



**STAFF REPORT
ACTION REQUIRED**

76 Lyall Avenue – Flag Pole

Date:	June 11, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Ward 32
Reference Number:	Te07045te.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 owner of 76 Lyall Avenue for the installation of a 8.53 m high flag pole within the public right of way fronting 76 Lyall Avenue.

Given that the encroachment will not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation of a 8.53 m high flag pole within the public right of way fronting 76 Lyall 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 flag pole 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 flag pole 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 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.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 76 Lyall Avenue submitted an application requesting permission to install a 8.53 m high flag pole within the public right of way fronting 76 Lyall Avenue. The flag pole will be set back 3.5 m back of the City sidewalk, in keeping with the Municipal Code requirements. The applicant has indicated that the flag pole will be adorned with an official Canadian flag measuring 0.91 m by 1.83 m.

In addition, the flag pole will be supported by a 1.2 m deep concrete footing. Given the impact of these types of applications on existing utility services, it is the applicant's responsibility to undergo public utility locates. It has been determined that the proposed footing will not have a negative impact on the public right of way.

COMMENTS

Applicable regulations

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the encroachment of flag poles within the public right of way, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the flag pole will not impact negatively on the public right of way.

Details of the encroachment 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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ATTACHMENTS

Appendix 'A' – photos

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