



## STAFF REPORT ACTION REQUIRED

### Application for Encroachment Agreement 31 King Georges Road

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| <b>Date:</b>             | April 12, 2007   |
| <b>To:</b>               | Etobicoke York Community Council                           |
| <b>From:</b>             | Curtis Sealock, Manager, Municipal Licensing and Standards |
| <b>Wards:</b>            | Ward 5, Etobicoke - Lakeshore                              |
| <b>Reference Number:</b> | ML&S Folder No. 06 161184 RAW                              |

#### **SUMMARY**

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This Staff Report is about an application submitted by the property owners of 31 King Georges Road to maintain an existing encroachment, including a fence and a proposed hedge, which are both within the City road allowance, for which the Community Council has delegated authority from City Council to make a final decision.

This report, which has incorporated the comments submitted by various City Divisions and Utility Companies, should be considered in conjunction with the applicants' request for a Fence Exemption to Municipal Code, Chapter 447, Fences, for the close board wooden fence built within the private property.

#### **RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that the Etobicoke York Community Council approve:**

1. the City Solicitor be authorized to prepare an Encroachment Agreement for the existing and proposed encroachments on King Georges Road and Prince Edward Drive flankage; Attachment 1;
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. Fees are subject to change;

3. the signed agreement is returned 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;
4. the Certificate of Insurance shall be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
5. pay an annual fee to Municipal Licensing and Standards in the amount of \$11.00 per square metre; and
6. the owners to obtain all necessary construction/streets occupation permit(s) for any work on road allowance.

## **FINANCIAL IMPACT**

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

## **ISSUE BACKGROUND**

As the result of a complaint being received, Municipal Licensing and Standards staff investigated the property and determined that fencing had been erected around the perimeter of the property, both on private property portion as well as the City road allowance. The owner was contacted and advised that the constructed fence was in violation as it did not comply with the requirements for private property set out in Toronto Municipal Code, Chapter 447, Fences and the portion of the fencing within the road allowance was built without an encroachment agreement and created an unsafe condition due to sight lines issues.

The applicant proposes to modify the existing fencing by:

1. removing the existing open boarded wooden fence and install a 0.80 of a metre high yew hedge within the King Georges Road street allowance, adjacent to the sidewalk, Attachment 2;
2. maintain the as-built open wooden fence along the east property line, with maximum height to be 0.91 of a metre, Attachment 3;
3. maintain the as-built open wooden fence along the Prince Edward Drive flankage from the north corner of the property southward to the driveway, with a maximum height of 0.91 of a metre;

4. modify the existing close board wooden fence, measuring 1.83 metres in height, along Prince Edward Drive, by re-constructing the fence so as to provide adequate line of sight adjacent to the driveway. This is to be done by cutting back the fence 2.4 metres along the driveway and Prince Edward Drive, Attachments 1 and 3.

## **COMMENTS**

The application was circulated to the Utility Companies as well as various City Divisions for comments. Transportation Services has responded indicating concern relating to line of sight issues for the existing closed boarded wooden fence adjacent to the driveway on Prince Edward Drive and require that the fence be modified by cutting the fence back 2.4 metres along the driveway as well as adjacent to the sidewalk on Prince Edward Drive.

The 1.83 metre high close board wooden fence within the private property of the Prince Edward Drive flankage was not constructed in compliance with the requirements of the City of Toronto, Municipal Code, Chapter 447, Fences. As a result, the owner has made an application for an exemption to the requirements as it relates the height of the fence within the flankage yard. The report for Fence Exemption is being submitted to the Etobicoke York Community Council for consideration at this time, as well.

## **CONTACT**

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Municipal Licensing and Standards  
Etobicoke York District  
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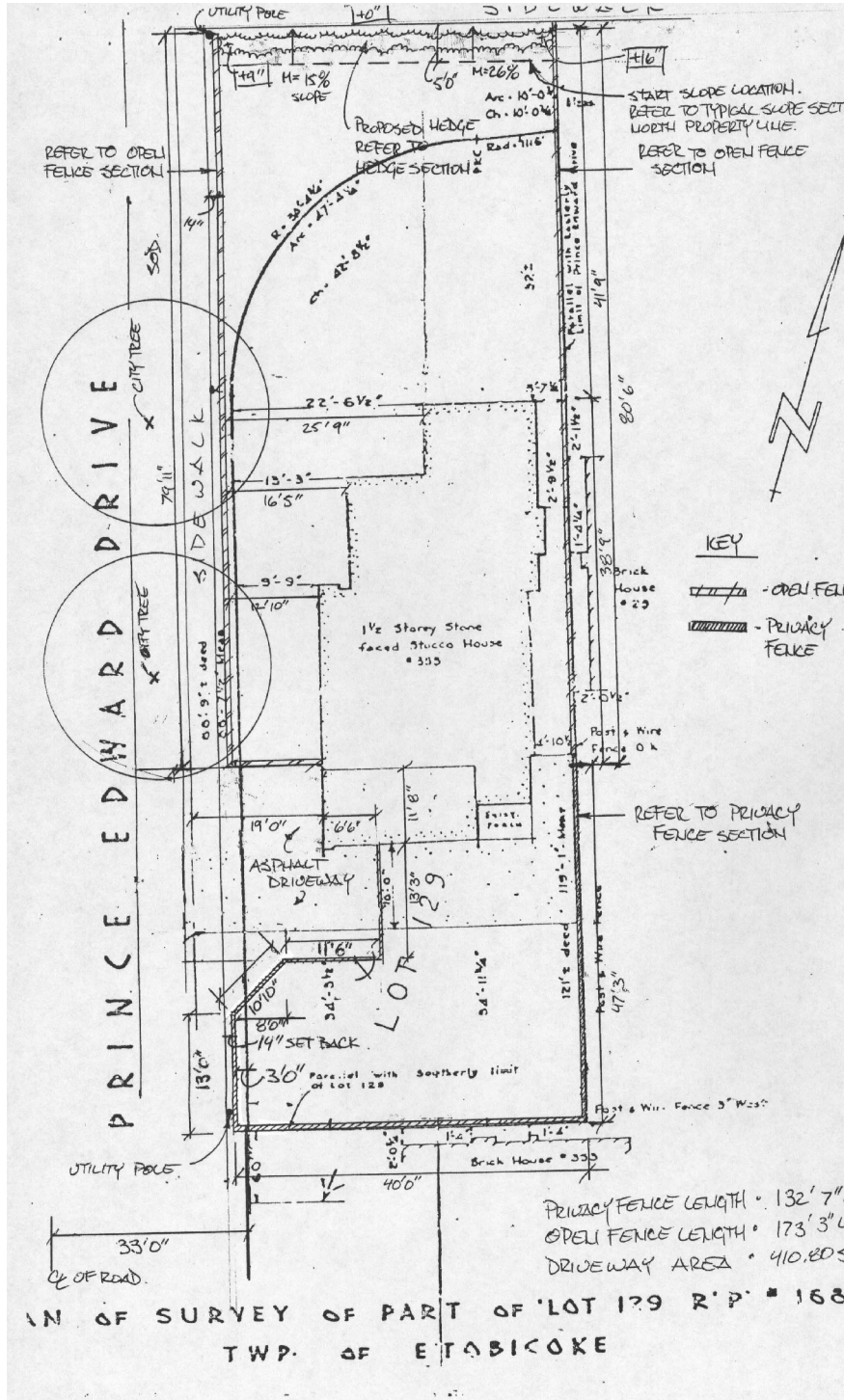
## **SIGNATURE**

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Curtis Sealock, District Manager

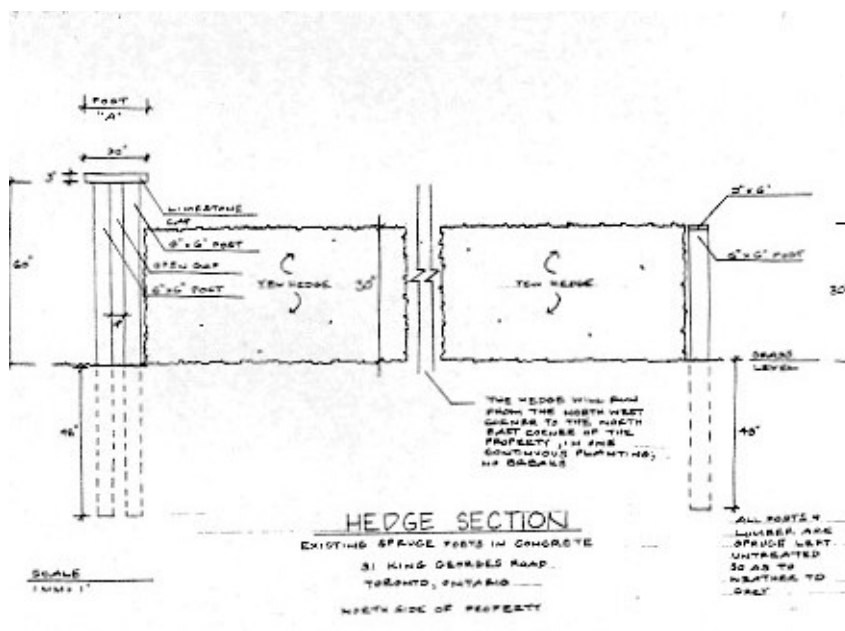
## **ATTACHMENTS**

Attachment 1: Survey of Property  
Attachment 2: Sketch of Proposed Hedge and Open Board Wooden Fence  
Attachment 3: Sketch of Close Board Wooden Fence

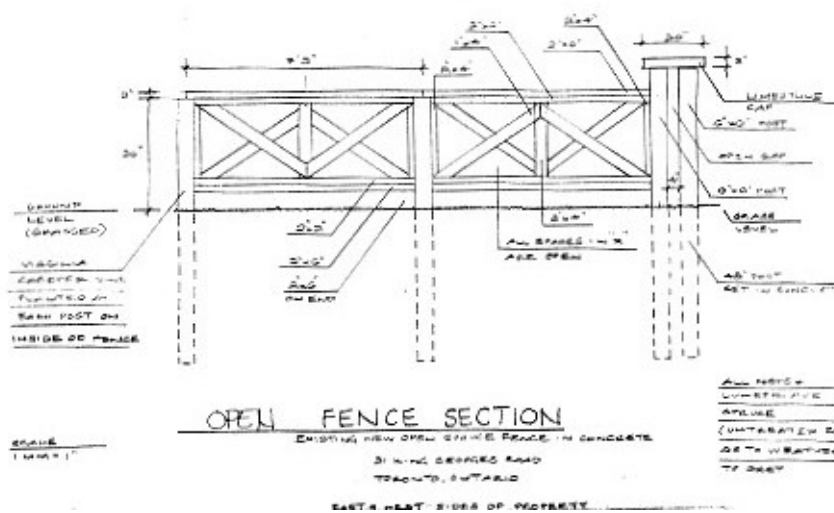


**Attachment 1 – Property Survey**

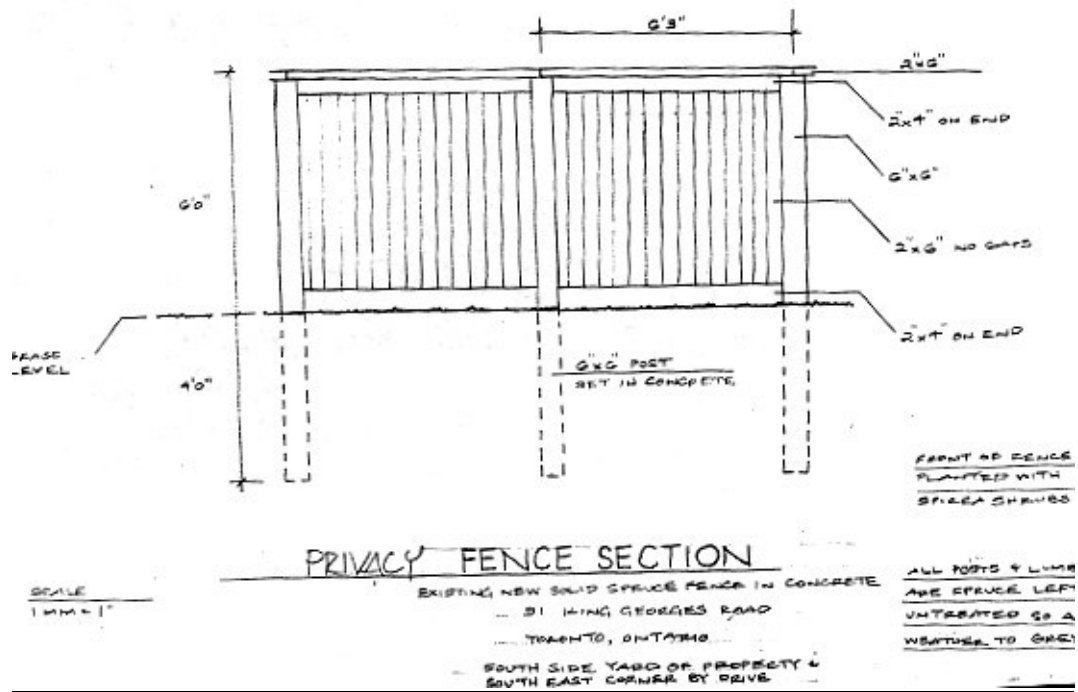
## Sketch of Proposed Hedge



## Sketch of Open Board Wood Fence



## Attachment 2



**Attachment 3 – Sketch of Close Board Wood Fence**