



**STAFF REPORT  
ACTION REQUIRED**

**340 Front Street West – Encroaching Decorative Lights**

<b>Date:</b>	March 12, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Trinity-Spadina - Ward 20
<b>Reference Number:</b>	Te07014te.row

**SUMMARY**

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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 agent of the owner of 340 Front Street West to allow the ongoing maintenance of existing decorative lights attached to the building wall that encroach over the public right of way by 0.2 m, on the Blue Jays Way flank of 340 Front Street West.

The existing decorative lights do not impact negatively on the public right of way. Staff recommend approval of these encroachments.

**RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the ongoing maintenance of decorative lights encroaching on the Blue Jays Way flank of 340 Front Street West, subject to the owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy

City Manager and Chief Financial Officer and in the amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the decorative lights 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;
  - c. obtain approval for associated work on private property from the Toronto Building Division;
  - d. the decorative lights are to be maintained by the owner for the life of the building; and
  - e. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the 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; and
  3. request Legal Services to prepare and execute the Encroachment Agreement.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

The agent of the owner of 340 Front Street West submitted an application requesting permission to maintain 8 decorative lights on the Blue Jays Way flank of Front Street West that are mounted to the building wall 3.05 m above sidewalk grade, encroaching 0.2 m over the public right of way.

In addition, an existing canopy extends over the public right of way along Blue Jays Way. The property owner must enter into an encroachment agreement with the City of Toronto for the encroaching canopy and the decorative lights.

### **Applicable regulation**

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 lights; therefore, we are required to report to Community Council on this matter.

The maintenance of the canopy is considered under the provisions of Chapter 313, Streets and Sidewalks for the former City of Toronto Municipal Code and can be dealt with administratively.

### **Reasons for approval**

Transportation Services has reviewed the application and determined that the existing decorative lights do not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

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

### **CONTACT**

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### **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

### **ATTACHMENTS**

Appendix 'A' – Photos

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