



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 97 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 105710 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 95 Prescott Avenue, at the front of the property 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 95 Prescott Avenue dated May 11, 2007, to maintain the mutually shared concrete staircase located within 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 encroaching concrete stairs on 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 encroachment;
4. to maintain the encroaching concrete stairs in a state of good repair to avoid any loss, damage and injury arising from the use thereof;
5. to enter into an agreement with the owners of 95 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
6. 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).

Subject to compliance of the stipulated conditions, the encroachment agreement will allow the encroaching staircase to remain on site.

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 not being set back more than 460 millimetres from the rear edge of the City sidewalk.

CONTACT

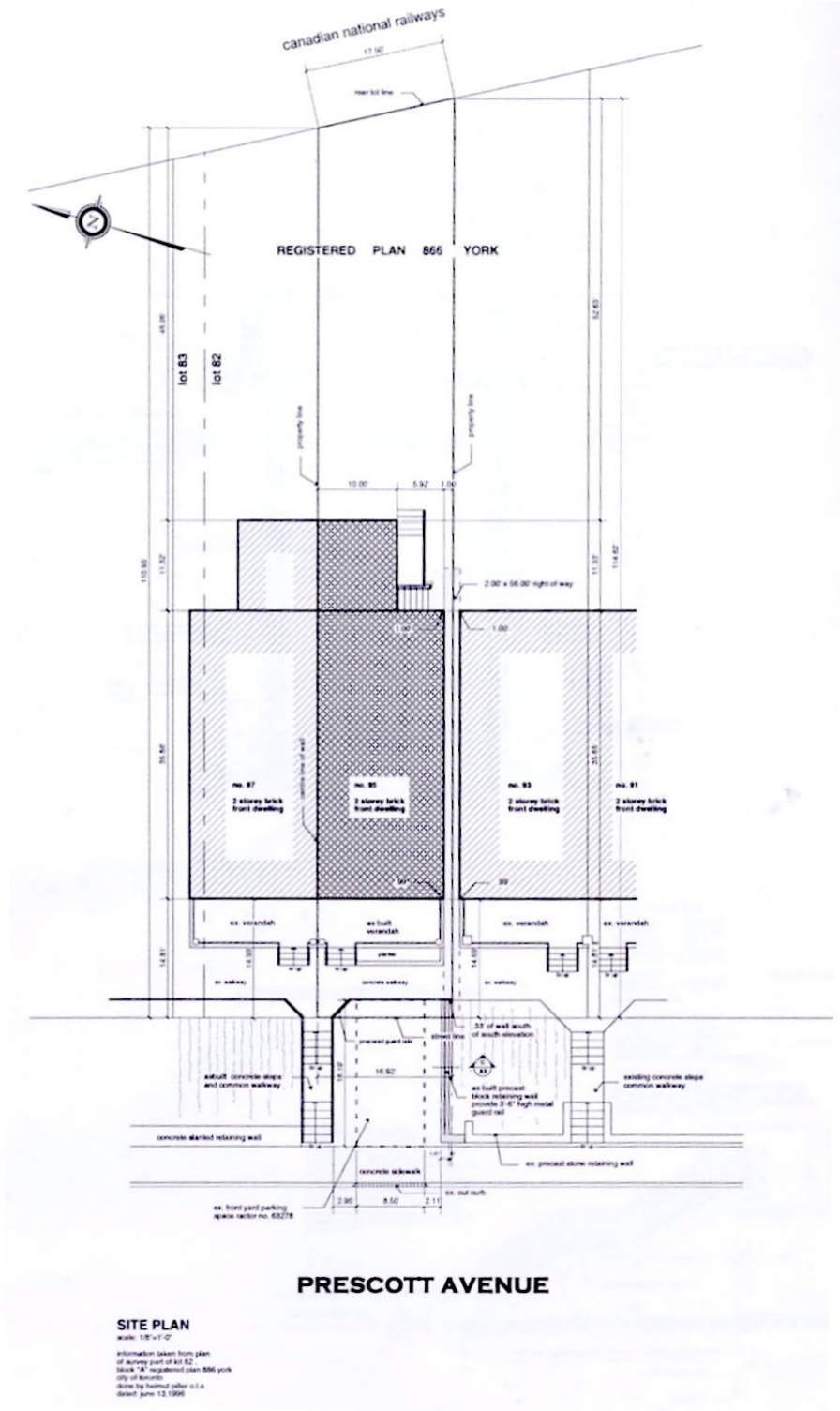
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SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Survey
Attachment 2: Site Plan
Attachment 3: Sections showing the encroaching Stairs
Attachment 4: Front View of the Property showing the encroaching mutual stairs
Attachment 5: Photographs showing the front of the Property
Attachment 6: Side View of the encroaching Stairs



Attachment 2: Site Plan



← 97 Prescott Avenue

95 Prescott Avenue →

Attachment 4: Front View of the Property showing the encroaching mutual stairs



Attachment 5: Photographs showing the front of the Property



Attachment 6: Side View of the encroaching stairs