

**Application for Fence Encroachment Agreement  
68 Lightbourn Avenue**

<b>Date:</b>	January 25, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 17 - Davenport
<b>Reference Number:</b>	ML&S Folder No. 06-163320 RAW

**SUMMARY**

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To report on an application for Encroachment Agreement submitted by the owner to maintain an existing open board wooden fence, with a height ranging from 0.79 metre (2' – 7") to 0.89 metre (2' – 11") (on Lightbourn Avenue frontage and Chandos Avenue flankage) and 1.83 metres (6' – 0") at the rear, within the Lightbourn Avenue and Chandos Avenue road allowance (enclosing an area of approximately 146.97 square metres or 1,582 square feet) – see Attachments 1, 2 and 3.

**RECOMMENDATIONS**

**Municipal Licensing and Standards recommend that the application for an Encroachment Agreement be approved and the City Solicitor authorized to prepare an Encroachment Agreement for the proposed encroachments subject to the following conditions:**

1. the applicant to enter into an Encroachment Agreement with the City of Toronto as prepared by Legal Services;
2. the applicant to pay the City of Toronto all fees associated with the preparation of this agreement, and an annual fee for the use of the road allowance should such fee be imposed for the said encroachment in future;

3. the existing 1.83 metres high open board wooden fence at the north west corner of the property to be cut back at a 45-degree angle to provide a minimum of 2.40 metres (8 feet) sight line clearance measured from both the north and west property lines respectively – Attachments 1 and 4;
4. the signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of \$2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
5. the said Certificate of Insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
6. the owner to obtain all necessary construction/streets occupation permit(s) for the fence construction;
7. the owner to take responsibility to constantly cut and maintain the grass, and remove any debris or refuse (including the bricks and unused construction materials) stored on the property as well as the part of road allowance enclosed by the fence;
8. the owner to maintain the subject property in good repair and comply at all times with the regulations set out in the former Chapter 313 of the Former City of Toronto Municipal Code, Streets and Sidewalks, as amended.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from adoption of this report.

## **ISSUE BACKGROUND**

The property is located at the north west corner of Lightbourn Avenue and Chandos Avenue. The existing open board wooden fence is encroaching on the Lightbourn Avenue and Chandos Avenue road allowance. This application will allow the owner to maintain the existing encroachment, subject to an Encroachment Agreement being entered with the City of Toronto.

## **COMMENTS**

This application has been circulated for comment to Transportation Services, Toronto Fire Services and various utility companies, with no negative responses being received.

## **CONTACT**

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Municipal Licensing and Standards  
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## **SIGNATURE**

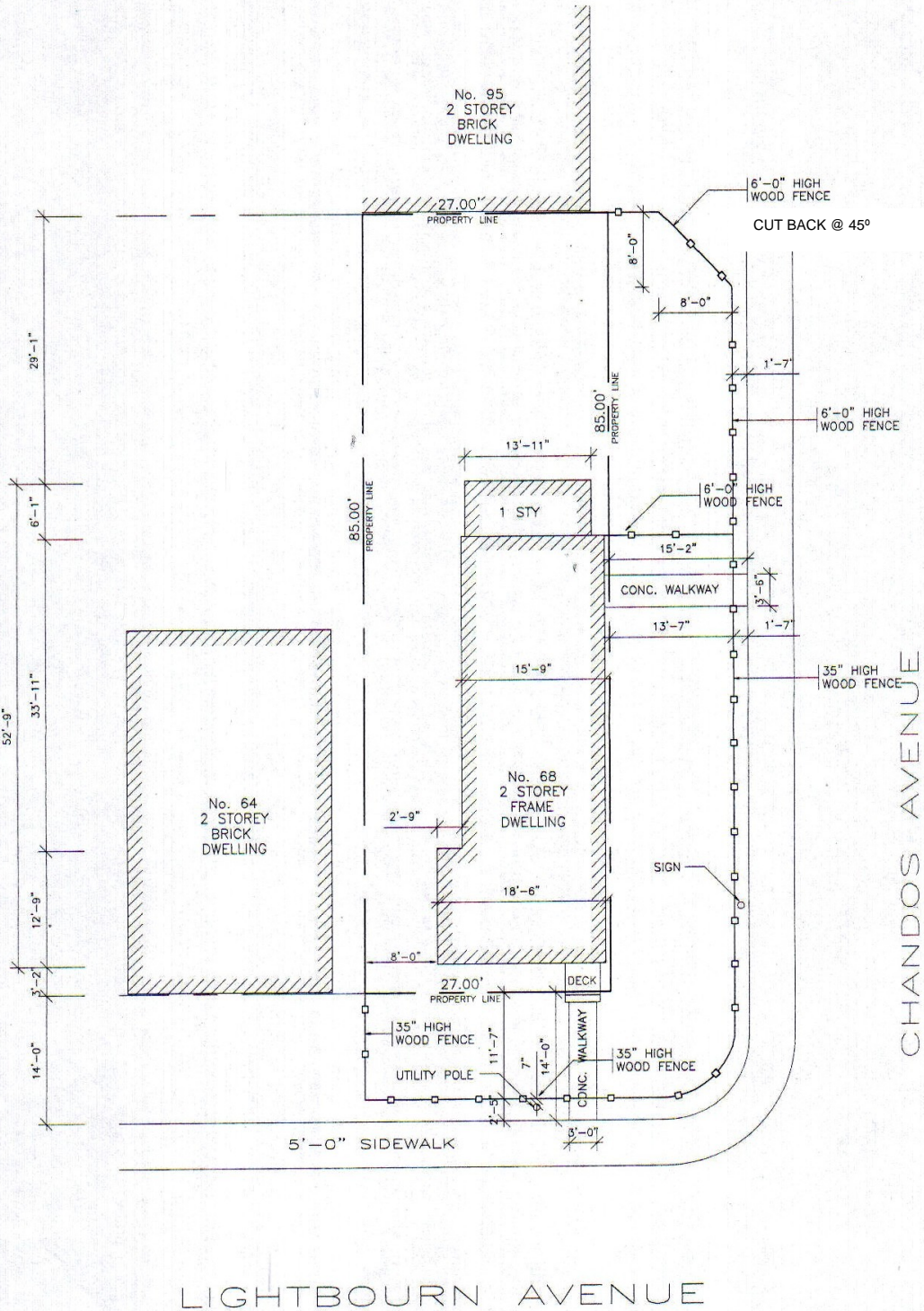
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Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

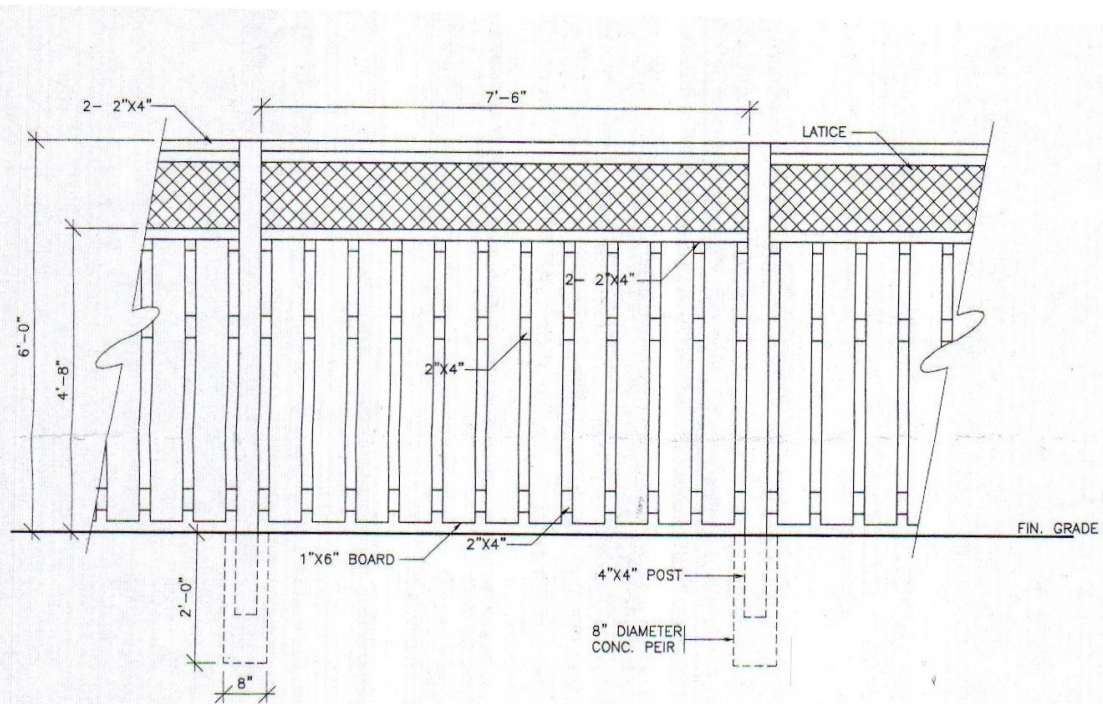
## **ATTACHMENTS**

Attachment 1 – Site Plan  
Attachment 2 – Fence Details  
Attachment 3 – Photographs showing the Fence Encroachment  
Attachment 4 – Photographs showing part of the Fence which requires cutting back

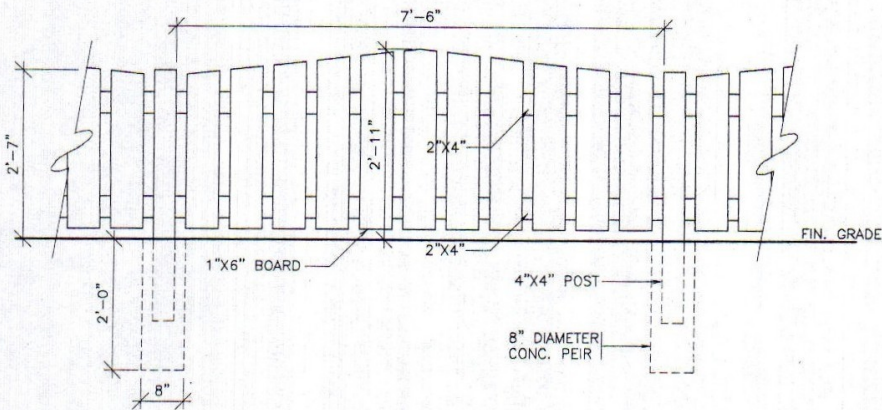
ENCROACHMENT AREA = 1582sq.ft.



**Attachment 1 – Site Plan**



**ELEVATION**  
SCALE: 1/4" = 1'-0"



**ELEVATION**  
SCALE: 1/4" = 1'-0"

**Attachment 2 – Fence Details**



**Photograph showing the property and the Fence Encroachment**



**Attachment 3 – Photographs showing the Fence Encroachment**

**Attachment 4 – Photographs showing the north west corner of the fence which requires cutting back**



**Photographs showing the 1.83 metres high fence which requires to be cut back 2.4 metres at the north west corner to mitigate sight line obstruction**

