



## STAFF REPORT ACTION REQUIRED

### Limiting Distance Agreement – Adjacent to 2 Whistle Post Street (East Toronto Athletic Field)

<b>Date:</b>	October 23, 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	32 – Beaches-East York
<b>Reference Number:</b>	P:\2007\Internal Services\F&re\Gm07101F&re – (AFS 6214)

#### SUMMARY

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To obtain authority to enter into a Limiting Distance Agreement to permit the property owner of 2 Whistle Post Street a greater percentage of openings than the limiting distance provisions of Section 3.2.3.1 of the Ontario Building Code.

#### RECOMMENDATIONS

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The Chief Corporate Officer recommends that:

1. The City enter into a Limiting Distance Agreement with the property owner of 2 Whistle Post Street for a portion of the East Toronto Athletic Field for the amount of \$3,280.00 and subject to the property owner paying an administration fee of \$600.00 plus any applicable GST, and on such terms and conditions, as are satisfactory to the Chief Corporate Officer, in a form and content acceptable to the City Solicitor.

#### Financial Impact

Revenue in the total amount of \$3,280.00 is anticipated.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **ISSUE BACKGROUND**

The owner of the property municipally known as 2 Whistle Post Street (the “Property”) was advised that the percentage of window openings on the west side of his property, facing the East Toronto Athletic Field, does not comply with the Ontario Building Code. The Ontario Building Code regulates the size of “unprotected openings” such as windows and doors, in relation to their distance from the property line. A “limiting distance” is required to reduce the risk of fire spreading from a building situated on one property to a building located on an adjacent property. The adjacent property to the west forms part of the East Toronto Athletic Field, and is under the jurisdiction of Parks, Forestry & Recreation Division.

In order to permit a greater percentage of openings, the Property owner is seeking permission from the City to use a portion of the East Toronto Athletic Field in the required setback calculations in order to comply with fire regulations contained in the Ontario Building Code. Section 3.2.3.1(8) of the Ontario Building Code permits the City, as the abutting owner, to enter into a Limiting Distance Agreement. In this instance, the City would enter into an agreement over a portion of the East Toronto Athletic Field located immediately west of the Property (“Limiting Distance Lands”) shown on the attached sketch, having a width of 0.69 m (2.26 ft) by a length of approximately 14 m (45.93 ft) and containing a total site area of approximately 9.66 m<sup>2</sup> (103.98 ft<sup>2</sup>). The City would therefore be agreeing that no building(s) or structure(s) will be erected over or upon the Limiting Distance Lands.

## **COMMENTS**

Staff of the Parks, Forestry & Recreation has been consulted and has no objection to the proposed Limiting Distance Agreement. Parks, Forestry & Recreation staff has also determined that there will be no impact on any future development of that subject portion of the East Toronto Athletic Field and, accordingly, it is reasonable to grant this request.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix A – Site Map and Survey