

Encroachment Agreement - 158 Rochester Avenue - North York Centre South

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The North York Community Council recommends the adoption of the following Resolution from Councillor Flint, North York Centre South:

WHEREAS the Committee of Adjustment approval of a new house at 158 Rochester Avenue was referred to the Ontario Municipal Board by adjacent residents; and

WHEREAS both the Ontario Municipal Board and the Committee of Adjustment approved the construction of the new house subject to strict height limitations to address the concern of the adjacent residents; and

WHEREAS to achieve these height limitations, the Ontario Municipal Board and Committee of Adjustment also approved a driveway which can have a maximum slope of 12 percent and must extend from the edge of pavement/ditch to the house's garage; and

WHEREAS an encroachment agreement is required to permit the construction of the driveway as approved by both the Ontario Municipal Board and the Committee of Adjustment;

THEREFORE BE IT RESOLVED THAT the noted encroachment agreement include a clause that requires the applicant to save the City of Toronto harmless from any claims arising from damage which might occur as a result of water flowing down the driveway from rain, melting snow, broken water mains, plugged ditches, etc; and

BE IT FURTHER RESOLVED THAT this clause be added on the title of 158 Rochester Avenue in perpetuity.