



## STAFF REPORT ACTION REQUIRED

### Application for Encroachment Agreement 38 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 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 38 Morningside Avenue is a two-storey semi-detached house (with number 36) 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 5.95 square metres consisting of 1.22 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**

Italo Joe Luzi, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
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## **SIGNATURE**

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Curtis Sealock, Etobicoke York District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

Attachment 1: Survey of 38 Morningside Drive

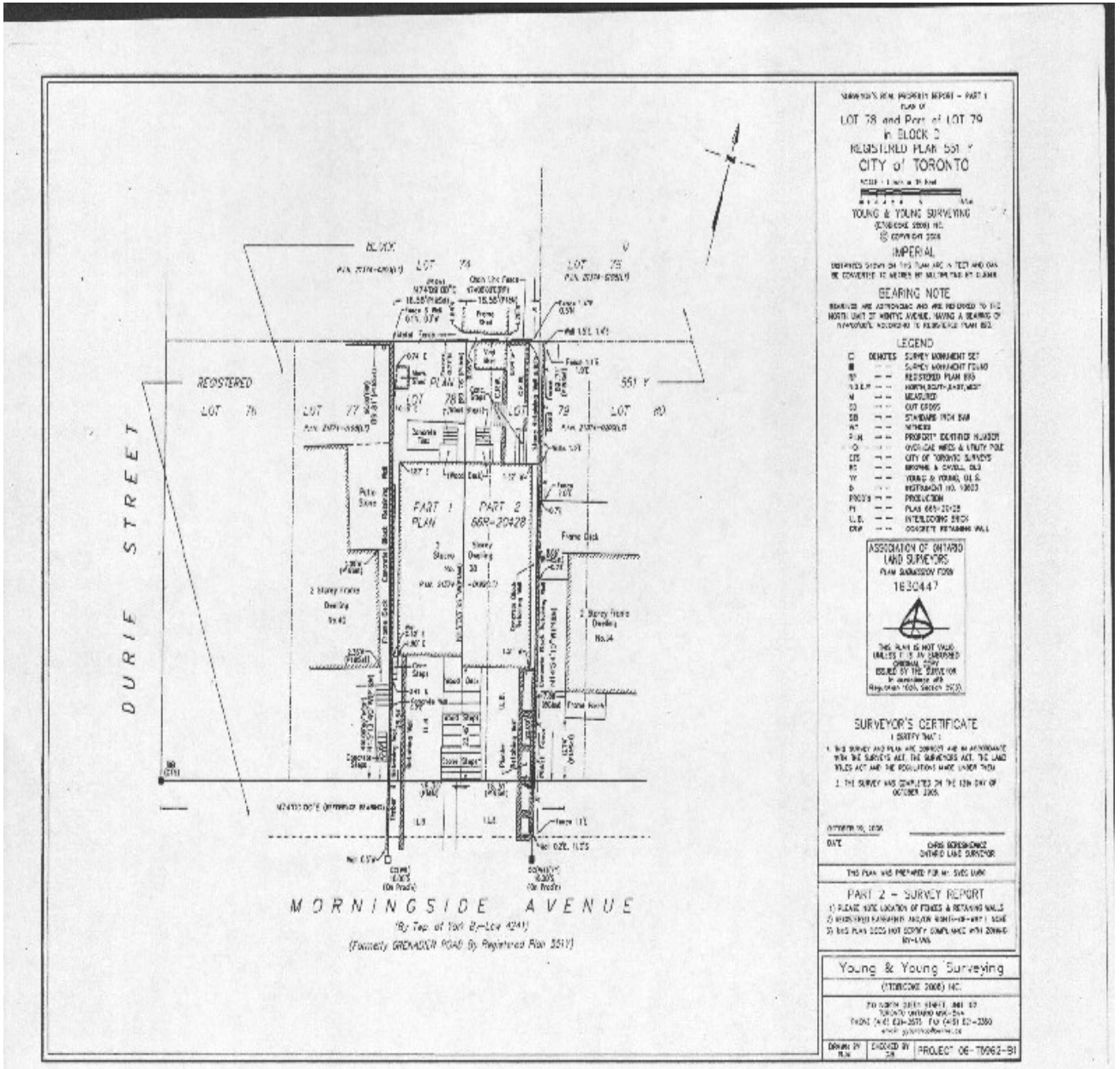
Attachment 2: Photo 1 – Showing the front elevations of 36 and 38 Morningside Avenue

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

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

elevation

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



MORNINGSIDE AVE PROPERTY REPORT - PART 1  
 PLAN OF  
 LOT 78 and Part of LOT 79  
 in BLOCK 3  
 REGISTERED PLAN 551 Y  
 CITY OF TORONTO  
 SCALE: 1 inch = 30 feet  
 YOUNG & YOUNG SURVEYING  
 (TORONTO 2006) INC.  
 15 GERRARD ST. E.  
 IMPERIAL  
 DEPICTED ON 1:125 PLAN AND A TIE TO THE  
 BE CONSIDERED TO BE THE SURVEYED BY CLASSE  
 BEARING NOTE  
 BEARINGS AND DISTANCES ARE REFERRED TO THE  
 NORTH LINE OF ADJACENT BLOCK, UNLESS A BEARING OF  
 OTHERWISE INDICATED TO BE OTHERWISE THAN 00°

**LEGEND**  
 □ DENOTES SURVEY MONUMENT SET  
 ■ DENOTES SURVEY MONUMENT FOUND  
 RP --- REGISTERED PLAN 551 Y  
 T.S.E.P. --- TORONTO SURVEY EXCHANGE PLAN  
 M --- METRE  
 SD --- OUT EGGS  
 ST --- STAIRS WITH RAMP  
 W --- WALL  
 P.H. --- PROPERTY IDENTIFIED PLANT  
 O --- OVERHEAD WIRE & UTILITY POLE  
 CTS --- CITY OF TORONTO SERVICES  
 BE --- BENCH MARK & CONTROL TIE  
 WY --- WIRE & WIRE, U.S.C.  
 D --- DISTANCE NO. 10003  
 PROCS --- PROVISION  
 PL --- PLANT 100-1000  
 I.L.E. --- INTERLOCKING BLOCK  
 CWP --- CONCRETE RETAINING WALL

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 1830447  
 THIS PLAN IS NOT VALID  
 UNLESS IT IS IN SUBMISSION  
 TO THE SURVEYOR  
 BEFORE THE EXPIRE OF  
 ITS VALIDITY PERIOD  
 (REGULATIONS 2001, SECTION 25(2))

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
 WITH THE SURVEY ACT, THE SUBDIVISION ACT, THE LAND  
 TIES ACT AND THE REGULATIONS MADE UNDER THEM  
 2. THE SURVEY WAS COMPLETED ON THE 15th DAY OF  
 OCTOBER 2006.

DATED THIS 15th DAY OF OCTOBER 2006  
 DATE  
 CHRIS BOESCHOWICZ  
 ONTARIO LAND SURVEYOR

THIS PLAN WAS PREPARED FOR M. SUE LAMB  
**PART 2 - SURVEY REPORT**  
 1) BEARING AND LOCATION OF FENCES & RETAINING WALLS  
 2) WIND-BREAKER FENCES & RETAINING WALLS  
 3) THIS PLAN DOES NOT CONFORM WITH ZONING  
 BY-LAW

Young & Young Surveying  
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 15 GERRARD STREET EAST, SUITE 101  
 TORONTO, ONTARIO M5E 1B4  
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DRAWN BY: [ ] CHECKED BY: [ ] PROJECT: 06-10962-01

**Attachment 1 – Survey of 38 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 38 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 38 Morningside Avenue**