



## STAFF REPORT ACTION REQUIRED

### Application for Encroachment Agreement 36 Morningside Avenue

<b>Date:</b>	August 24, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 13, Parkdale-High Park
<b>Reference Number:</b>	Folder Number 07 167686 RAW 00 IR

#### SUMMARY

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This Staff Report is in response to an application submitted by the property owner(s), to maintain a walkway, retaining walls and planters all within the Morningside Avenue municipal road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

#### 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 proposed encroachments, including the interlocking stone driveway and retaining walls within the Morningside 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 an annual fee should such fee be imposed in the future, for the use of the road allowance;
2. the owner 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 maintain the encroaching driveway, planters and retaining walls in a state of good repair to avoid any loss, damage and injury arising from the use thereof;
5. to comply with all regulations set out in Chapter 313 of the Toronto Municipal Code, Streets and Sidewalks; and
6. the owner to obtain all necessary construction/streets occupation permit(s) for any work on the road allowance.

## **FINANCIAL IMPACT**

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

## **ISSUE BACKGROUND**

The property at 36 Morningside Avenue is a two-storey semi-detached house (with number 38) with an elevated front entrance, approximately 2.5 metres above street level. The entrance to the house is accessible from the street via a flight of wooden stairs approximately 2.0 metres wide that also provides access to the adjoining property.

The property owner has laid permeable interlocking pavers from the front of the subject dwelling to the sidewalk, erected stone retaining walls and planters and made other landscaping enhancements on the municipal road allowance at the front elevation, Attachments 2 and 3. The encroachment area is 6.25 square metres consisting of 1.28 metres parallel to the concrete sidewalk and runs 4.88 metres from the concrete sidewalk back to the street line where private property begins, Attachment 1.

## **COMMENTS**

The application has been forwarded to Transportation Services and the utility companies for comments. No adverse comments were received.

## **CONTACT**

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## **SIGNATURE**

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Curtis Sealock, Etobicoke York District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

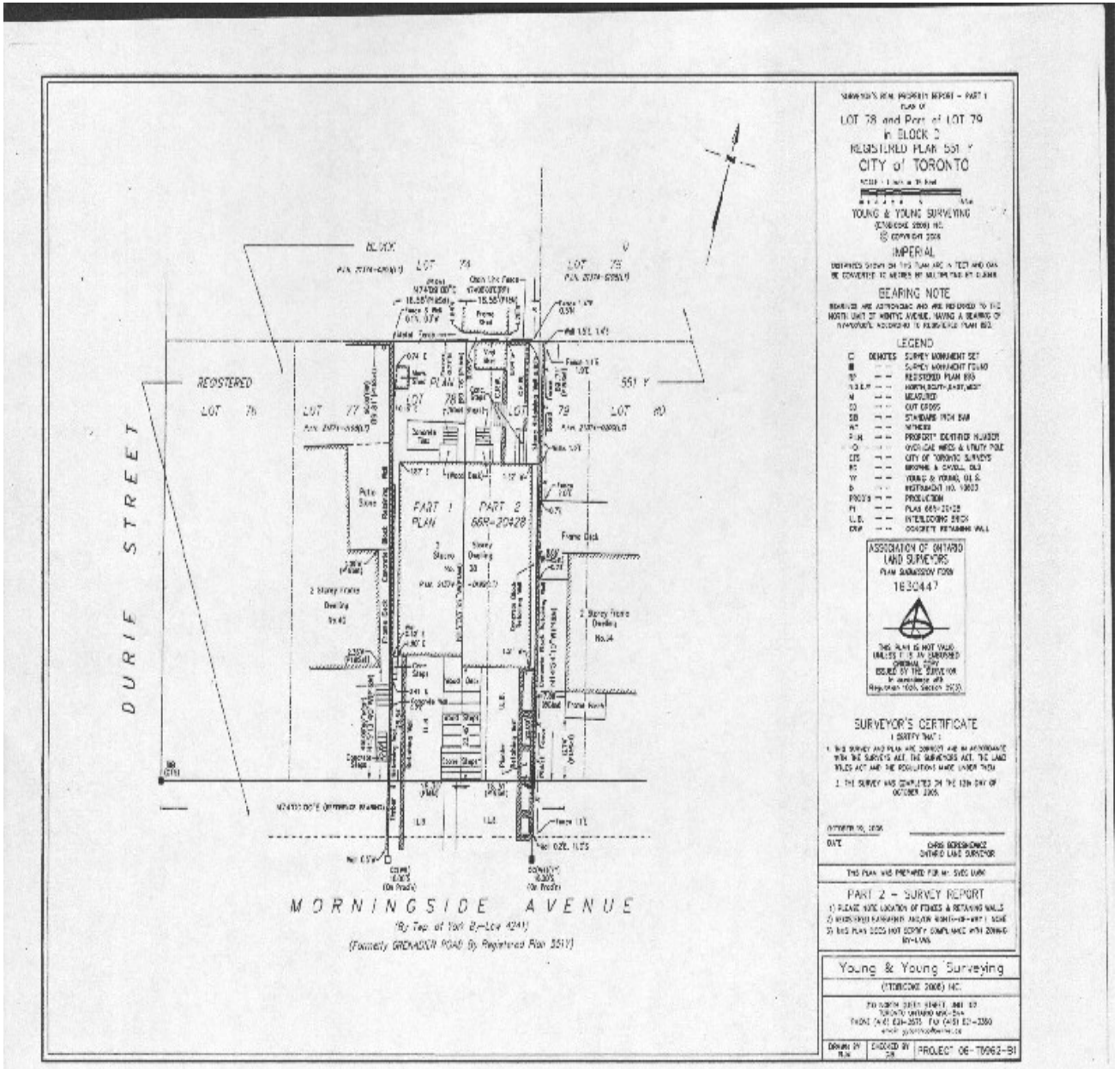
Attachment 1: Survey of 36 Morningside Drive

Attachment 2: Photo 1 – Showing the front elevations of 36 and 38 Morningside Avenue

Photo 2 – Showing the new landscaping enhancements at the front elevation

Attachment 3: Photo 3 – Showing the new landscaping enhancements at the front elevation

Photo 4 – Showing the new landscaping enhancements on public and private property



Attachment 1 – Survey of 36 Morningside Avenue



Photo 1 – Showing the front elevations of 36 and 38 Morningside Avenue



Photo 2 – Showing the new landscaping enhancements at the front elevation

Attachment 2 – Photos of 36 Morningside Avenue



Photo 3 – Showing the new landscaping enhancements at the front elevation



Photo 4 – Showing the new landscaping enhancements on public and private property

Attachment 3 – Photos of 36 Morningside Avenue