



STAFF REPORT ACTION REQUIRED

Request for an Encroachment Agreement 189 The Bridle Path

Date:	January 26, 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. 04-182639

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 189 The Bridle Path, for an encroachment agreement. The existing encroachment consists of a wrought iron fence, four brick pillars with lights, decorative boulder, and a light 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) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and the Executive Director of Municipal Licensing and Standards;
2. that the appropriate City Officials be authorized to take the necessary action to give effect thereto;
3. 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;

4. 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;
5. 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;
6. 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;
7. 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 July 2006 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable, Hydro, Toronto Transit Commission and the Parks & Recreation Division.

ISSUE BACKGROUND

The encroachments on the City road allowance are as follows:

- (a) A wrought iron fence measuring 0.60 metre in height located at the east and north side boulevards. The fence projects 2.0 metres into the City road allowance and approximately 0.80 metre from the public sidewalk.
- (b) Four brick pillars with lights attached are located at the entranceway of the circular driveway. The pillars measure 0.45 metre square and are 0.65 metre in height.
- (c) One decorative boulder located at the east side boulevard.
- (d) A light fixture on the front lawn.

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 they have a concern with the wrought iron fence not having a 1.0 metre clearance to the utility pole on the City boulevard. However, Hydro staff indicated that they have no objection.

Parks and Recreation Division have indicated that they have no objection.

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