



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 40 Lightbourn Avenue

Date:	August 23, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	ML&S Folder Number 07 182810 RAW

SUMMARY

To report on an application for an Encroachment Agreement to maintain an existing wood board fence within the Brandon Avenue road allowance with a total encroachment area of approximately 36.99 square metres, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council approve the application for the existing encroachment within the road allowance subject to the following conditions:

1. the City Solicitor be authorized to prepare an Encroachment Agreement for the fence encroachment on the Brandon Avenue road allowance;
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 should the City of Toronto enact a fee structure for such encroachments in the future;

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 Two Million Dollars (\$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 encroachment;
6. the owner is to provide a 2.5 metres angle set back at the south east corner of the fence adjacent to the public and dwelling walkways which shall be completed by September 30, 2007 and approved by Transportation Services Right of Way Management prior to entering into the Encroachment Agreement, Attachments 3, 6 and 7;
7. the owner to ensure that no portion of the top of the wooden fence is less than 3.0 metres from an overhead primary hydro cable;
8. the owner to maintain the subject property in good repair and comply at all times with the regulations set out in the former Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks, as amended; and
9. the owner to obtain all necessary construction/streets occupation permit(s) for any work on road allowance.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property is located on a corner lot at the northwest corner of Lightbourn Avenue and Brandon Avenue, Attachment 1.

The owner has submitted an application for an Encroachment Agreement to maintain the existing 1.93 metre high fence that is encroaching on the Brandon Avenue flankage road allowance. The fence is enclosing an area of approximately 4.11 metres by 9.0 metres of the road allowance, which covers an area of approximately 36.99 square metres, Attachments 2, 4, 6 and 8.

COMMENTS

This application has been circulated to Transportation Services, Urban Forestry Services, Toronto Fire Services and various utility companies for comments. The following comments were received:

- Bell Canada requires hand digging for ground work within 1 metre of a Bell plant.
- Transportation Services, Right of Way Management requires the owner to comply with the following conditions:
 - (a) the fence shall not be an obstruction to adequate lines of sight for pedestrians and vehicular traffic at the intersections.
 - (b) the applicant is to provide a 2.5 metres angle set back at the east side corner of the fence where the public sidewalk and dwelling walkway meet, Attachments 3 and 7.
- Toronto Hydro requires the wood fence to be no less than 3.0 metres from an overhead primary hydro cable.

CONTACT

John Romano, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2536 Fax: 416-394-2904
E-mail: jromano@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Survey

Attachment 2: Site Plan

Attachment 3: Site Plan for the sightline obstruction

Attachment 4: Fence Detail

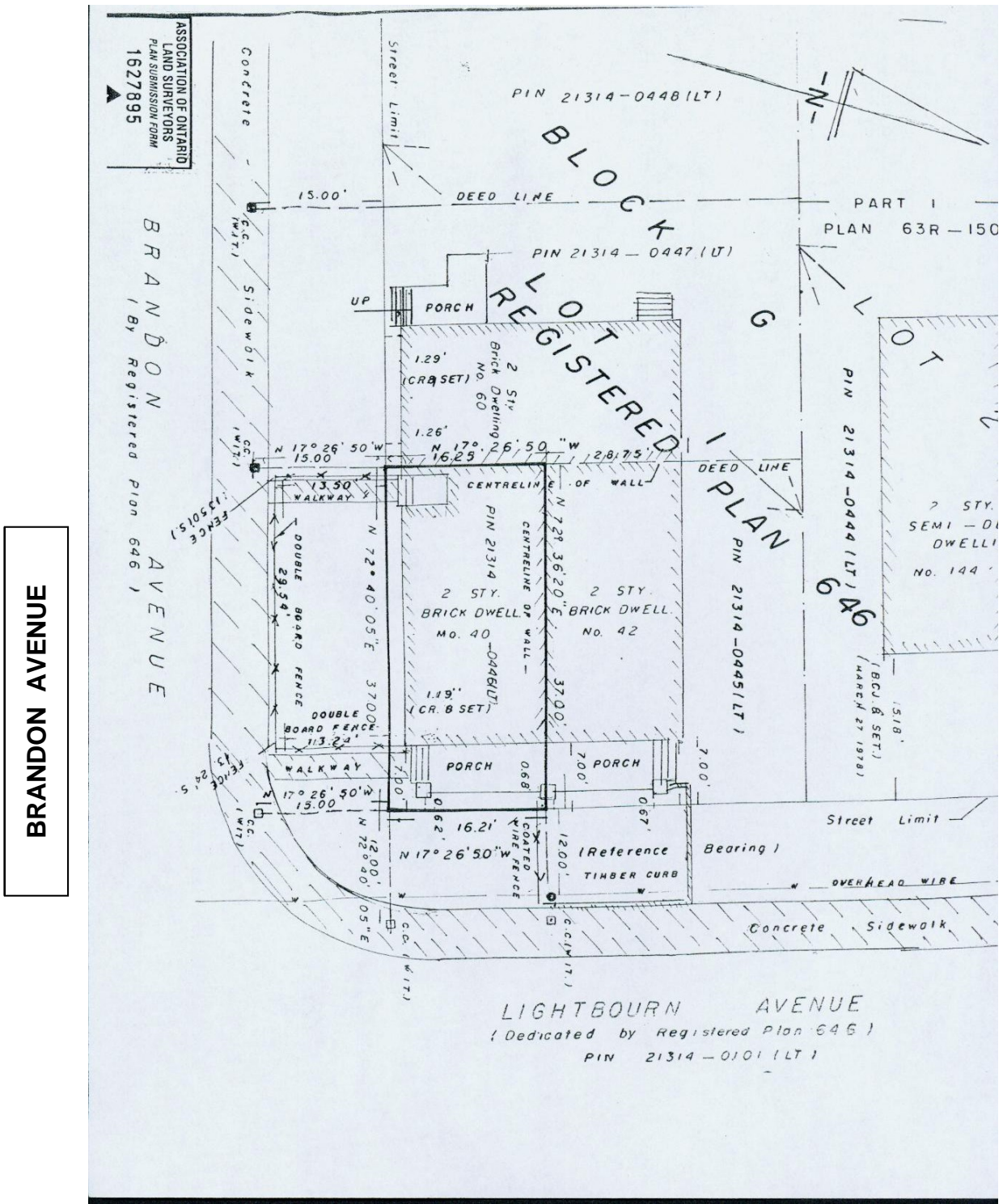
Attachment 5: Fence Cross-section Detail

Attachment 6: Photograph showing the front of Dwelling and the fence encroachment

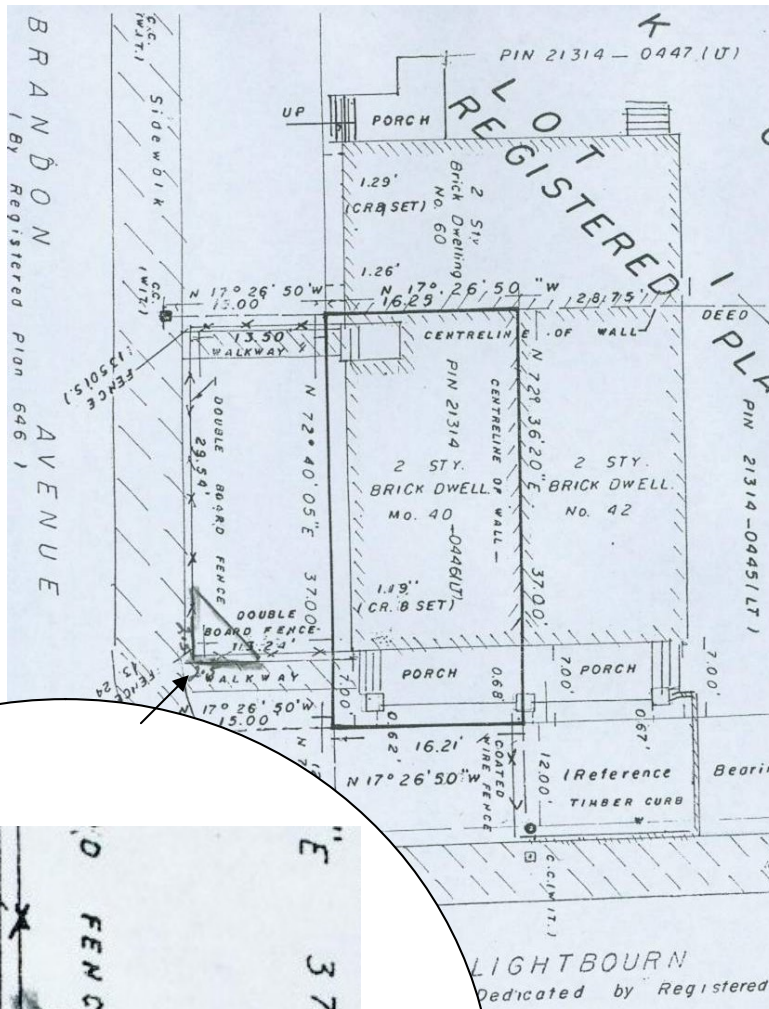
Attachment 7: Photograph showing Encroachment on Brandon Avenue road allowance

Attachment 8: Photograph showing Encroachment on Brandon Avenue road allowance

40 LIGHTBOURNE AVENUE

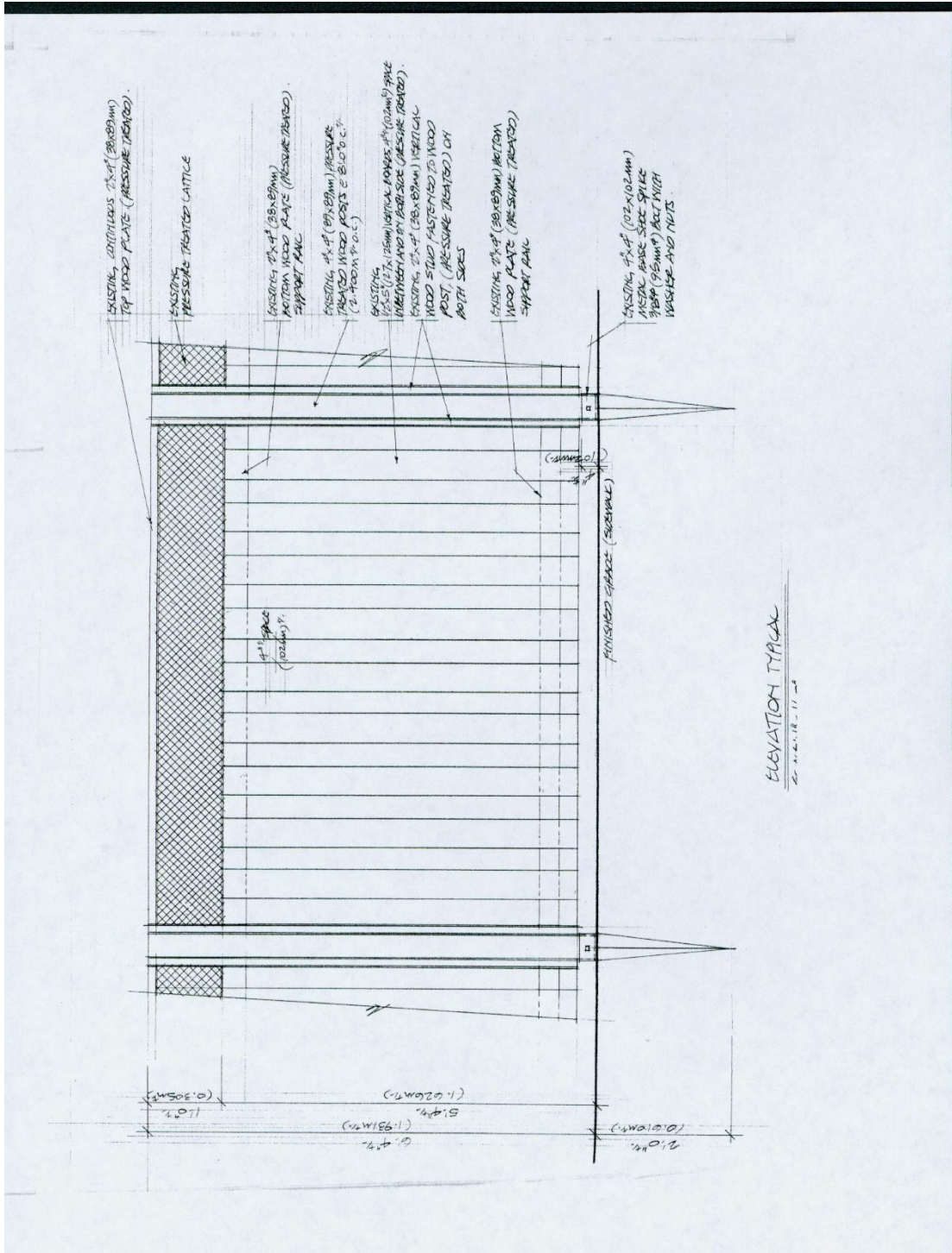


Attachment 1: Site Survey

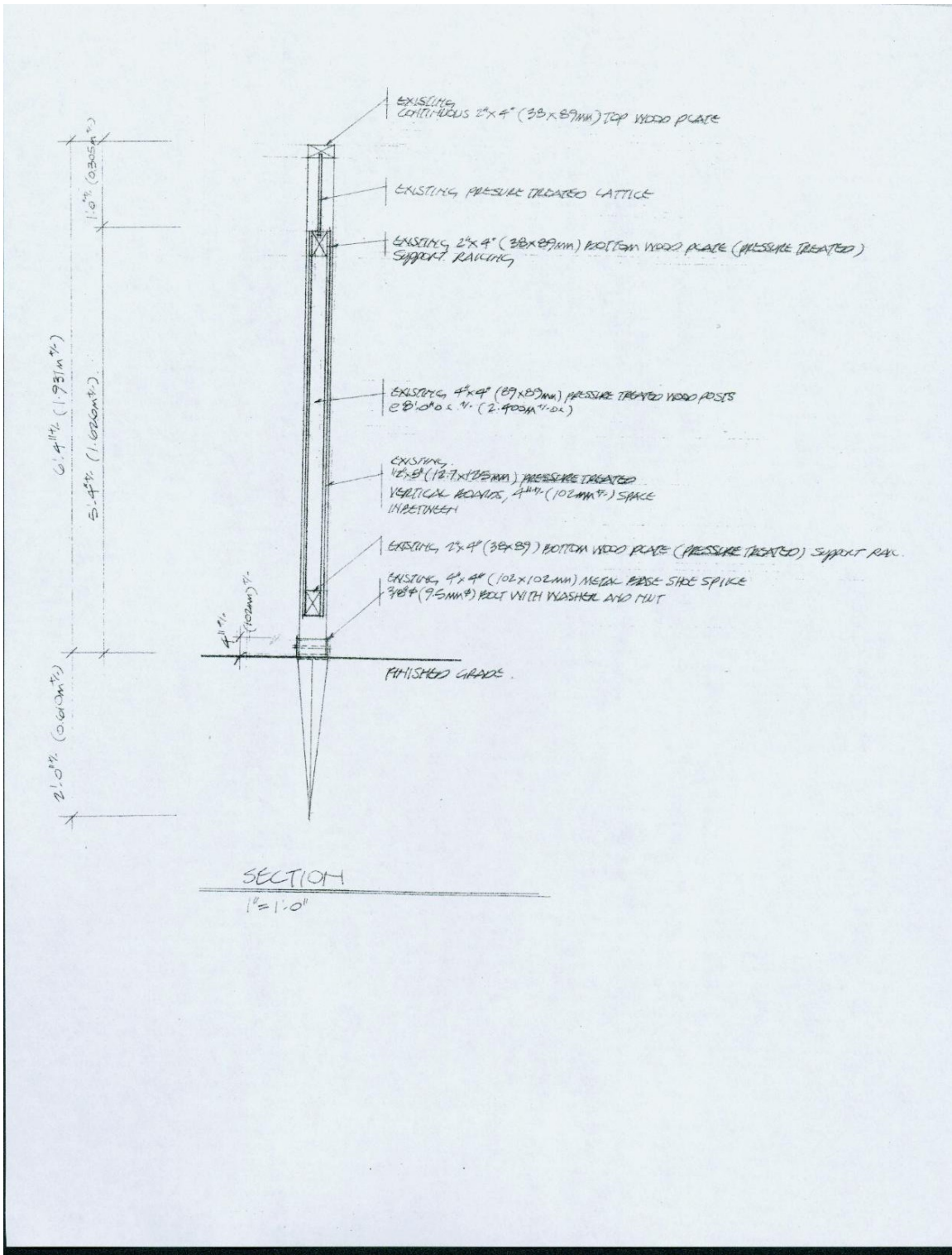


Attachment 3: Site Plan

Showing the 2.5 metre angle set back, for the sight line obstruction, at the corner of the public sidewalk and the walkway entrance to the dwelling.



Attachment 4: Fence Detail



Attachment 5: Fence Cross-section



Front Elevation (House fronting Lightbourn Avenue)

Attachment 6: Photograph showing Encroachments on Brandon Avenue



Fence required to be cut back at 45° angle to avoid sightline obstruction at sidewalk

Attachment 7: Photograph showing Encroachment on Brandon Avenue road allowance



Attachment 8: Photograph showing Encroachment on Brandon Avenue road allowance