



**STAFF REPORT
ACTION REQUIRED**

**Application for Encroachment Agreement
95 Prescott Avenue**

Date:	May 11, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	Folder Number 07 112149 RAW 00 IR

SUMMARY

This Staff Report is in response to an application submitted by Inter Arch Inc, acting on behalf of the property owner, to maintain an existing flight of concrete stairs, mutually shared with 97 Prescott Avenue, at the front of the property, and a concrete block retaining wall, both on the municipal road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

This report is to be read in conjunction with a similar encroachment application report for 97 Prescott Avenue dated May 11, 2007, to maintain the mutually shared concrete staircase located on the municipal road allowance.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends that the Etobicoke York Community Council approves the application, and the City Solicitor be authorized to prepare an Encroachment Agreement for the existing encroachments, including the concrete stairs and retaining wall within the Prescott Avenue road allowance, subject to the following conditions, for which the property owner is held responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement, and, if an annual fee (subject to change) is charged in future for the use of the road allowance;

2. to return the signed agreement to the City along with the required Certificate of Insurance, evidencing a third party bodily 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. to renew the said Certificate of Insurance and submit a copy thereof to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
4. to install a 1.07 metres high guardrail on top of the subject retaining wall for its entire length where the difference in grade levels on each side of the wall is more than 600 millimetres, to connect to existing the guardrail at the concrete deck to ensure continuity, in accordance with the requirements of the latest edition of the Ontario Building Code (Attachments 3, 4, 6 and 7);
5. to maintain the encroaching concrete stairs and concrete block retaining wall in a state of good repair to avoid any loss, damage and injury arising from the use thereof;
6. to apply for a Building Permit to repair the subject retaining wall under the supervision of a Professional Engineer to ensure it is structurally sound and plumb (Attachment 7);
7. to enter into an agreement with the owners of 97 Prescott Avenue, an easement to allow access to the subject mutual stairs, and have it registered on title, if there is not an existing similar agreement; and
8. to comply with regulations set out in Chapter 313 of the Toronto Municipal Code, Streets and Sidewalks.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The properties at 95 and 97 Prescott Avenue consist of a pair of two-storey semi-detached houses with an elevated concrete deck at the front, approximately 2.06 metres above street level. Entrance to the houses is accessible from the street via a flight of 1.50 metres wide mutually shared concrete stairs which is encroaching on the municipal road allowance over a distance of approximately 15.50 metres (Attachments 1 – 6).

A concrete block retaining wall has been built alongside the south property line to make space for parking of a vehicle which is subject to a Front Yard Parking Permit Number 63278 (Attachments 2 and 3).

COMMENTS

The application has been forwarded to Transportation and Toronto Fire Services as well as the utility companies for comments. No adverse comment was received although Transportation Services' approval is conditional upon the transfer of the responsibility to the owner for any costs, claims or damages arising from the encroaching stairs and retaining wall not being set back more than 460 millimetres from the rear edge of the City sidewalk.

Inspection of the subject retaining wall revealed that it appears to be out of plumb and is showing signs of lateral movement. In view of its height, location and proximity to the public sidewalk, it is considered to be a designated structure under the Ontario Building Code and is required to be repaired under a Building Permit and supervised by a Professional Engineer (Attachment 7).

CONTACT

Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

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

ATTACHMENTS

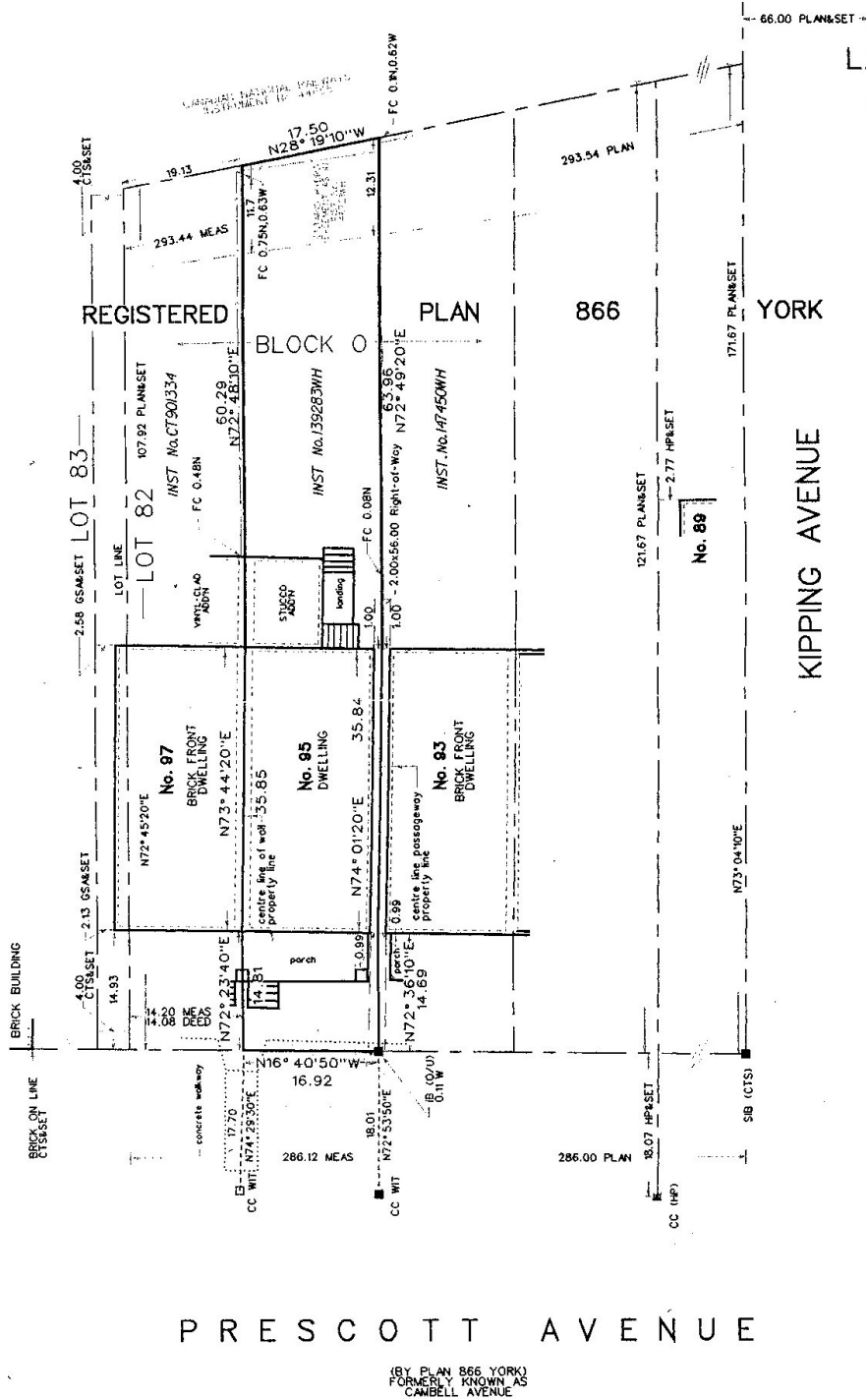
Attachment 1: Site Survey
Attachment 2: Site Plan
Attachment 3: Plan showing the encroaching Stairs and Retaining Wall

Attachment 4: Sections showing the encroaching Stairs

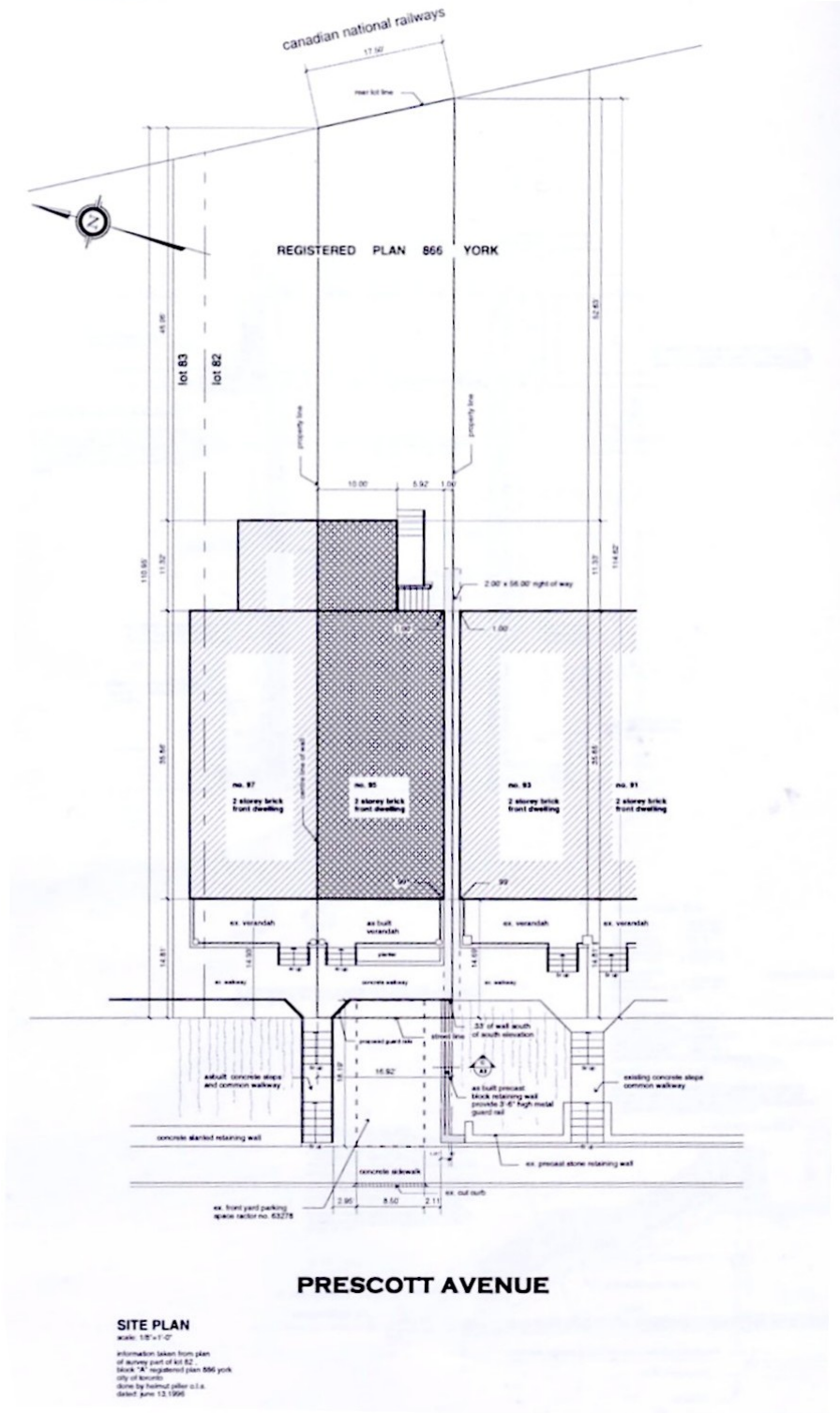
Attachment 5: Photograph of the Property showing the encroaching mutual stairs

Attachment 6: Photographs showing the encroaching stairs and retaining wall

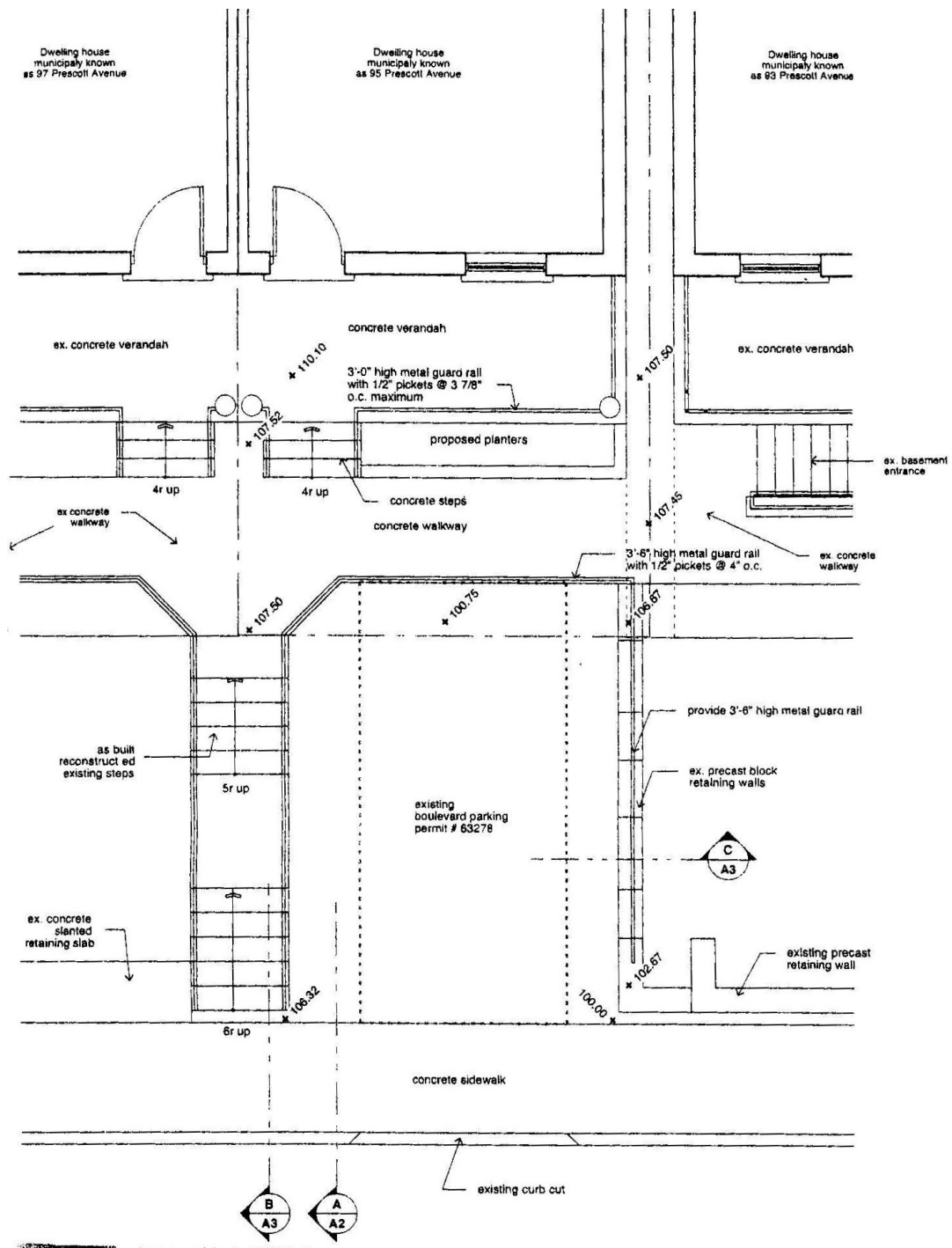
Attachment 7: Close-up photographs showing the encroaching retaining wall



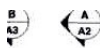
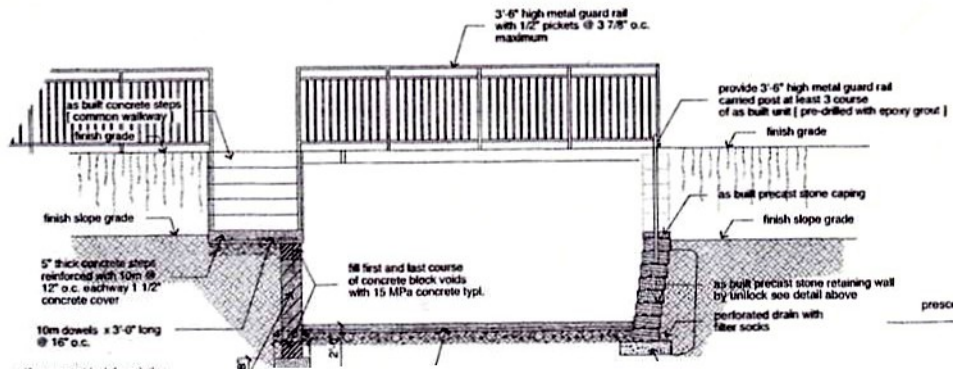
Attachment 1: Site Survey



Attachment 2: Site Plan



Attachment 3: Plan showing the encroaching Stairs and Retaining Wall



EMENT FLOOR PLAN [PARTIAL]
SCALE: 1/4"=1'-0"

All Stairs/ Exterior Stairs

maximum rise = 200 (7' 7/8")
 minimum run = 210 (8' 1/4")
 maximum tread = 25 (1")
 minimum nosing = 1050 (8'-5")
 minimum width = 600 (2'-0")

for curved stairs
 minimum run = 190 (6' 7/8")
 minimum average run = 200 (7' 7/8")

Guardrail Handrail

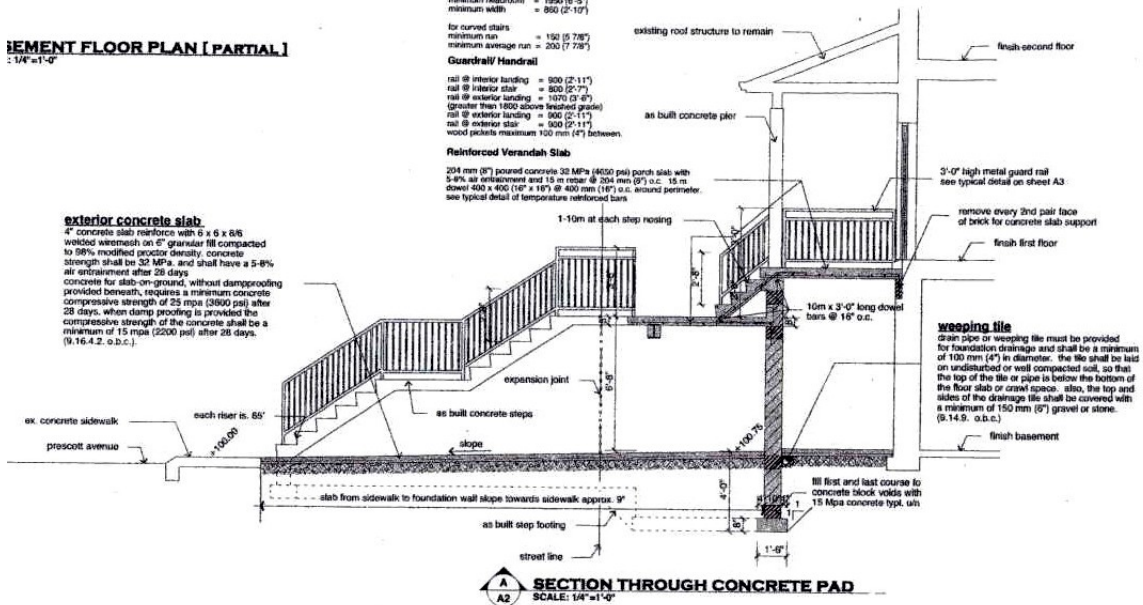
rail @ interior landing = 900 (2'-11")
 rail @ interior stair = 900 (2'-7")
 rail @ exterior landing = 1070 (3'-6")
 (greater than 1000 above finished grade)
 rail @ exterior stair = 900 (2'-11")
 rail @ interior stair = 900 (2'-11")
 wood pickets maximum 100 mm (4") between.

Reinforced Verandah Slab

204 mm (8") poured concrete 32 MPa (4600 psi) panel slab with 5-8% air entrainment and 15 m rebar @ 204 mm (8") o.c. 15 m dowel 400 x 400 (16" x 16") @ 400 mm (16") o.c. around perimeter. see typical detail of temperature reinforced bars.

exterior concrete slab

4" concrete slab reinforced with 6 x 6 x 6/8 welded wiremesh on 6" granular fill compacted to 98% modified proctor density. concrete strength shall be 32 MPa, and shall have a 5-8% air entrainment after 28 days. concrete for slab-on-ground, without damp-proofing provided beneath, requires a minimum concrete compressive strength of 25 mpa (3600 psi) after 28 days. when damp proofing is provided the compressive strength of the concrete shall be a minimum of 15 mpa (2200 psi) after 28 days. (9.16.4.2. o.b.c.)



SECTION THROUGH CONCRETE PAD
SCALE: 1/4"=1'-0"

Attachment 4: Sections showing the encroaching stairs



← 97 Prescott Avenue

95 Prescott Avenue →

Attachment 5: Photograph of the property showing the encroaching mutual stairs



Attachment 6: Photographs showing the encroaching stairs and retaining wall



Attachment 7: Close-up photographs of the encroaching retaining wall