

**Application for Encroachment Agreement
1 Roseneath Gardens**

Date:	June 12, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	ML&S Folder No. 05-158387 RAW

SUMMARY

This staff report is about an application for an Encroachment Agreement to construct a retaining wall on Roseneath Gardens road allowance, and to maintain the existing encroachments on both Roseneath Gardens and Glenhurst Avenue road allowance, amounting to 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 recommend that the Etobicoke York Community Council modify this application and adopt the following:

1. the City Solicitor be authorized to prepare an Encroachment Agreement for the existing and proposed encroachments as modified;
2. the owner to enter into an Encroachment Agreement with the City of Toronto and pay all fees associated with the preparation of the Agreement;
3. 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);

4. 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;
5. the Certificate of Insurance to be renewed on an annual basis for the life of the encroachments;
6. 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 metre (Attachment 2); and
7. 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.

FINANCIAL IMPACT

There are not 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 on:
 - (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 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 5).

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

This matter was considered by the Etobicoke York Community Council on May 29, 2007 and was deferred to its June 26, 2007 meeting, to enable the Ward Councillor to meet the property owner and City staff to review the application. A site meeting was held on June 1, 2007.

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.

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.

Subsequent to the site meeting on June 1, 2007, Transportation Services responded with the following comments:

- (a) the combined height of the existing wood retaining wall and fence on the south side of the property to be reduced to 1 metre in height in order not to create an obstruction to sight lines for pedestrian and vehicular traffic;
- (b) if the fence height is limited to 1 metre, the condition to cut back the fence for 2.4 metres beside the garage is not required (even if the space is turned into a driveway upon removal of the tree) ;
- (c) the shed may remain at its current location;
- (d) a construction/street permit is not required; and
- (e) all work is to be completed in accordance with the former City of York By-law number 3343-79.

CONTACT

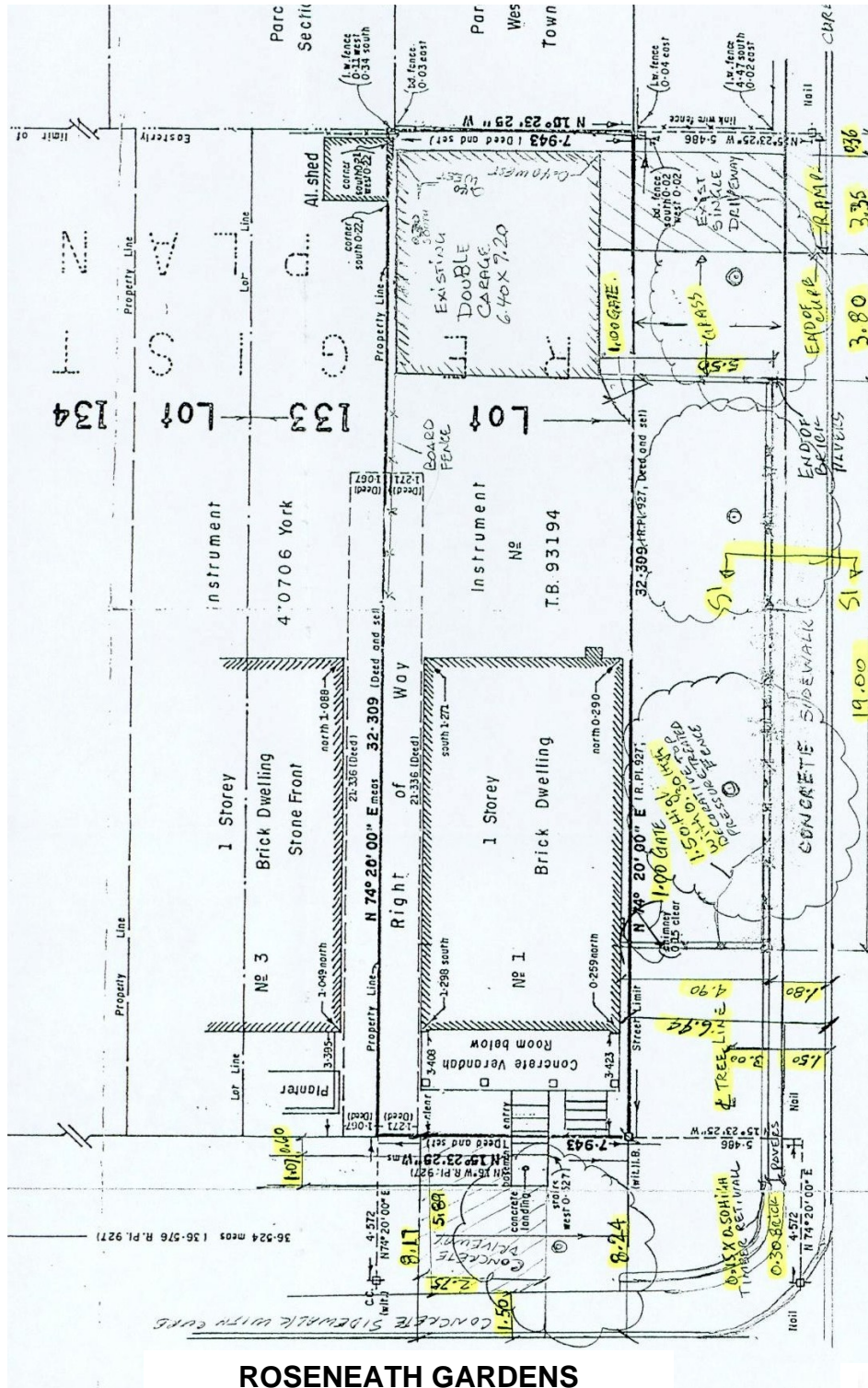
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SIGNATURE

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Etobicoke York District
Municipal Licensing and Standards

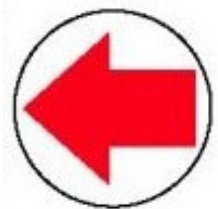
ATTACHMENTS

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

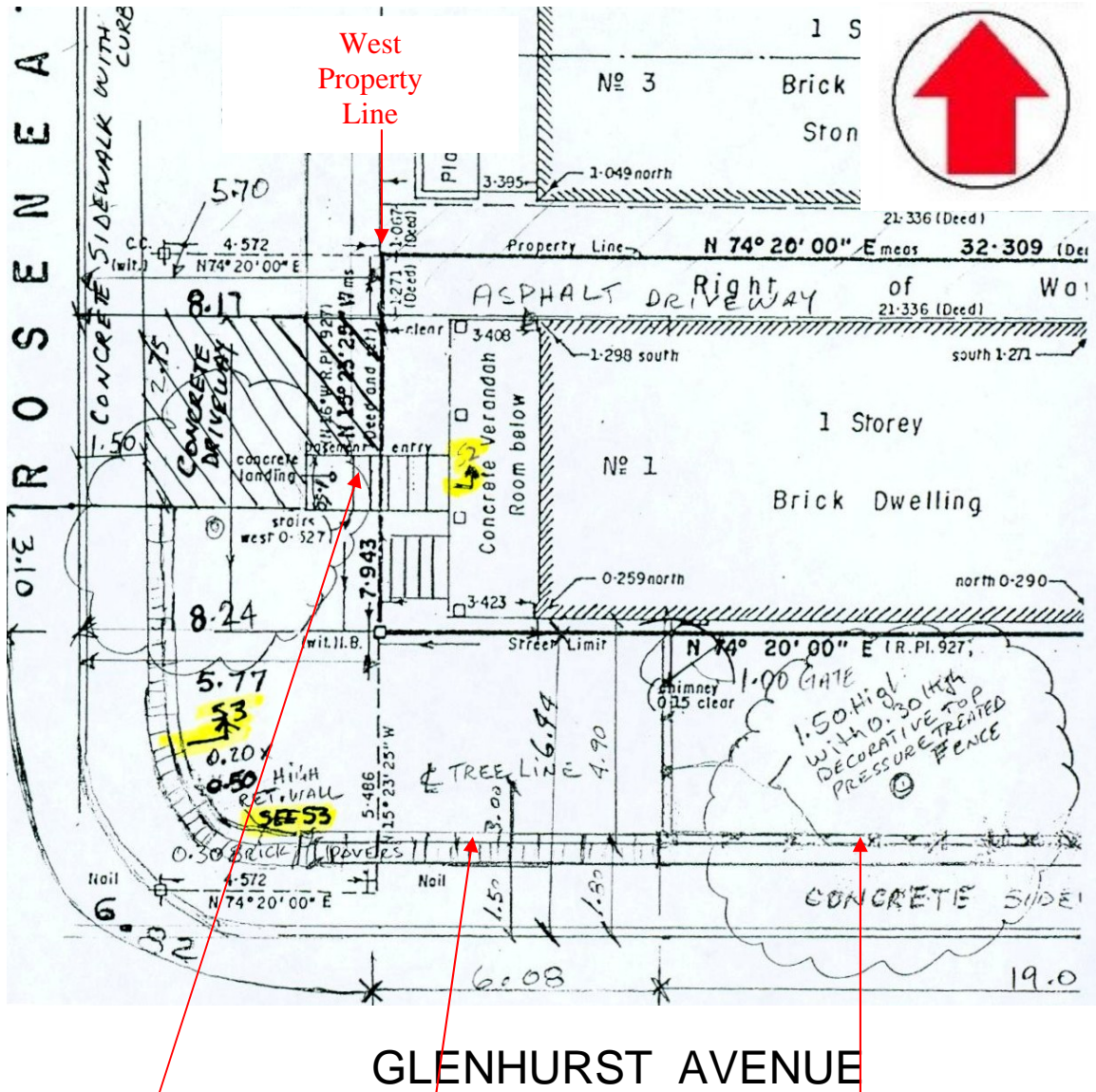


ROSENEATH GARDENS

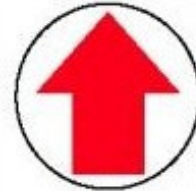
Attachment 1: Site Survey



GLENHURST AVENUE



West Property Line



South Property Line

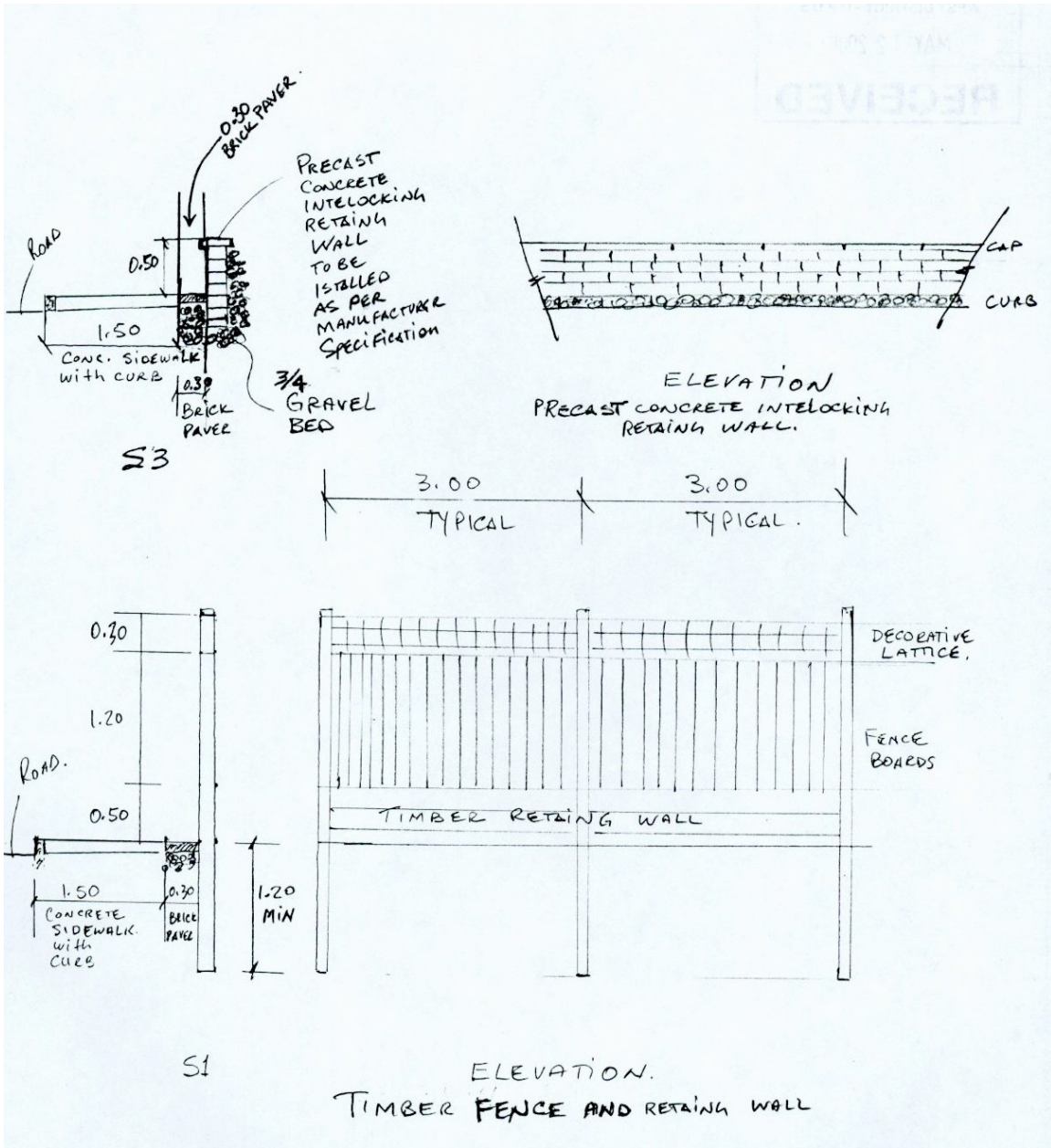
Existing Steps and Landing On Road Allowance

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

Proposed Retaining Wall to be constructed on Road Allowance

GLENHURST AVENUE

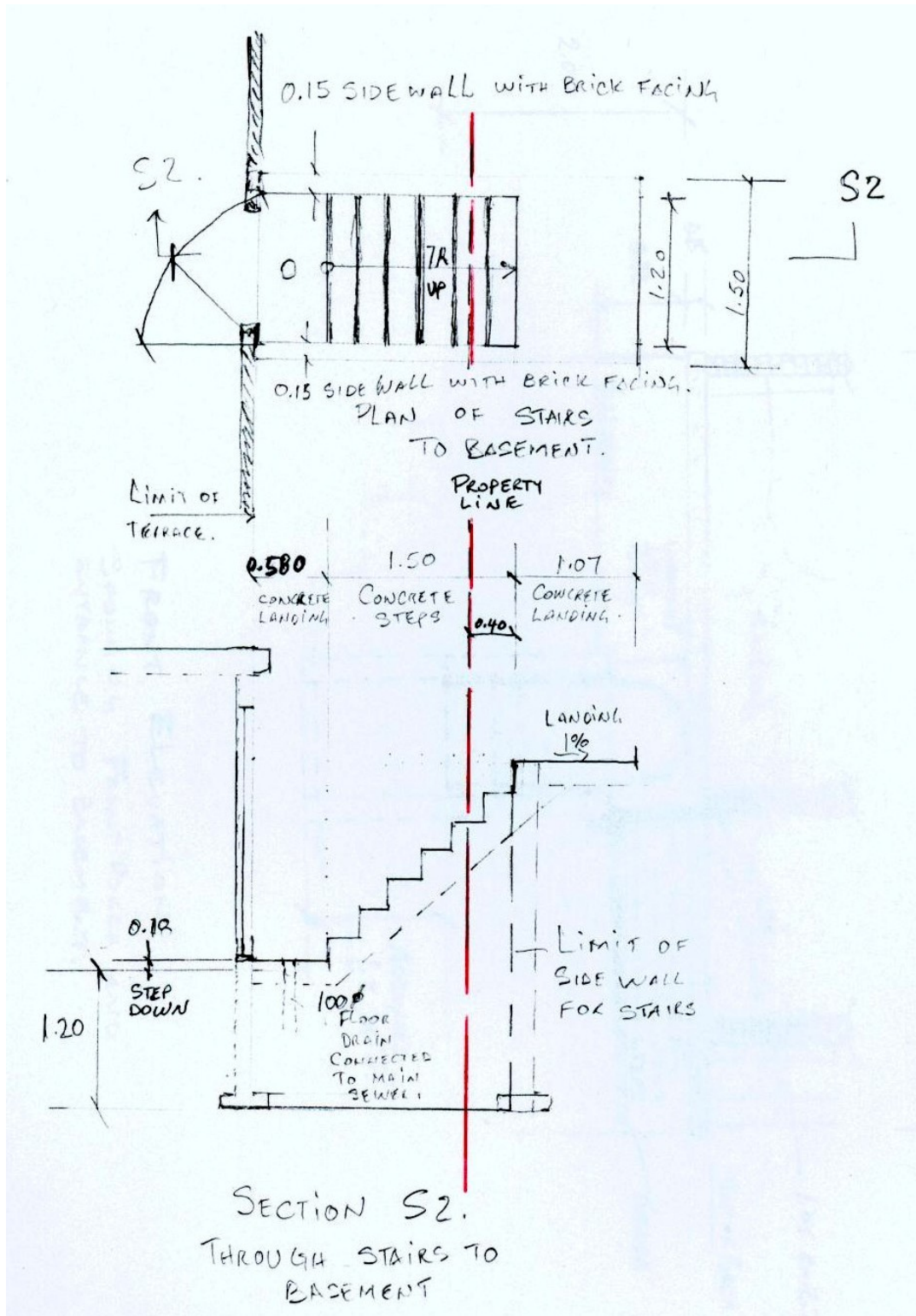
Attachment 2: Site Plan



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



Attachment 6: Photographs showing Encroachments on Glenhurst Avenue