although "they haven't come up with anything yet."

Now, at least one tenant is going head to head in a legal battle with the development group.

New Energy Muay Thai & Fitness vacated their storefront location earlier this year, and left with it a sign in the window saying they were moving, effective March 1, and alleging – with colourful language – that the new owners have no respect for businesses along the strip.

Core Development has since filed a claim for breach of contract and thousands in unpaid rent.

"The tenant owes \$13,514.51 for rent from February 2017 to July 20th, 2017. And currently owes \$4,899.99 for February and March 2017," reads the claim, filed March 16, 2017 in Toronto Small Claims Court.

Meanwhile, New Energy has

filed a counterclaim alleging the developer has violated the terms of the lease.

"We allege the developer violated the terms of the lease by building a condo within the timeframes involved," said New Energy lawyer, Omar Ha-Redeye.

According to the claim filed by New Energy, the building's previous landlord – who sold the premises in January 2017 – provided a provision in their initial lease agreement stating they would provide six months notice in writing should they decide to proceed with a full or partial demolition of the building and if that were the case, they would give notice to the tenant no less than four-and-a-half years into the initial term from the date of the lease.

Although New Energy signed a new lease in October 2016, they claim that it has no legal force and effect as it was signed under duress and argue that because they opened their facilities around April 2014, the earliest date the demolition clause could be invoked by Core Development would be August 2018, as per the original lease agreement.

Bryan Nikoliation, President of Core Development Group responded to these claims saying "we take pride in the communi-

ties we're investing in. We're working with the sales centre and we're working within the contracts, the leases that they have for the notice."

He said that other businesses along the strip left before their leases were complete as well and said, "it's disappointing that some of the tenants have willingly breached the contract of their lease. We are working within our legal means to ensure that the leases in place are respected. We look forward to settling this amicably."

"We're not in the business of taking anyone to court," he noted. "We didn't invite this. We simply want to focus on a wonderful development the community's going to be proud of and putting back in a bigger and better way the retail, the residential, etc."

As for New Energy, Ha-Redeye said his "clients are looking for an amicable resolution so they can go back to providing a productive outlet for children, youth, and adults to channel their energies into."

The court date for the case – if needed – is still yet to be determined. Once Core Development files its application with the city, the city will begin the community consultation process.

## New restaurant rules approved

By Lara O'Keefe

**SUMMER IS** fast approaching and, for many, that means patio season is on the horizon. For diners in the Beach area, it could also now mean access to more patios and bigger restaurants.

Toronto City Council voted unanimously April 26 to change a 30-year size restriction on restaurants on Queen Street East.

"Calling all restaurateurs — the Beach is open for more (and bigger) restaurants," stated ward 32 councillor Mary-Margaret McMahon after the April 26 vote.

The existing bylaws surrounding long-standing restaurant restrictions along Queen Street East have been a topic of discussion for a number of years, with ward 32 councillor Mary-Margaret McMahon repeatedly pushing for changes to the bylaws which left the Beach with the smallest restaurant size restrictions in the city.

Those bylaws contributed to empty storefronts on Queen Street East, argued McMahon, noting last year that they caused West End restaurants to back out of plans to open spots in the Beach.

Past restaurant rules stated that restaurants could be no more than 165-square metres in size, exclusive of mechanical equipment, and could have a front patio only.

Restaurants were required to provide one parking space per 100 square metres of floor space used in the restaurant.

The new bylaws state that restaurants can now be 200 square metres, exclusive of the space used for washroom, kitchen or mechanical equipment, and allow a front patio as well as a flanking patio that is 50 per cent of the depth of the building. The bylaws also state that there are no longer any parking provisions attached to the restaurant.

"In 2017, we have found that restaurateurs want more freedom to create successful dining establishments. It is my hope that this change will help us attract new businesses and add more vibrancy to the Beach," said McMahon of the changes.

Disc jockeys and dance floors are prohibited however, so those who were hoping to dance the night away will have to go elsewhere.

For those concerned about an increase in noise in the neighbourhood, the new by-law also comes in conjunction with the City of Toronto's recently released Good Neighbours Guide, which outlines the policies and requirements placed on restaurants in the neighbourhood.

Among these are ensuring that noise on the patio does not disturb local residents, ensuring that waste is properly sorted and the establishment is free of litter, cigarette butts and gum, and posting "No Smoking" signs at entrances and exits.

## Cherry blossom 'tree tunnel' on the way

By Lara O'Keefe

**START PLANNING** your next romantic walk. A row of cherry blossom trees is being planted at Woodbine Beach.

That's the word from ward 32 councillor Mary-Margaret McMahon. Twenty Sakura trees have been donated by a Japanese donor who offered to help install them in a similar

manner to cherry blossom tunnels in Japan.

"We are so very fortunate to have a Japanese couple donating 20 Sakura trees to us as a gesture of generosity, cultural awareness, beauty, and symbol of our strong sister city friendship with Sagami-hara, Japan," said McMahon.

Ontario cherry blossoms tend to bloom anywhere between the end of April to mid-May,

with High Park blossoms "peaking" last week.

The trees should begin to be planted this week, with first blooms next spring. A Friends of the Sakura group will help with maintenance.

*Are you happy about cherry blossom trees coming to the neighbourhood? Let us know at [www.beachmetro.com](http://www.beachmetro.com).*



Time to plant some new  
**DESIGN IDEAS!**

Come visit us so we can help your projects blossom with colour!

Benjamin Moore



**COOK'S** PAINT & WALLPAPER

2672 Danforth Ave. | 416-699-2669