



**STAFF REPORT
ACTION REQUIRED**

**Request for an Encroachment Agreement
7 Cedarwood Avenue**

Date:	February 6, 2007
To:	North York Community Council
From:	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 - Don Valley West
Reference Number:	IBMS No. 06-182696

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision [provided that it is not amended so that it varies with City policy or by-laws]. The purpose of this report is to consider a request by the owner(s) of 7 Cedarwood Avenue, for an encroachment agreement. The existing encroachment consists of four planters, a bench, precast curb, two pear trees, hedge, several lights, electrical receptacles/pull box, precast sign pillar, architectural bollards, drain pipe and sprinkler heads located on the City road allowance.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Encroachment application be approved, subject to the following conditions:

1. that the owner(s) remove the drain pipe from the City road allowance to the satisfaction of Transportation Services, North York District;
2. that the owner(s) alter the sprinkler heads to be level with the grade to the satisfaction of Transportation Services, North York District;
3. that the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and the Executive Director of Municipal Licensing and Standards;
4. that the appropriate City Officials be authorized to take the necessary action to give effect thereto;

5. that no claims will be made against the City by the owner(s) for damages occurring to the area of the encroachment or its elements during snow removal;
6. that the life of the Agreement be limited to 10 years from the date of registration on title or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension, if requested by the applicant;
7. the indemnification to the City by the owner(s) of the encroachment for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor, in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
8. in the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
9. the owner(s) pay the following fees:
 - a. Application Fee of \$447.81 (paid).
 - b. Legal Administration Cost and Registration on Title, plus disbursements, including G.S.T.
 - c. One-time fee of \$430.49 plus G.S.T., totalling \$456.32.

Financial Impact

There is no financial impact anticipated resulting from the adoption of this report.

DECISION HISTORY

The application was received from the property owner(s) in October 2006 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

ISSUE BACKGROUND

The encroachments on the City road allowance are as follows:

- (a) Four planters measuring 0.50 metre square and 0.70 metre in height.
- (b) A bench measuring 1.8 metres in length and 0.38 metre in width.
- (c) A precast curb parallel to the street.
- (d) Two pear trees.
- (e) A hedge measuring 21.0 metres in length and 0.70 metre in width and 1.46 metres in height.
- (f) Two in ground lights and two pillar lights measuring 0.70 metre in height.
- (g) Electrical receptacles/pull box.

- (h) A precast sign pillar measuring 0.70 metre in height.
- (i) Architectural bollards.
- (j) Drainpipe located at the north side of driveway.
- (k) Numerous sprinkler heads.

COMMENTS

Utilities have provided clearance letters indicating that they have no objection.

Transportation Services, North York District staff, as part of the review, have indicated that the drainpipe north of the driveway shall be removed from City road allowance, and that the sprinkler heads be altered to be level with the grade.

CONTACT

Emilio Vettese, Supervisor, Municipal Licensing and Standards, North York District
Tel: (416) 395-7013; Fax: (416) 395-7056; Email: evettes@toronto.ca

SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Site Plan
2. Electrical Plan