

**Application for Encroachment Agreement  
1 Roseneath Gardens**

<b>Date:</b>	April 16, 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. 05-158387 RAW

**SUMMARY**

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This staff report is about an application for an Encroachment Agreement to construct a retaining wall within the Roseneath Gardens road allowance, and to maintain the existing encroachments on both Roseneath Gardens and Glenhurst Avenue road allowance, a total area of 91.20 square metres encroaching on the City road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision (Attachment 2).

**RECOMMENDATIONS**

**Municipal Licensing and Standards recommends that the Etobicoke York Community Council approve this application and the City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachments and maintenance of the existing encroachments, subject to the following conditions:**

1. the owner to enter into an Encroachment Agreement with the City of Toronto and pay all fees associated with the preparation of the Agreement;
2. the owner to pay an annual fee to the City of Toronto for use of the road allowance in the amount of \$25.00 plus \$5.50 per square metre, plus GST (all fees are subject to change);

3. 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;
4. the 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;
5. the combined height of the existing fence and the wooden retaining wall on the Glenhurst Avenue road allowance to be reduced to a height of 1.37 metres (4 feet 6 inches) (Attachment 2).
6. in addition to Condition 5 above, should the tree in front of the garage be removed and the area in front of the garage be converted to a driveway, the owner shall remove the sight line obstruction caused by the fence by cutting it back at a 45-degree angle to provide a minimum of 2.40 metres (8 feet) sight line clearance measured northward and westward respectively from the southeast corner of the existing fence (Attachment 6);
7. the shed located within the road allowance of the enclosed fence compound along the Glenhurst Avenue flankage to be moved from the road allowance to private property (Attachment 7);
8. the owner to maintain the subject property in good repair and comply at all times with the regulations set out in the former City of York Municipal Code, Chapter 1004, Street; and
9. the owner to obtain all necessary construction/streets occupation permit(s) for any work on the road allowance.

## **FINANCIAL IMPACT**

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

## **ISSUE BACKGROUND**

The property is located on a corner lot at the northeast corner of Roseneath Gardens and Glenhurst Avenue (Attachment 1).

The owner has submitted an application for an Encroachment Agreement for the following:

1. to construct a 0.5 metre-high pre-cast concrete interlocking retaining wall at the south side of property, and 3.40 square metres of which will be encroaching on the Glenhurst Avenue road allowance (Attachments 2, 3 and 6), and
2. to maintain the existing encroachments within:
  - (a) the Roseneath Gardens road allowance (consisting of concrete landing and stairs to the basement entrance, as well as a wooden retaining wall for an area of approximately 2.15 square metres) (Attachments 2 and 5); and
  - (b) the Glenhurst Avenue road allowance (consisting of the lands enclosed by an existing 2 metres high fence built over a wooden retaining wall for an area of approximately 85.65 square metres) (Attachments 2, 3 and 6).

The proposed precast concrete interlocking retaining wall will be constructed 0.3 of a metre behind the rear face of the sidewalk on the south side of the property, which extends westward from the southwest corner of the existing fence at the Glenhurst Avenue flankage, toward the front walkway on the west side at the Roseneath Gardens frontage (Attachment 3).

Part of the existing concrete landing and stairs to the basement entrance as well as the existing wooden retaining wall at the west side of the property are located on the Roseneath Gardens road allowance (Attachment 4).

The total combined area of the encroachments within the road allowance is approximately 91.20 square metres.

## **COMMENTS**

This application has been circulated to Transportation Services, Urban Forestry Services, Toronto Fire Services and various utility companies for comments, with no adverse comments received.

Transportation Services responded with the following comments:

- (a) the combined height of the existing wooden retaining wall and fence on the south side of the property to be reduced to 1.37 metres in height;
- (b) the fence shall not create an obstruction to sight lines for pedestrians and vehicular traffic; and
- (c) all work is to be completed in accordance to the former City of York By-law number 3343-79.

This application was also circulated to 45 area residences on Roseneath Gardens, Robina Avenue and Aberta Avenue. A total of one response was received, which was negative.

## **CONTACT**

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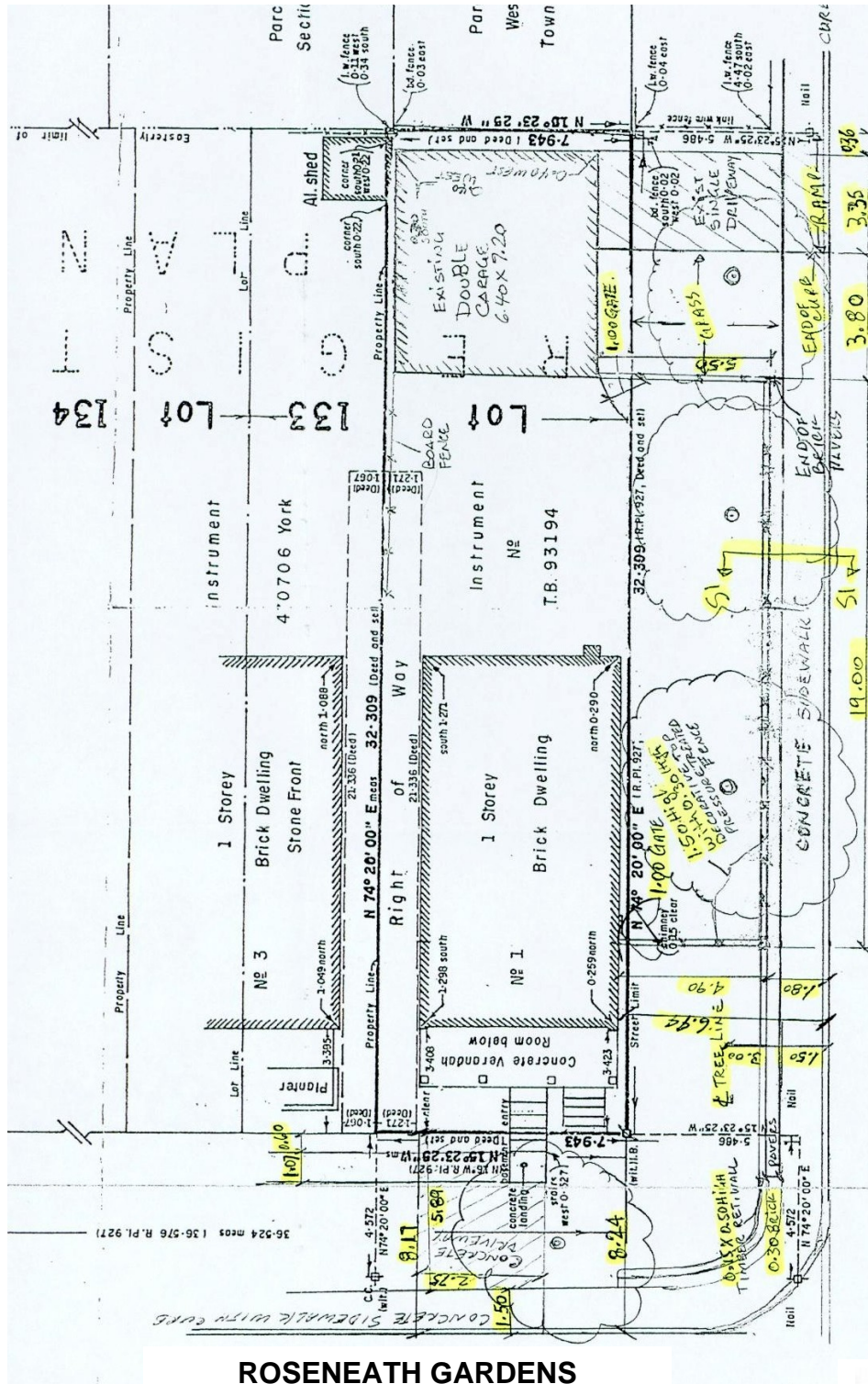
## **SIGNATURE**

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

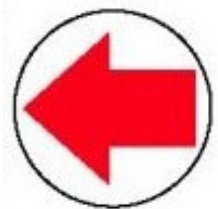
## **ATTACHMENTS**

Attachment 1: Site Survey  
Attachment 2: Site Plan  
Attachment 3: Fence and Retaining Wall Details  
Attachment 4: Concrete Steps and Landing Details  
Attachment 5: Photographs showing Encroachments on Roseneath Gardens  
Attachment 6: Photographs showing Encroachments on Glenhurst Avenue  
Attachment 7: Photograph showing the shed on City road allowance which requires to be moved on to private property



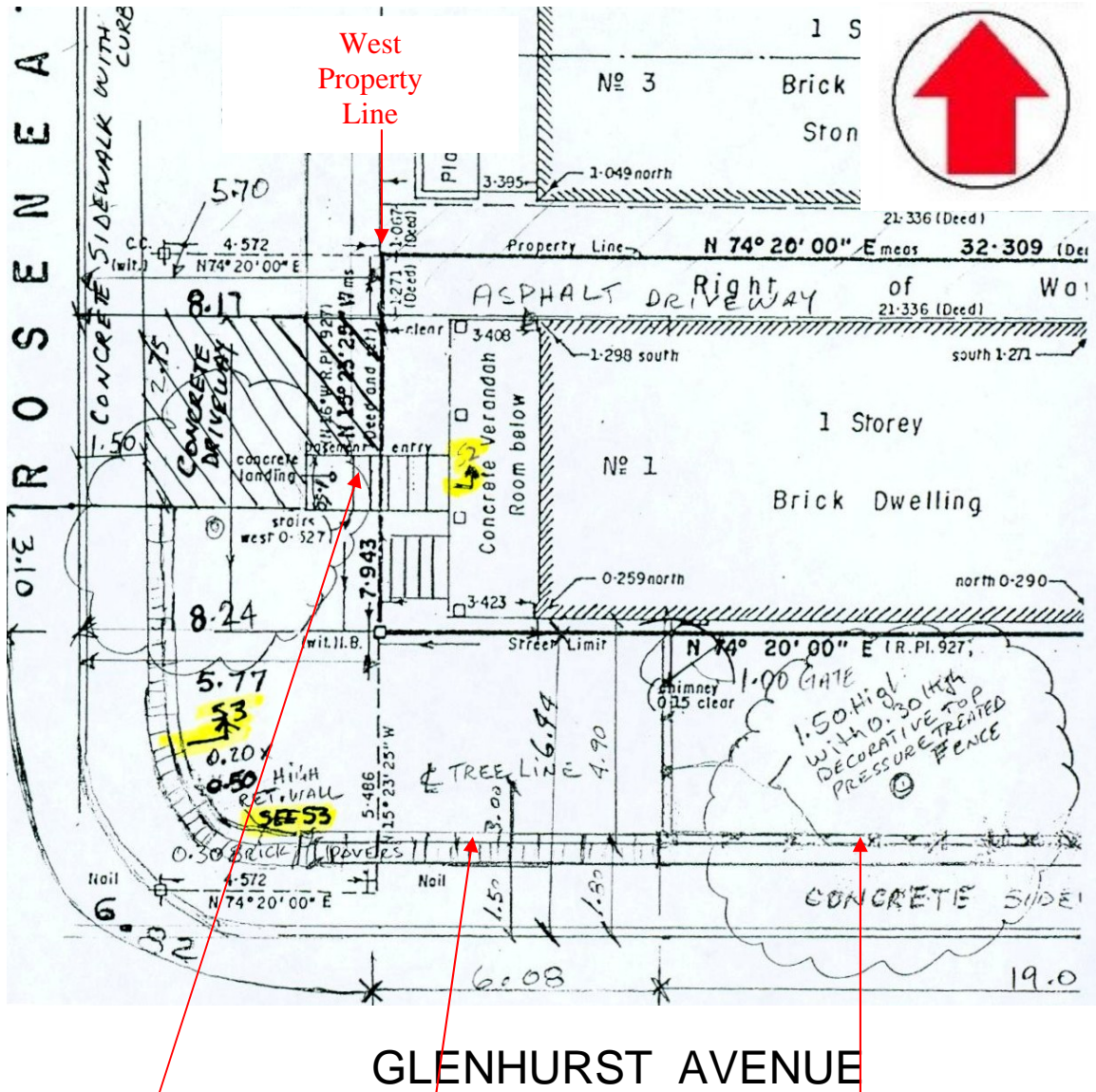
**ROSENEATH GARDENS**

**Attachment 1: Site Survey**

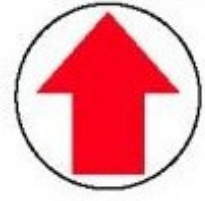


**GLENHURST AVENUE**





West Property Line



South Property Line

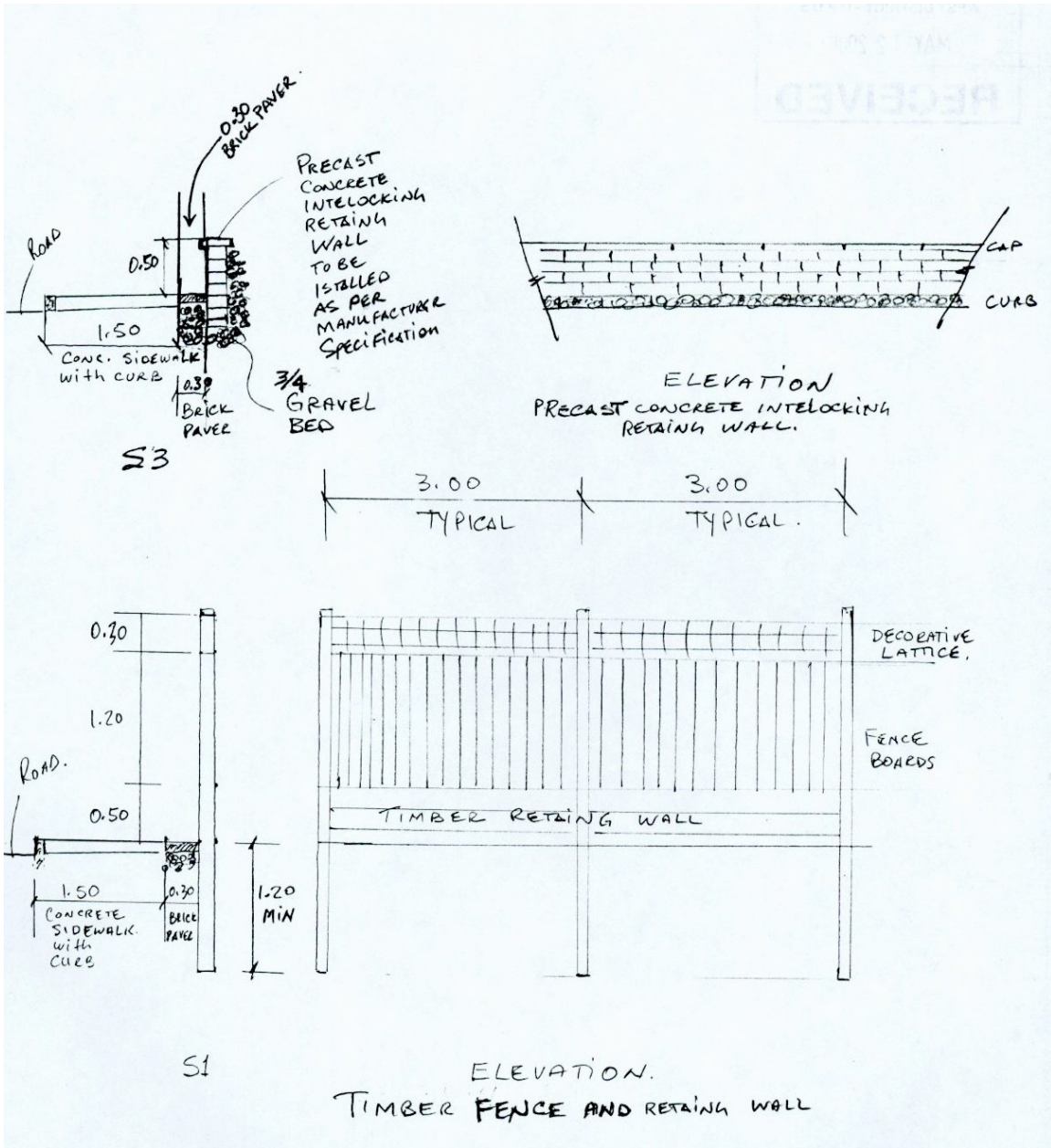
Existing Steps and Landing On Road Allowance

Existing Fence (built on top of a Retaining wall) constructed on Road Allowance

Proposed Retaining Wall to be constructed on Road Allowance

GLENHURST AVENUE

**Attachment 2: Site Plan**

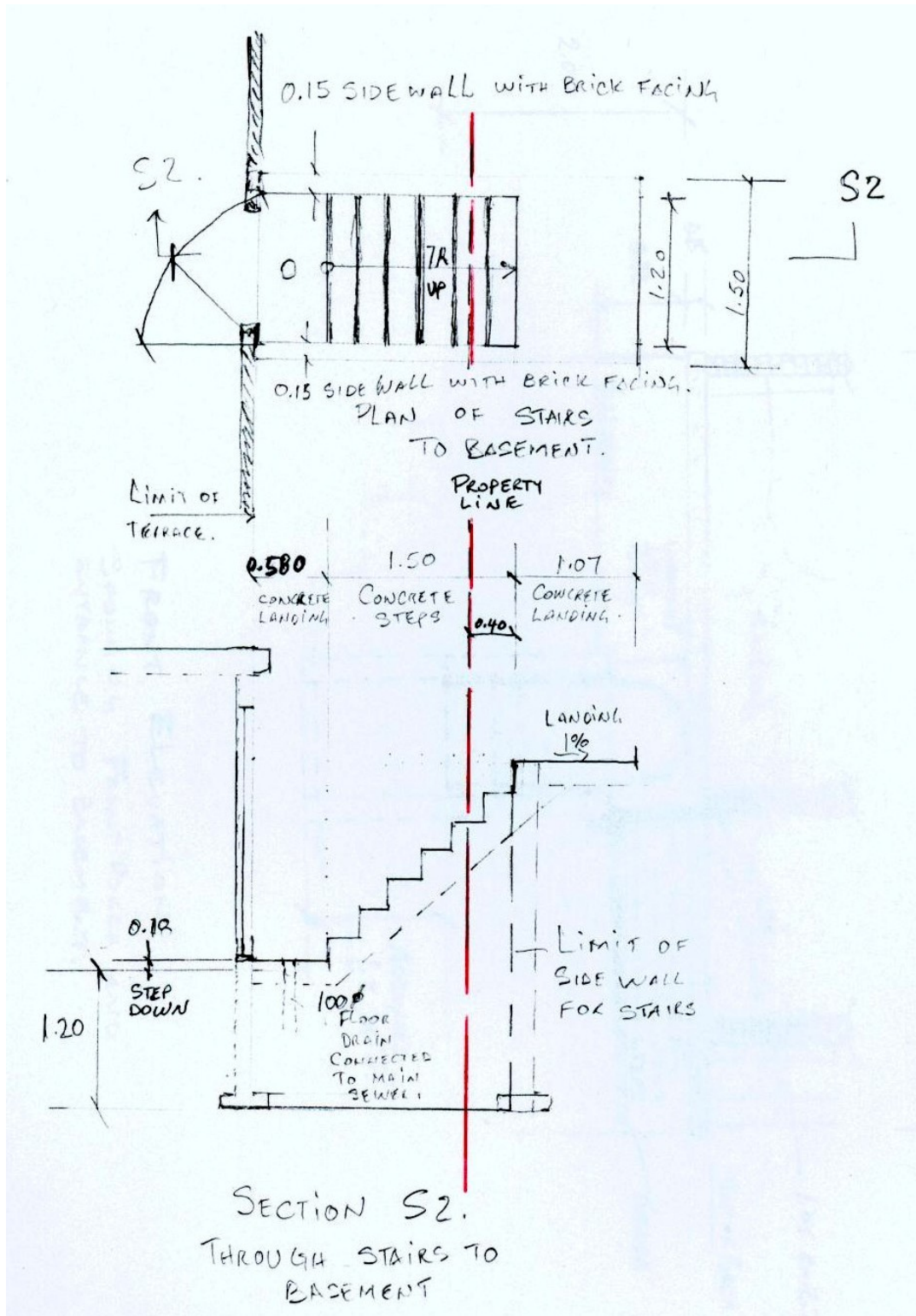


Above: Proposed Retaining Wall

Below: Existing Fence built over a wooden Retaining Wall

**Attachment 3: Fence and Retaining Wall details**





**Attachment 4: Concrete Steps and Landing on Road Allowance**





Front Elevation (House fronting Roseneath Gardens)



Close-up showing entrance to the Basement, with steps and landing on road allowance

**Attachment 5: Photographs showing Encroachments on Roseneath Gardens**





Proposed Retaining Wall and Existing Fence on Glenhurst Avenue Road Allowance



Fence required to be cut back at 45° angle to avoid sightline obstruction if tree is removed

**Attachment 6: Photographs showing Encroachments on Glenhurst Avenue**



**Attachment 7: Photograph showing the existing shed on road allowance which as to be moved on to private property**