

**Encroachment Agreement Request
160 Valley Road**

Date:	June 1, 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. 07-110471

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 160 Valley Road being a one-family detached dwelling, third density zone (R3), for an encroachment agreement. The proposed encroachment consists of a circular driveway with glycol heating tubes, two trees, hedge, garden, buried gravel dry well, sprinkler system and low voltage light fixtures 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) place the sprinkler heads at a distance of 0.45 metre behind the City curb, to the satisfaction of Transportation Services, North York District;
2. that the owner(s) hand dig the area of the driveways within 1.0 metre of the buried Bell cable, to the satisfaction of Bell Canada;
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 \$456.32 (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 February 2007 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) A portion of a circular driveway with glycol heating tubes;
- (b) Two trees;
- (c) A hedge measuring 0.91 metre in height at centre of circular driveway;
- (d) A garden located at centre of circular driveway;
- (e) A buried gravel dry well at centre of circular driveway;
- (f) Ten pop-up type sprinkler heads;
- (g) Two low voltage light fixtures.

COMMENTS

Transportation Services, North York District staff, as part of the review, have indicated that the sprinkler heads should be a minimum of 0.45 metre behind the City curb.

Bell Canada staff, as part of the review, have indicated that a buried cable is under the proposed driveway at 4.0 metres from the property line.

The remaining utilities have provided clearance letters indicating that they have no objection.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Site Plan
2. Survey