



**STAFF REPORT
ACTION REQUIRED**

451 Manning Avenue – Decorative Screen

Date:	March 12, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Trinity-Spadina – Ward 19
Reference Number:	Te07018te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the owners of 451 Manning Avenue to allow the ongoing maintenance of a decorative screen that encroaches within the public right of way fronting 451 Manning Avenue.

As the decorative screen does not impact negatively on the public right of way, we recommend approval of this request.

The owners together with any interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto East York Community Council:

1. approve the maintenance of the decorative screen within the public right of way fronting 451 Manning Avenue, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. maintain the decorative screen at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services

and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

- b. remove the decorative screen upon receiving 90 days written notice to do so; and
 - c. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to a new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The co-owner of 451 Manning Avenue submitted an application requesting permission to install and maintain a decorative screen fronting 451 Manning Avenue.

Transportation Services has reviewed the application and determined that the proposed decorative screen would not impact negatively upon the public right of way. As the owner was anxious to proceed with the proposal, the owner requested that a permit be granted prematurely notwithstanding that Community Council approval had not been granted. We contacted the Ward Councillor's office and given that they had no objections to the owner's request, Construction Permit No. 27981701 was issued to the property owner authorizing the construction of the decorative screen.

Upon the installation of the decorative screen, it became apparent that the abutting neighbours who reside at 453 Manning Avenue were concerned that the decorative screen had been installed within the limits of their property and that the bars that extended from the screen presented a potentially hazardous situation. Under the circumstances, Survey and Mapping staff surveyed the area and determined that the decorative screen was installed within the projection lines of 451 Manning Avenue. This was conveyed to the owners of 453 Manning Avenue.

With respect to the concern that the screen presented a potential hazard because of the metal bars protruding, the owners of 451 Manning Avenue have placed plastic caps at the end of the bars.

COMMENTS

Applicable regulation

The construction and maintenance of various encroachments within the public right of way are governed under the criteria set out in former City of Toronto Municipal Code, Chapter 313 which require installations to be set back a minimum of 0.46 m back of the City sidewalk or in the case where there is not sidewalk present a minimum of 2.13 m from the curb.

There are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks to allow for the ongoing maintenance of the decorative screen; therefore, we are required to report to Community Council on the matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the decorative screen does not impact negatively upon the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the property are shown on Appendix 'B'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - survey notes
Appendix 'B' - photos

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