

Authority: Toronto East Community Council Report No. 2, Clause No. 8,  
as adopted by City of Toronto Council on March 1, 2 and 3, 2004  
Enacted by Council: March 3, 2004

## **CITY OF TORONTO**

### **BY-LAW No. 225-2004**

**A by-law to delegate to the Commissioner of Works and Emergency Services the authority to issue permits to encroach on or occupy City Rights-of-Way in the Toronto-East District for purposes of excavation and/or grading.**

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

1. In this By-law:
  - (a) City – means the City of Toronto
  - (b) Commissioner – means the Commissioner of Works and Emergency Services for the City
  - (c) Toronto-East District – means that part of the urban area of the City which includes the following City electoral wards:
    - (i) Ward 35, Scarborough Southwest;
    - (ii) Ward 36, Scarborough Southwest;
    - (iii) Ward 37, Scarborough Centre;
    - (iv) Ward 38, Scarborough Centre;
    - (v) Ward 39, Scarborough Agincourt;
    - (vi) Ward 40, Scarborough Agincourt;
    - (vii) Ward 41, Scarborough Rouge-River;
    - (viii) Ward 42, Scarborough Rouge-River;
    - (ix) Ward 43, Scarborough East; and
    - (x) Ward 44, Scarborough East.
2. (a) The Commissioner is hereby empowered and authorized to issue permits to encroach on or occupy portions of City road right-of-ways in the Toronto-East District for the purposes of excavation and/or grading.

- (b) Prior to the issuance of any permit, the Applicant shall agree in writing to indemnify and save harmless the City from any action, claim, damage, or loss whatsoever arising from the issuance of the permit or the use or occupation of the road allowance permitted thereby or anything done or neglected to be done in connection with the said use.
3. A permit issued by the Commissioner pursuant to section 2 hereof will be subject to terms and conditions as follows:
- (a) the Applicant shall enter into an Indemnity Agreement in form and content satisfactory to the Commissioner and in a form satisfactory to the City Solicitor;
- (b) at time of application for the permit, the proposed work (hereinafter referred to as the "Work") must be outlined in a formal document (hereinafter referred to as the "Proposal") prepared by and under the stamp and seal of a Professional Engineer licensed to practice in the Province of Ontario. This Proposal must be of sufficient detail to permit a peer review should the Commissioner deem such a review to be necessary. A copy of this Proposal must be filed with the application;
- (c) the Applicant shall provide to the City evidence of public liability and property damage insurance in the amount of \$2,000,000.00 or such larger amount as the Commissioner may deem appropriate covering the Work with a company satisfactory to the City Treasurer in the names of the Applicant and the City, subject to the usual cross liability clause. The Applicant must file a certificate of such insurance with the application;
- (d) the Applicant will be responsible for obtaining any necessary agreement or permission from any other utilities or services which may be affected by the Work;
- (e) the Work is subject to the advance approval of the Commissioner and must comply with all applicable laws;
- (f) should it be necessary for the City to remove or alter the Work for any reason whatsoever, the Applicant shall indemnify the City against any loss, costs, or damages arising as a result thereof;
- (g) the Applicant agrees to restore the road allowance to the satisfaction of the Commissioner at specified times as deemed appropriate and necessary by the Commissioner;

- (h) the Applicant agrees in writing to fully indemnify and save harmless the City, and any other Corporation, Boards, Commissions, or bodies having utilities or services on or in the road allowance which may in any manner be affected by the Work, and from all costs, losses, damages, charges, or expenses which may be sustained in any work of constructing, altering, relocating, or repairing any public service or utility rendered necessary or desirable by or on account of the Work; and
- (i) the Applicant upon completion of the project shall restore the impacted City property in accordance with City standards and to a condition satisfactory to the Commissioner or his/her designate.

ENACTED AND PASSED this 3rd day of March, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)