



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request – 2 Boylen Street

Date:	January 24, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 11 - York South-Weston
Reference Number:	ML&S Folder No. 07-258703 RAW 00 IR

SUMMARY

This Staff Report is about a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The subject matter is an application for an encroachment agreement to erect a proposed wrought iron fence on the municipal road allowance on Boylen Street and Woodward Avenue.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends that the Etobicoke York Community Council approves the application, and the City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachment of the wrought iron fencing, subject to the following conditions, for which the property owner is held responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement, and pay an annual fee (subject to change) in future for the use of the road allowance;
2. to return the signed agreement to the City along with the required Certificate of Insurance, evidencing a third party bodily and property damage insurance in the amount of \$2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
3. to renew the said Certificate of Insurance and submit a copy thereof to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
4. to maintain the encroaching fencing in a state of good repair to avoid any loss, damage and injury arising from the use thereof;

5. in the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
6. the owner(s) obtain all necessary construction/streets occupation permit(s) for any work on the road allowance;
7. that no claims will be made against the City by the owner(s) for damages occurring to the area of encroachment or its elements during snow removal;
8. that the life of the agreement be limited to 10 years from the date of registration on title or to the date of removal of the encroachment at which time, the City may consider the agreement for further extension, if requested by the applicant(s); and
9. the owners to pay a one time fee of \$430.49 plus G.S.T., totalling \$452.01.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

The property at 2 Boylen Street is a two-storey single family house located at the corner of Boylen Street and Woodward Avenue in Ward 11 (See Attachment 1). The property owner(s) intends to erect a wrought iron fence along the road allowance areas beyond the street line and approximately 2.17 metres in from the concrete curbs on both Boylen Street and Woodward Avenue, (See Attachments 2 and 3).

COMMENTS

The application has been forwarded to Transportation Services and the utility companies for comments. No adverse comments were received although the applicant is advised to call the utility companies prior to erecting the fencing so as to locate any/all underground facilities (Bell Canada in particular).

The applicant has agreed to maintain a minimum 2.17 metre setback from the concrete curbs on both Boylen Street and Woodward Avenue, and to limit the height of the wrought iron fence to 1.0 metres, without exception.

CONTACT

Italo Joe Luzi, Supervisor
Municipal Licensing and Standards
Etobicoke York District
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SIGNATURE

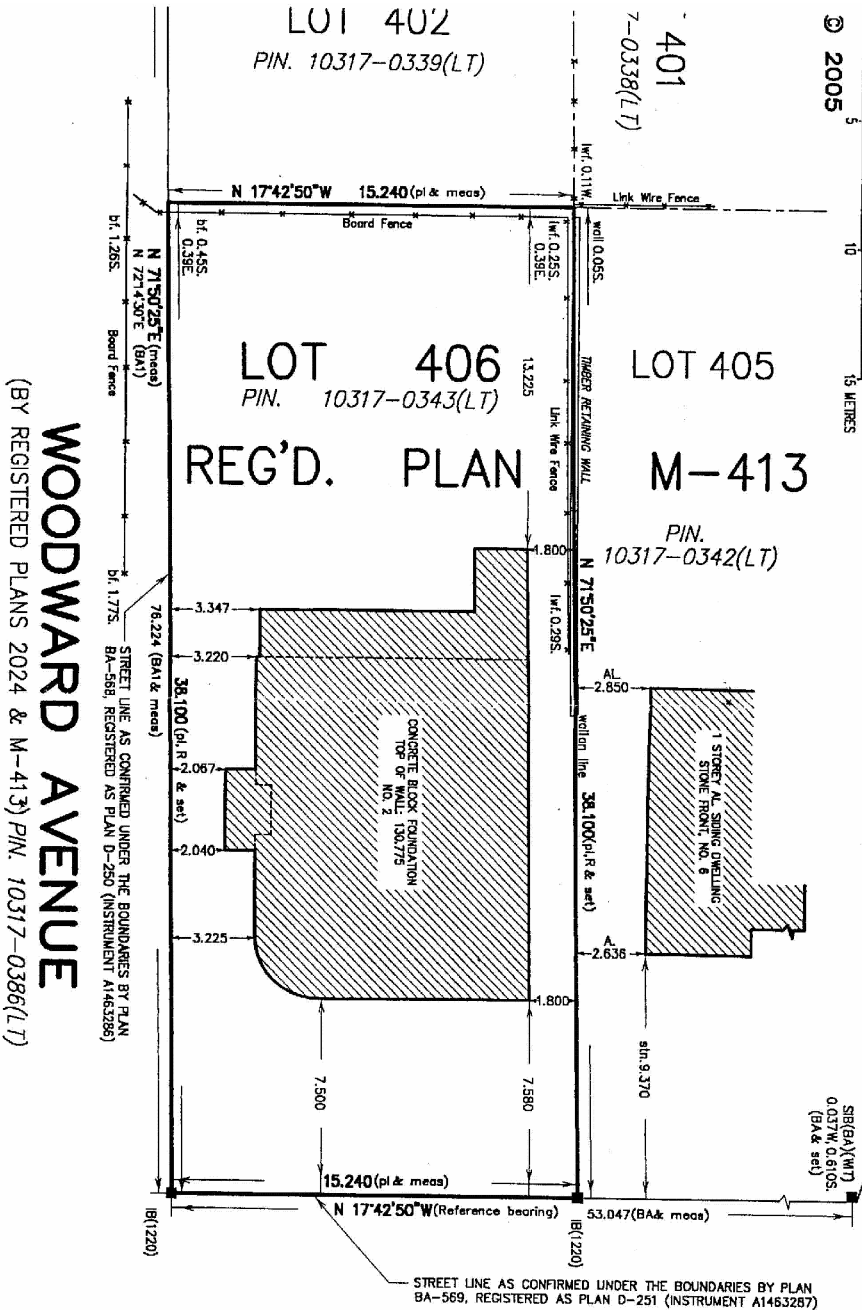
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

Attachments:

Attachment 1: Survey of 2 Boylen Street
Attachment 2: Plan View of Proposed Fence at 2 Boylen Street
Attachment 3: Section View of Proposed Fence at 2 Boylen Street

N M-413
FORMERLY THE CITY OF NORTH YORK

2005 5 10 15 METERS



BOYLEN STREET
(FORMERLY MAPLE STREET BY REGISTERED PLAN M-413)

WOODWARD AVENUE
(BY REGISTERED PLANS 2024 & M-413) PIN. 10317-0386(LT)

NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF BOYLEN STREET, AS SHOWN ON REG. PLAN M-413, HAVING A BEARING OF N 17°42'50" W IN ACCORDANCE WITH PLAN BA-569.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS

PART 2:
1. FENCE LOCATIONS ARE SHOWN ON THIS PLAN
2. THERE ARE NO REGISTERED EASEMENTS

Attachment 1 – Survey of 2 Boylen Street

ALL INFORMATION ON THIS DRAWING IS THE PROPERTY OF THE CLIENT AND SHALL BE KEPT IN CONFIDENCE. IT IS TO BE RETURNED UPON COMPLETION OF WORK. DO NOT SCALE DRAWING DIMENSIONS TO MATCH PRECEDENT OVER SCALE.

CONTRACTOR SHALL OBTAIN ALL NECESSARY ALLIANCES AND PERMITS FOR THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY TO THE ARCHITECT'S OFFICE.

NO.	ISSUE/REVISION	DATE	BY
1	Revised for Public Works	20.06.07	AR

NOTE: CONTRACTOR SHALL OBTAIN ALL NECESSARY ALLIANCES AND PERMITS FOR THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY TO THE ARCHITECT'S OFFICE.

PROJECT: **PROPOSED FENCE AT 2 BOYLEN STREET CITY OF TORONTO**

OWNER: LUIS INACIO

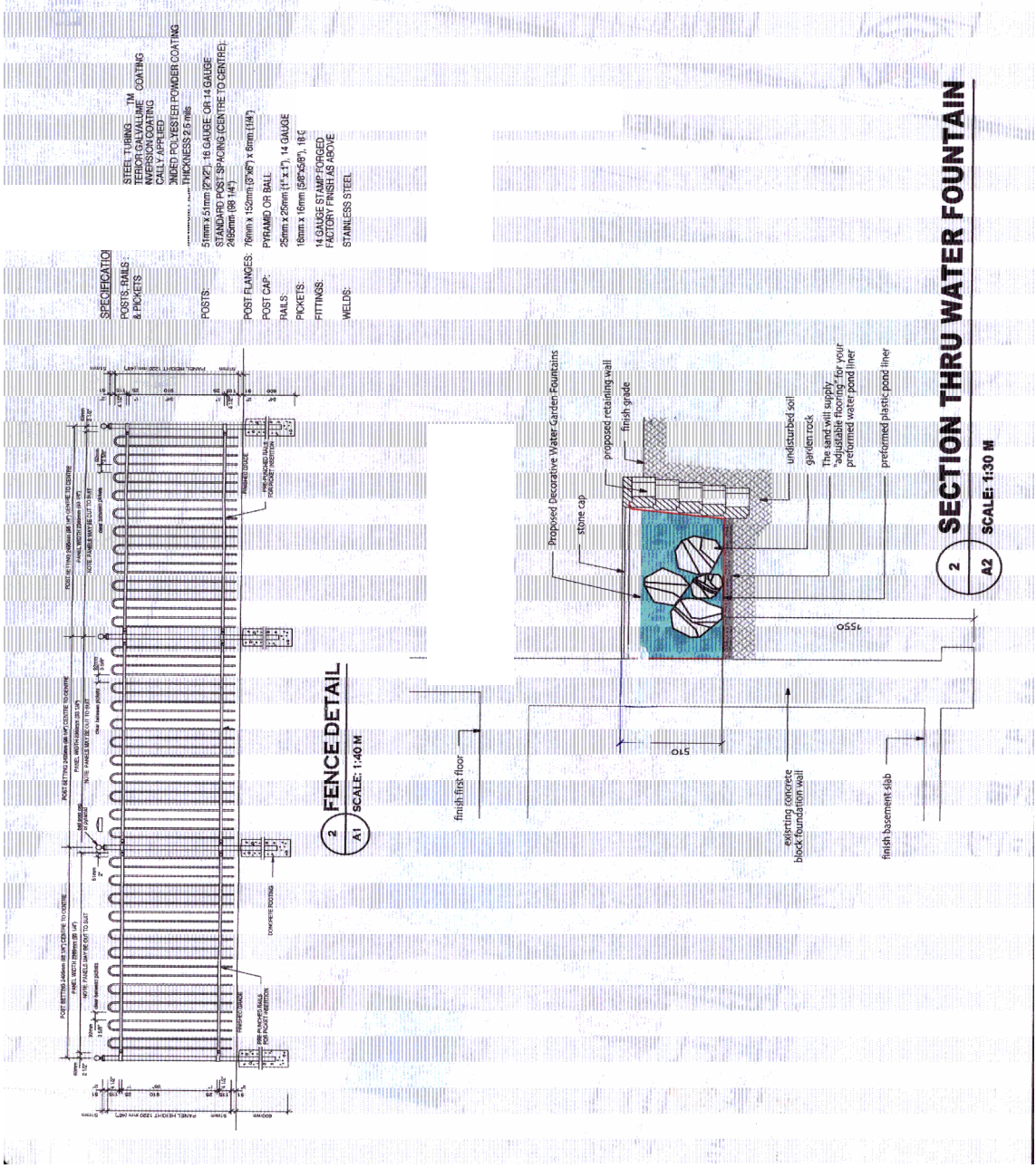
DRAWING TITLE: **FENCE DETAIL AND SECTION THRU WATER FOUNTAIN**

SCALE: AS NOTED / JOB NO:

DRAWN BY: ARNEL

CHECKED BY: **A2**

DATE: _____



Attachment 3 – Section View of Proposed Fence at 2 Boylen Street