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CITY OF TORONTO

BY-LAW No. 143-1998

To amend former City of Toronto Municipal Code Ch. 146, Building Construction and Demolition, respecting encroachments or projections on public property and Article I, Conveyance of Land for Parks Purposes, of Ch. 165, respecting a parks levy appraisal fee.

WHEREAS the proposed Building Permit By-law will repeal Article I, Building Permits, of Municipal Code Chapter 146, Building Construction and Demolition, of the former City of Toronto and §§ 146-6A(6) and (7), 146-11, 146-12 and 146-13 of this Article need to be continued under other provisions of the former City of Toronto Municipal Code;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Municipal Code Chapter 146, Building Construction and Demolition, of the former City of Toronto is amended by adding the following Article:

ARTICLE IV ENCROACHMENTS OR PROJECTIONS OVER PUBLIC PROPERTY

§ 146-18. Duties of City Surveyor.

The Chief Building Official shall deliver one (1) copy of the site plans and two (2) copies of current plans of survey for a permit application under the Building Code Act, 1992, to the City Surveyor, who shall:

- A. Examine any plan of survey and assess its suitability for site inspection purposes, and make a notation on the face of the plan of survey as to that suitability, and return a copy of the plan of survey to the Chief Building Official;
- B. File a copy of any plan of survey with the records of the City Surveyor;
- C. Inspect the location of the work for compliance with the site plans;
- D. Report to the Chief Building Official any encroachments over a public highway or property line, and as requested by the Chief Building Official, any shortages in setbacks from any property line; and
- E. Upon completion of the work, report to the Chief Building Official on the compliance, or lack of compliance, of the work with respect to the site plans.

- F. The fee for all permits under the Building Code Act, 1992, requiring a survey shall be as follows and is in addition to any permit fees under that Act:
- (1) Fifty dollars (\$50.), to be increased effective January 1, 1995, to one hundred dollars (\$100.);
 - (2) The fee set out in Subsection F(1) shall automatically increase on the 1st day of January of 1996 and each subsequent year by the percentage increase in the "All Items Index" of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, for the twelve-month period ending on October 1st in the year immediately preceding the year of the rate increase.

§ 146-19. Projections over public property.

- A. For the purpose of this section, "established grade" shall mean the grade which has been established by the City department responsible for public works or, in any case where no grade has been so established, the grade which is established by the City department responsible for public works.
- B. Information relative to an established grade may be obtained from the City department responsible for public works on the submission of a written application.
- C. All heights in this section shall be measured from the established grade to the underside of the projection in question.
- D. No part of any building or structure shall project over any highway or other public property except as follows:
- (1) Any awning container, awning cover or any cornice on or over any storefront may project not more than thirty-eight hundredths (0.38) metre if in each case the container, cover or cornice is not less than three and five-hundredths (3.05) metres in height above established grade.
 - (2) Any band, belt or string course, sill, base, capital, bracket, keystone, sculpture, or other architectural or structural feature of a similar nature, may project not more than twenty-five hundredths (0.25) metre over the street line if in each case the projection is not less than twenty-five hundredths (0.25) metre in height above the established grade.
 - (3) The main cornice or eaves of any building may project within the limit of a scale graduated, according to height above established grade, from a maximum of thirty-eight hundredths (0.38) metre at a height of twenty-five hundredths (0.25) metre to a maximum of ninety-one hundredths (0.91) metre, at a height of eighteen and twenty-nine hundredths (18.29) metres, and ninety-one hundredths (0.91) metre shall be the maximum projection for any cornice or eaves exceeding eighteen and twenty-nine hundredths (18.29) metres in height.

- (4) Any intermediate or pediment cornice, or any balcony may project to a maximum of fifty-one hundredths (0.51) metre except that in no case shall the cornice or balcony project beyond the limitation prescribed for a main cornice or eaves in Subsection D(3).

§ 146-20. Highway encroachments.

- A. Whenever either the Chief Building Official or the City Surveyor ascertains that any building or structure or part of any building or structure encroaches or is being constructed or erected in a manner or location that it will upon or before completion encroach upon, over or under any highway, he or she shall notify the owner of the building or structure and the person, if any, to whom the necessary building permit has been issued to remove the encroachment immediately after notice or cease work as the case may be.
- B. In default of removal of any encroachment as required under Subsection A, the Commissioner of Public Works and the Environment may remove it at the expense of the owner and the City may recover the expense incurred by action or the expense may be recovered in like manner as municipal taxes.
- C. This section does not apply to:
 - (1) Any encroachment upon, over or under any highway if the encroachment was constructed prior to the first day of January, 1940;
 - (2) Any projection permitted in § 146-19; or
 - (3) Any encroachment authorized by Council or by any by-law of the City.

2. Section 165-11 of Article I, Conveyance of Land for Parks Purposes of Municipal Code Chapter 165, Development of Land, of the former City of Toronto is amended by adding the following subsection:

- C. Parks levy appraisal fee.
 - (1) The fee for carrying out an appraisal to determine the payment under this Article is in addition to any permit fees under the Building Permit By-law, and is calculated as follows:
 - (a) Five hundred dollars (\$500.00) plus one dollar (\$1.) per square metre of “building area” to a maximum amount of six thousand dollars (\$6,000.00).
 - (b) Despite Subsection C(1)(a), in no instance shall the amount of the fee for carrying out an appraisal exceed twenty percent (20%) of the payment required by this Article.

ENACTED AND PASSED this 16th day of April, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)