



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 701 Willard Avenue

Date:	January 24, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 13, Parkdale – High Park
Reference Number:	ML&S Folder Number 07-264905 RAW 00 IR

SUMMARY

To report on an application for an Encroachment Agreement to maintain an existing 1.2 metres high chain link fence, and a 4.6 metres x 1.5 metres open patio enclosed by a 1.8 metres high close board wood fence with a lattice top, within the Morland Road and Willard Avenue road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The total area of encroachments is approximately 85.06 square metres.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends the Etobicoke York Community Council approve the application and the City Solicitor be authorized to prepare an Encroachment Agreement for the fences and open patio on Morland Road and Willard Avenue road allowance, subject to the following conditions, for which the property owner is responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement, and, should there be a requirement in future for the City of Toronto to charge an annual fee for the use of the road allowance, be responsible for such payment;
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 on an annual basis for the life of the encroachments;
4. to trim the hedges behind the fence within the municipal road allowance to maintain a maximum height of 1.0 metre (measured from grade outside the fence) to avoid any sight line obstruction to traffic;
5. to clean, repair and maintain the area within the fence enclosure on the municipal road allowance including pruning of the trees and cutting the grass; and
6. to obtain streets permit and comply with regulations set out in Chapter 1004 of the former City of York Municipal Code, Streets.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

In reviewing the permit application to build a rear addition on the property, Toronto Building Division found that the proposed open patio which is enclosed by a 1.8 metres high close board wood fence with a lattice top encroaches on the municipal road allowance along the Morland Road flankage. As a result, the owner was directed to submit an application for an encroachment agreement to permit the proposed construction on the municipal road allowance. It was also noticed that there is an existing 1.2 metres high chain link fence installed further away from the proposed patio on the municipal road allowance along the Morland Road flankage and extends into the Willard Avenue frontage. The total area of encroachment, which is taken as the area enclosed by the chain link fence, is approximately 85.06 square metres.

COMMENTS

The property is currently subject to a building permit number 07-126072. Recent inspection revealed that the construction of the open patio and the close board wood fence has been completed.

The application has been forwarded to various City divisions and utility companies for comments. Transportation Services (Right of Way Management) commented that the hedges behind the chain link fence must not exceed 1.0 metre in height. Otherwise no adverse comments were received.

CONTACT

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Etobicoke York District
Municipal Licensing and Standards
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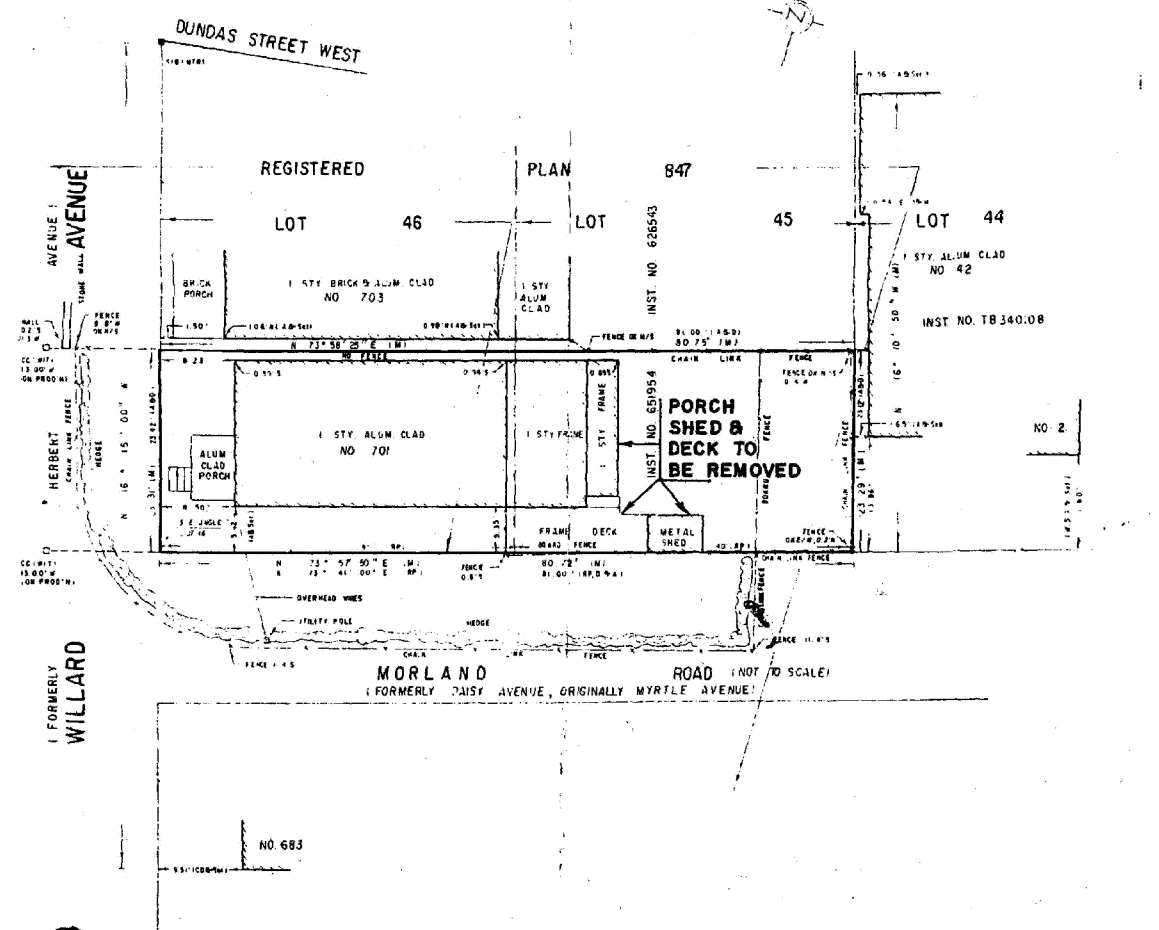
SIGNATURE

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

ATTACHMENTS

Attachment 1:	Property Survey
Attachment 2:	Site Plan
Attachment 3:	Cross Section showing the Encroachments
Attachment 4:	Photographs of the Property

BUILDING LOCATION
 PART OF LOTS 45 & 46
 REGISTERED PLAN 847
 CITY OF YORK
 MUNICIPALITY OF METROPOLITAN TORONTO
 SCALE 1:50 = 1" = 10 FEET
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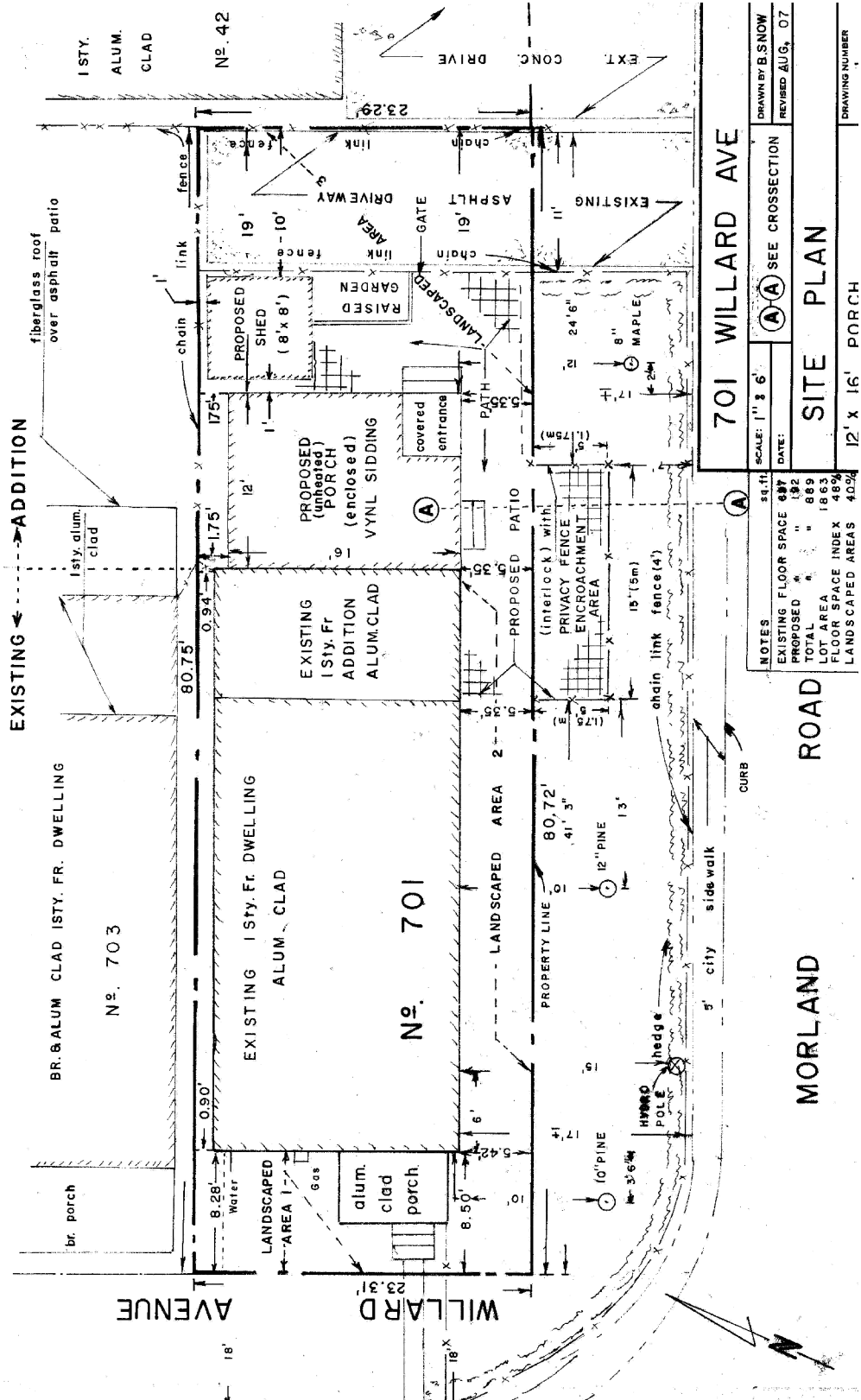
SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE FIELD SURVEY WAS COMPLETED ON THE 14th DAY OF MAY, 1999.
 MAY 8, 1999
 TIMOTHY YOUNG

- LEGEND**
- DENOTES SURVEY MONUMENT SET
 - DENOTES SURVEY MONUMENT FOUND
 - R P REGISTERED PLAN 847
 - M MEASURED
 - W S W'S GIBSON, OLS
 - S R STANDARD ROW BAR
 - C CUT CROSS
 - M METAL
 - N NORTH
 - S SOUTH
 - E EAST
 - W WEST
 - A G S. ABREY, OLS
 - CD C E DOTTERILL, OLS

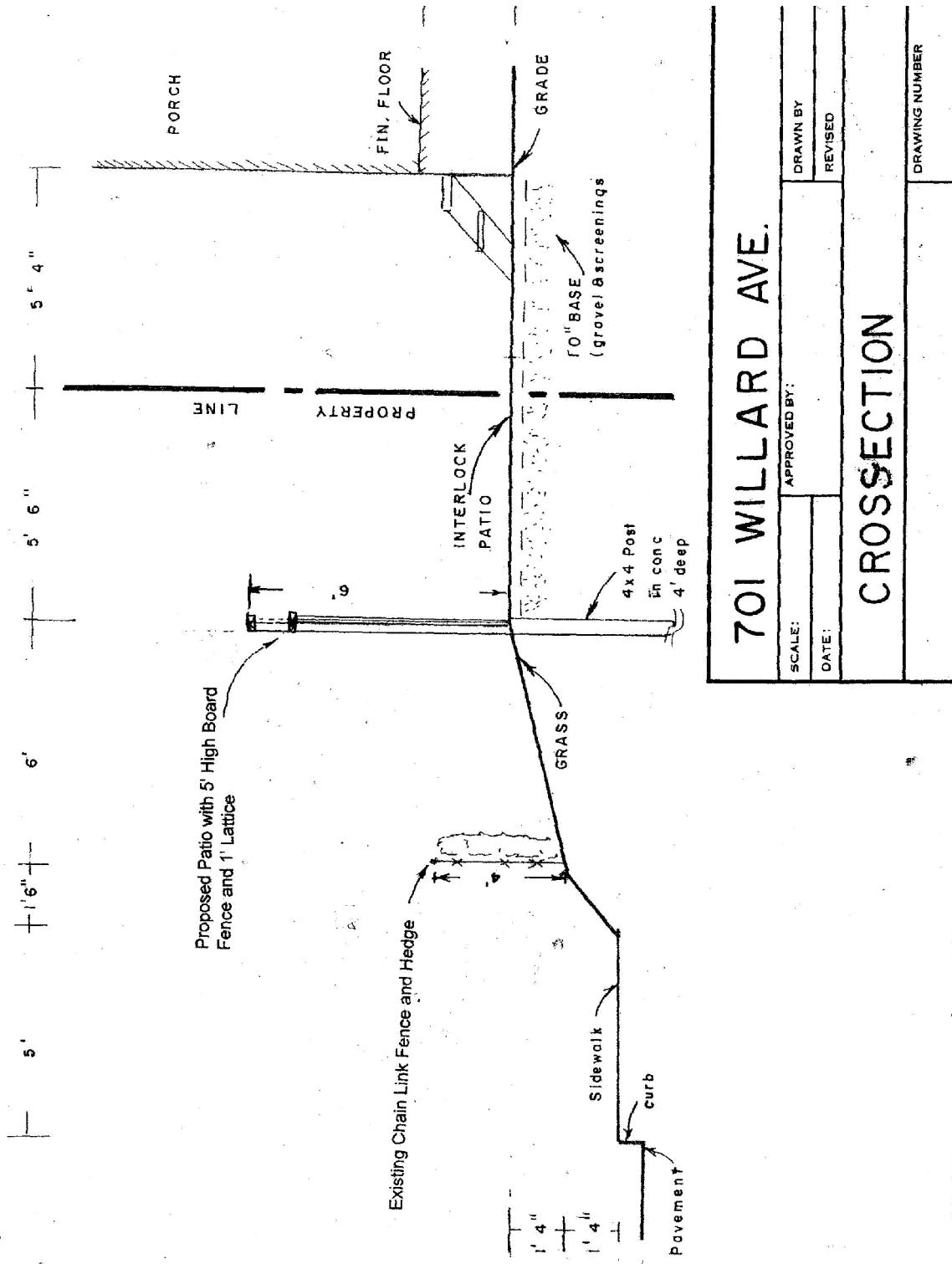
BEARING NOTE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF WILLARD AVENUE, HAVING A BEARING OF N16°15'00" W ACCORDING TO REGISTERED PLAN 847.

YOUNG & YOUNG SURVEYING INC.
 PROFESSIONAL LAND SURVEYORS
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Attachment 1: Property Survey



Attachment 2: Site Plan



Attachment 3: Cross Section showing the Encroachments



Municipal road allowance

Front Elevation (on Willard Avenue)



Hedges behind the chain link fence to be trimmed and maintained at the height of no more than 1.0 m

Property Line

Side and Rear Elevation (on Morland Road flankage) showing the encroachments

Attachment 4: Photographs of the Property