



## STAFF REPORT ACTION REQUIRED

### 11 High Park Gardens – Garage and Deck Encroachment

<b>Date:</b>	June 11, 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>	Parkdale-High Park - Ward 14
<b>Reference Number:</b>	Te07034te.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 property owner of 11 High Park Gardens to restore and reconstruct the garage roof and deck with a 1.8 m high fence constructed on top, and to reconstruct a retaining wall, all of which encroach within portions of the public right of way on the Constance Street rear.

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

#### RECOMMENDATIONS

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

1. approve the request to restore and reconstruct the garage roof and deck which encroach approximately 0.3 m to 0.61 m and a 1.8 m high fence within the public right of way on the Constance Street rear of 11 High Park Gardens, subject to the owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - a. restore and reconstruct the garage roof and deck with a 1.8 m high fence on top 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;

- b. obtain approval for associated work on private property from the Toronto Building Division;
  - c. remove the encroachments upon receiving 90 days written notice to do so;
  - d. renew the construction permit prior to the commencement of any work within the public right of way; 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; 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 agent of the property owner of 11 High Park Gardens submitted an application requesting permission to restore and reconstruct the garage roof and deck with a 1.8 m high fence constructed on top. The property line varies along the front of the garage, therefore, the garage roof, deck and fence will encroach approximately 0.3 m to 0.61 m on the Constance Street rear of 11 High Park Gardens. The retaining wall which will be replaced is adjacent to the driveway and has been dealt with administratively.

Construction Permit No. 32438701 was issued August 11, 2006 for the replacement of the retaining wall and the repairs to the garage roof and deck with a 1.8 m high fence of top, subject to a number of conditions, amongst which included that the owner enter into an encroachment agreement with the City of Toronto. The approval of this proposal had already been discussed with the Ward Councillor who agreed with its approval. To date, no work has taken place at this address.

### **COMMENTS**

#### **Applicable regulations**

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to allow the applicant to restore and reconstruct the garage roof and deck with a 1.8 m high fence constructed on top, we are required to report to Community Council on the matter.

## **Reasons for approval**

Transportation Services has reviewed the application and determined that the garage roof and deck that will be reconstructed with a 1.8 m high fence on top, as well as the retaining wall do not impact negatively on the public right of way.

Details of the proposed 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' - photo

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