



**STAFF REPORT
ACTION REQUIRED**

**Application for Marketing Encroachment Agreement
261 Nairn Avenue**

Date:	May 10, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	ML&S Folder No. 07-145725 RAW

SUMMARY

This staff report is in response to an application to lease an area of 88.37 square metres of the Rogers Road street allowance for the purpose of displaying merchandise at the north side of the property within a fenced enclosure, for which The Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that: The Etobicoke York Community Council approves the application, and the City Solicitor be authorized to prepare a Marketing Agreement for the proposed Encroachment within the road allowance, subject to the applicant fulfilling the following conditions upon approval.

1. subject to the applicant pay all cost associated with the preparation and execution of the agreement and to pay an annual fee to the City of Toronto for use of the road allowance in the amount of \$25.00 annual permit fee plus \$5.50 per square metre, plus GST. All fees are subject to change;
2. 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;

3. 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 encroachment;
4. the outdoor display of merchandise shall not exceed the measurements in this application;
5. the applicant shall comply at all times with regulations set out in the former City of York Streets By-law 3343-79 as amended; and
6. the applicant shall obtain a construction/streets occupation permit prior to the commencement of any construction.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property is located at the southeast corner of Nairn Avenue and Rogers Road in the former City of York. (Attachment 1)

The owner has submitted an application to lease 88.37 square metres of the municipal road allowance for the purpose of displaying merchandise along the north side of the property at the Rogers Road flankage.

The display extends 2.5 metres approximately from the north wall of the building and measures 39 metres parallel to the building. The merchandise display is enclosed by a 1.9 metres high chain link fence that is set back 0.45 metres behind the back face of the sidewalk (Attachments 2, 3 and 4).

COMMENTS

Transportation Services, Right of Way Management, has no objection to the application.

CONTACT

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Municipal Licensing and Standards
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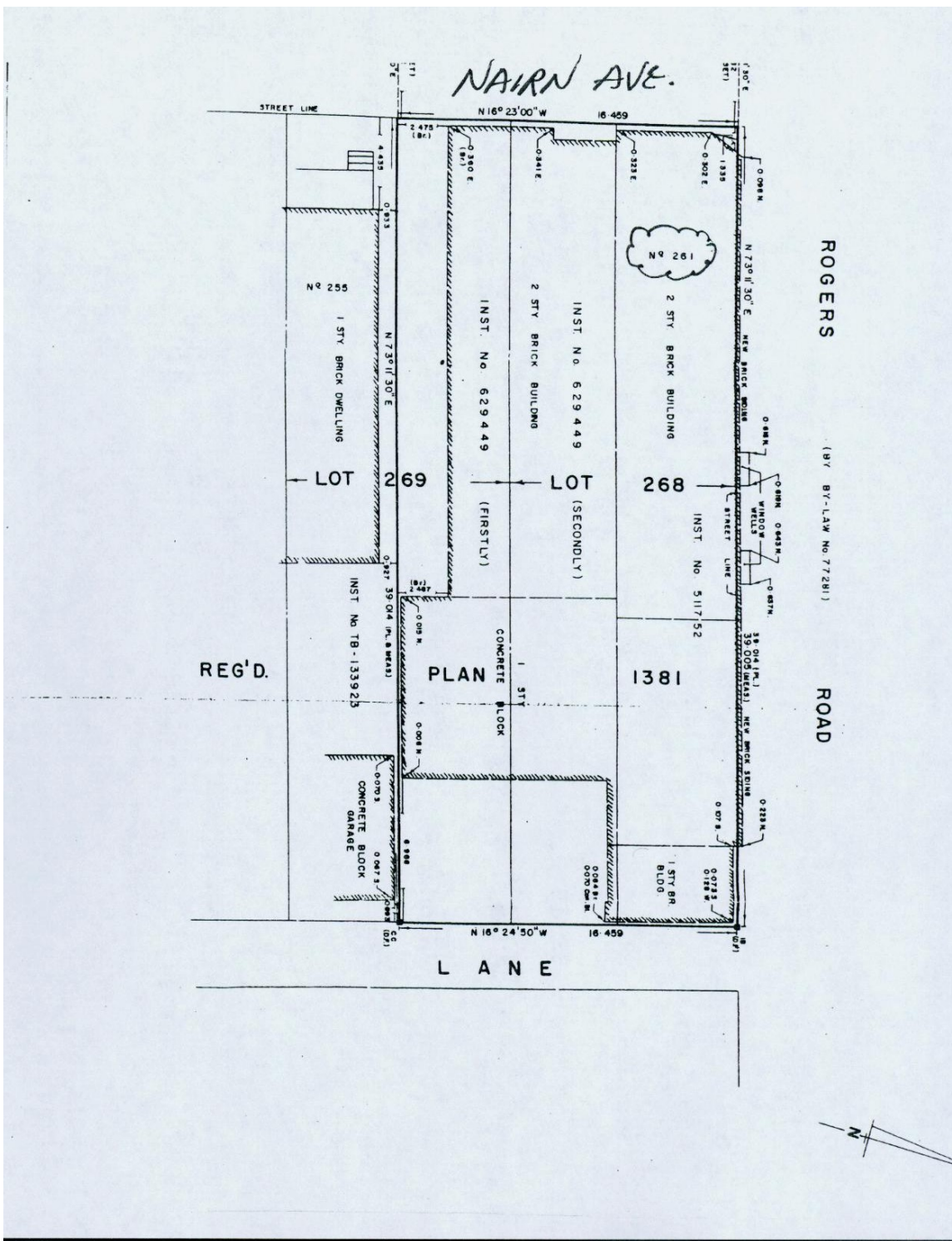
SIGNATURE

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

ATTACHMENTS

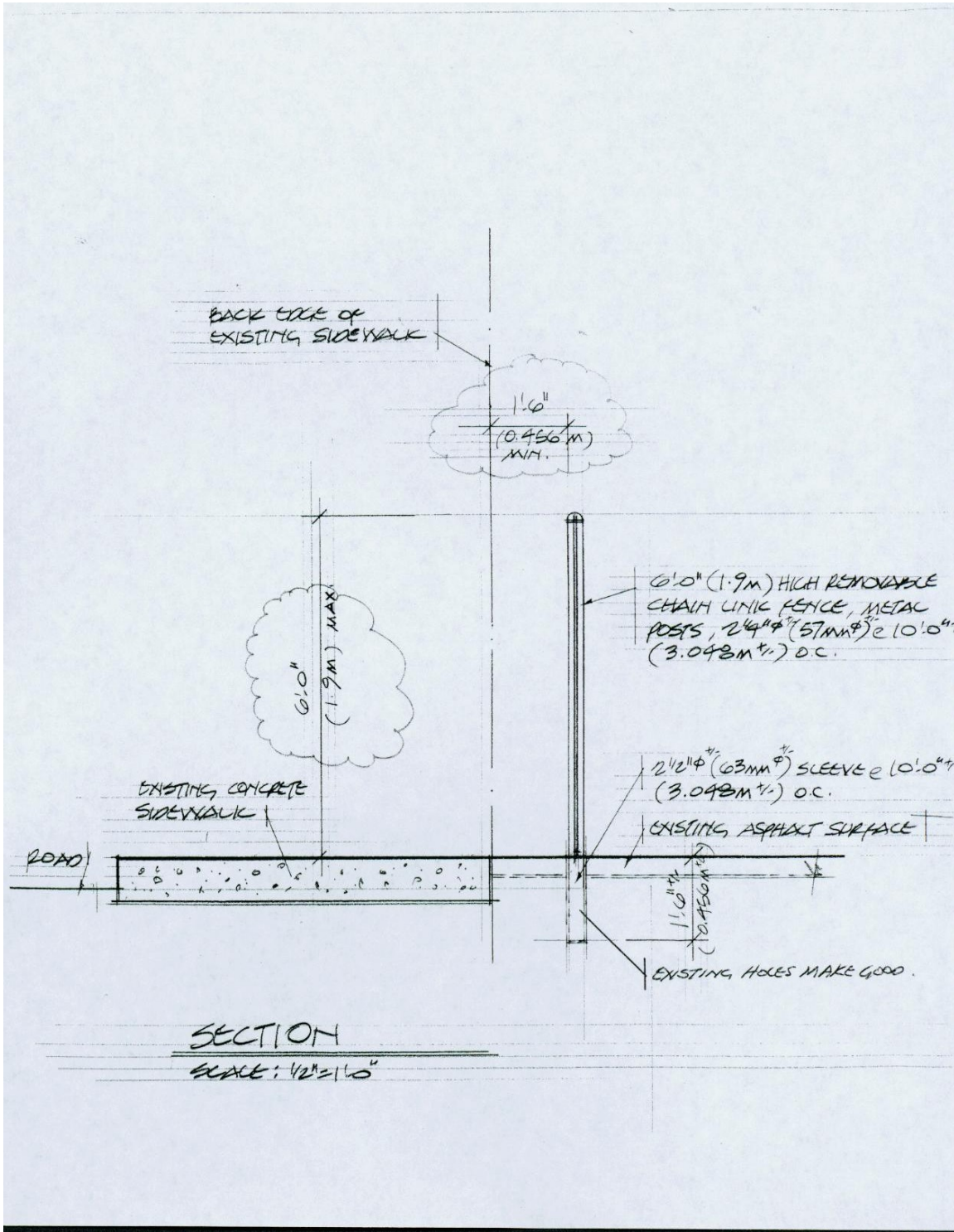
Attachment 1: Site Survey
Attachment 2: Site Plan
Attachment 3: Fence Details
Attachment 4: Photograph showing Roger Road Flankage Elevation & Fence.

Attachment 1: Site Survey



Site Survey

Attachment 3: Fence Details



Fence Detail

Attachment 4: Photograph showing Fence Details



Rogers Road Flankage Elevation (Building fronting Nairn Avenue)