



STAFF REPORT ACTION REQUIRED

125 Scadding Avenue – Door Swing Encroachments

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:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Te07013te.row

SUMMARY

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

Transportation Services has assessed an appeal from the agent of the property owner of 125 Scadding Avenue for the installation and maintenance of 2 new security gates which when open, will encroach approximately 0.7 m onto the City sidewalk on the Hahn Place and Aitken Place flank of 125 Scadding Avenue.

Given that the encroachments will not impact negatively on the public right of way and the purpose of these gates is to provide security for the building, Transportation Services recommends approval of the encroachments.

The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation and maintenance of the security gates which when open, will encroach approximately 0.7 m onto the City sidewalk on the Hahn Place and Aitken Place flank of 125 Scadding Avenue, 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 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 security gates at his/her 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. remove the security gates upon receiving 90 days written notice to do so; 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 property owner of 125 Scadding Avenue submitted an application requesting permission to install 2 security gates, which when open, will encroach approximately 0.7 m onto the City sidewalk on the Hahn Place and Aitken Place flank of 125 Scadding Avenue.

Currently, there are recessed alcoves where the security doors are proposed which are being used for illicit activity. The building Co-op is currently undergoing renovations and the property manager of the Co-op would like to block access to the alcoves by installing metal security doors to prevent the illicit activity. The applicant has advised that the stairwells leading to these alcoves are a secondary means of exit from the upper floors of the co-op (Hahn Place) and at the west end of the building (Aitken Place) from the parking garage and are used sparingly throughout the day.

Construction Permit No. 33769301 was issued February 9, 2007 for the installation and maintenance of the security doors, subject to a number of conditions, amongst which included that the owner enter into an encroachment agreement to be registered on title of the property. The proposal was discussed with the Ward Councillor who agreed with the issuance of the construction permit prior to Toronto and East York Community Council approval. To date, the gates have not been installed.

COMMENTS

Applicable regulation

The installation and maintenance of the encroaching security doors can be considered under the criteria set out in Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for a minimum of 2.1 m of clear sidewalk or boulevard to be available adjacent to the proposed installation. The by-law does not provide for the installation of doors over a travelled portion of the public right of way.

Reasons for approval

Transportation Services has reviewed the application and determined that the security gates will not negatively impact on the public right of way and provide security for the building.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendices 'A' and 'B'.

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 showing 125 Scadding Avenue, Hahn Place flank
Appendix 'B' – photos showing 125 Scadding Avenue, Aitken Place flank

P:\2007\Cluster B\TRA\Toronto and East York\row\te07013te.row - cm