



**STAFF REPORT
ACTION REQUIRED**

**100 Queen’s Park Crescent - Royal Ontario Museum –
Request to Waive Encroachment Fee**

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 20
Reference Number:	Te07012te.row

SUMMARY

This staff report is about a matter which the Community Council does not have delegated authority from City Council to make a final decision.

Transportation Services has assessed a request to waive the annual encroachment fee for the building encroachment structure known as the Crystal which forms part of the current renovations to the Royal Ontario Museum (ROM) as affecting the public right of way of Bloor Street West flank of 100 Queen’s Park Crescent. We do not recommend waiving the annual encroachment fee. The representative of the ROM will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Council:

1. deny the request to waive the annual encroachment fee for the building structure known as the Crystal which extends onto the public right of way of Bloor Street West flank of 100 Queen’s Park Crescent.

Financial Impact

Should City Council approve waiving the annual encroachment fee for the portion of the Crystal that extends onto the public right of way of Bloor Street West flank of 100 Queen’s Park Crescent, a reduction in total annual revenues of \$2,400 will occur.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial implications should City Council decide to waive the requisite fees.

ISSUE BACKGROUND

City Council, at its meeting of February 4, 5 and 6, 2003, adopted, as amended, Clause 38 of Report No. 1 of the Toronto East York Community Council entitled “Construction and Maintenance of Portion of Building Associated with Expansion of Royal Ontario Museum - Bloor Street West Flank of 100 Queen’s Park Crescent”, and in doing so approved the installation subject to a number of conditions, amongst which included that the property owner enter into an encroachment agreement and pay an annual rental fee for the use of the public right of way.

The encroachment agreement between the City and ROM has been executed and the construction of the Crystal is almost completed. In addition, payment for the encroachment has been received up until December 31, 2006. We are now in receipt of a letter from the Chief Operating Officer of the ROM requesting that the annual encroachment fee be waived. The Chief Operating officer advises that the ROM will open the Michael Lee Chin Crystal architecture to the public sometime in June 2007 and that this will be a special day for the ROM and the City of Toronto. The Renaissance ROM project is a \$250 million investment and as a small gesture of support for this project, the Chief Operating officer is asking the City to waive the annual encroachment fee.

COMMENTS

Applicable regulation

The installation of and maintenance of various encroachments within the public right of way can be considered under the provisions of Chapter 313, of the former City of Toronto Municipal Code and be dealt with administratively which requires the property owner to enter into an encroachment agreement with the City and to pay an annual rental fee for the use of the public right of way.

In this particular case, as there are no provisions within the Municipal Code to allow for the construction and maintenance of the Crystal structure, Transportation Services was required to report on the matter to City Council for approval.

Reasons for not waiving the annual encroachment fee

Currently, over 21,000 encroachment agreements have been executed for various encroachments within the public right of way.

As City Council has approved the encroachment of the Crystal and the annual encroachment fee, Transportation Services cannot waive the fee. On hearing of deputations, the Toronto and East York Community Council must decide whether or not to recommend that City Council approve waiving of the annual encroachment fee.

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

Alternate recommendation

Should City Council decide to grant permission to waive the annual encroachment fee, the City Solicitor should be requested to amend the existing encroachment agreement between the City and the Royal Ontario Museum to delete the section of the agreement that requires the owner to pay the annual encroachment fee.

CONTACT

Ken McGuire, Supervisor, Right of Way Management
Telephone: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' - photos

P:\2007\Cluster B\TRA\Toronto and East York\row\te07012te.row - km