



**STAFF REPORT
ACTION REQUIRED**

**Application for Encroachment Agreement
97 Lightbourn Avenue**

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| Date: | July 27, 2007 |
| To: | Etobicoke York Community Council |
| From: | Curtis Sealock, Manager, Municipal Licensing and Standards |
| Wards: | Ward 17, Davenport |
| Reference Number: | ML&L Folder No. 07 224735 RAW |

SUMMARY

To report on an application for Encroachment Agreement submitted by the owner of the property at 97 Lightbourn Avenue to maintain an encroachment of an existing close board fence within the road allowance at the north east corner of Lightbourn Avenue and Beaver Avenue, measuring approximately 129.67 square metres in area, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobioke York Community Council approve the Encroachment Agreement request with the following conditions:

1. the City Solicitor be authorized to prepare an Encroachment Agreement for the existing encroachments on Lightbourn Avenue and the Beaver Avenue flankage;
2. the applicant/property owner pays the City of Toronto all fees associated with the preparation of this agreement, and an annual encroachment fee should that be charged in the future upon harmonization of the Streets By-law;
3. the existing constructed wood fence fronting Lightbourn Avenue and flanking Beaver Avenue respectively, within the municipal road allowance at the front yard (beyond the front wall of the property), be reduced to a maximum height of 0.90 metres above the sidewalk grade;

4. the applicant/property owner be responsible for any costs, claims, or damages that may arise due to the retaining wall not being setback the required 0.46 metres from the rear edges of the City sidewalk within the municipal road allowance at Lightbourn Avenue and Beaver Avenue respectively;
5. 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;
6. the Certificate of Insurance shall be renewed on an annual basis for the life of the encroachments; and
7. the applicant/property owner be responsible to maintain the subject property in good repair and comply at all times with the regulations set out in the former City of Toronto Municipal Code, Chapter 313, as amended, Streets and Sidewalks.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property is located on the corner lot at the north east corner of Lightbourn Avenue and Beaver Avenue, Attachment 1.

The property owner has submitted an application for an Encroachment Agreement to maintain a close board wood fence on the Lightbourn Avenue and Beaver Avenue road allowance respectively, Attachment 2.

The wooden fence on the Lightbourn Avenue frontage was constructed to a height of 1.9 metres (6 feet 2 inches). The owner is proposing to cut the existing height of the fence within the front yard to 0.97 metres. The encroachment within the City road allowance is approximately 30.58 square metres in area.

The wooden fence on the Beaver Avenue flankage was constructed to a height of 1.9 metres and the owner is requesting to maintain the same. In addition, the owner is proposing to address the fence of sight issue adjacent to the driveway at the north east corner of the property by cutting the fence back 2.13 metres adjacent and parallel to the driveway. The fence encroachment within the Beaver Avenue road allowance is approximately 99.09 square metres in area.

COMMENTS

This application was circulated to various City divisions and utility companies for comments. In response, Transportation Services provided the following comments:

- a) the existing constructed wood fence fronting Lightbourn Avenue and flanking Beaver Avenue respectively, within the municipal road allowance at the front yard of the property (beyond the front wall) shall be reduced to a maximum height of 0.90 metres above the sidewalk grade; and
- b) the owner shall be responsible for any costs, claims, or damages that may arise due to the retaining wall not being setback, the required 0.46 metres from the rear edge of the city sidewalk within the city right-of-ways at Lightbourn and Beaver Avenues, respectively.

CONTACT

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SIGNATURE

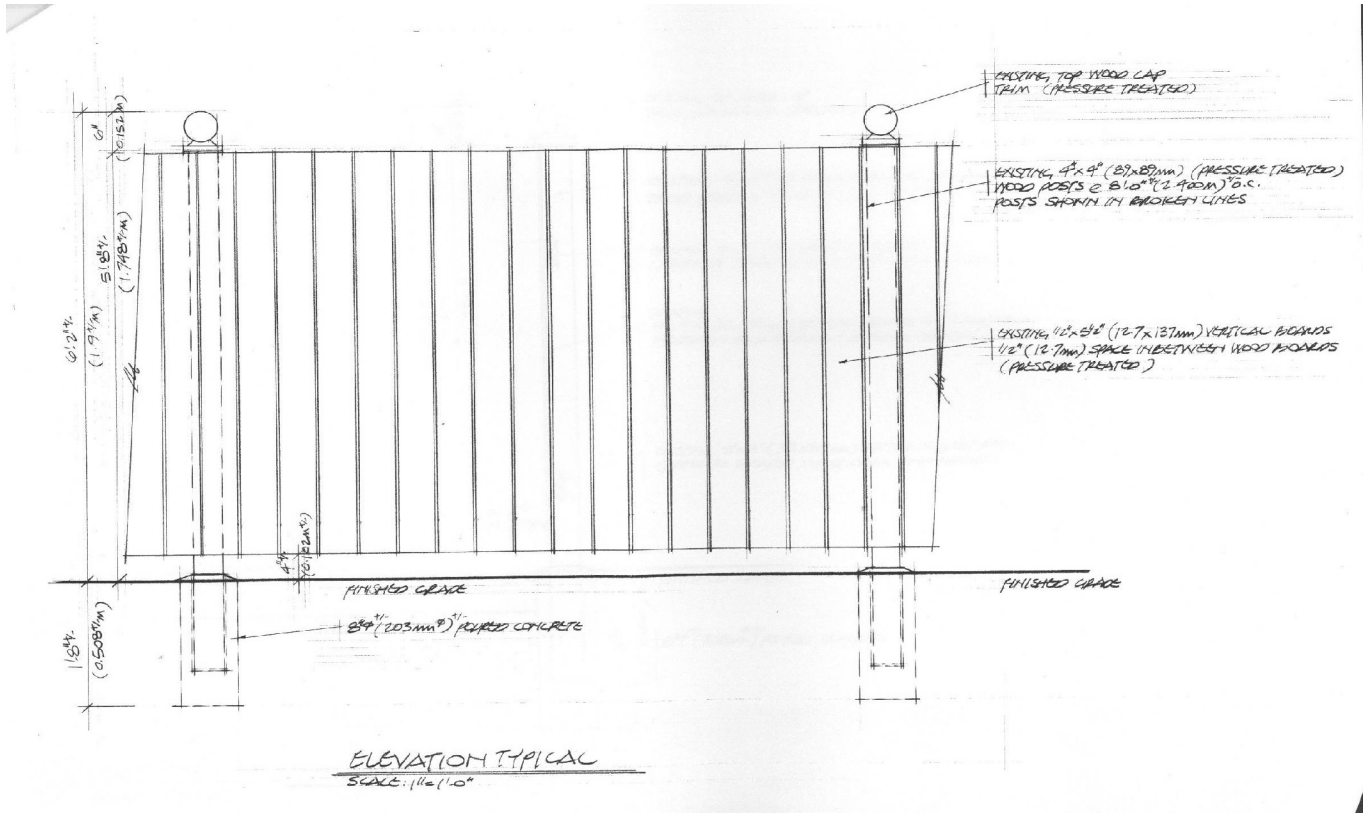
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1- Site Plan
Attachment 2- Fence Elevation

Site Plan

Fence Detail



Attachment 2