

Outdoor Marketing Display at 4917 Dundas Street West

Date:	March 13, 2008
To:	Etobicoke York Community Council
From:	Curtis Seacock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5 – Etobicoke-York
Reference Number:	ML&S File Number 08 104527 RAW

SUMMARY

To report on an application from the owner, operating as “Shopper’s Convenience”, to lease 7.80 square metres of the municipal boulevard for the purpose of displaying merchandise at the front of the property (Attachment 2), for which the Etobicoke York Community Council had delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council approve the application to lease 7.80 square metres of the municipal boulevard for the purpose of a marketing display at the front of the property, on the following conditions:

1. The City Solicitor is authorized to enter into an encroachment agreement for the proposed marketing display.
2. The applicant is responsible for all legal costs associated with the preparation of this agreement.
3. The applicant to pay an annual fee to the City of Toronto for the use of the municipal road allowance in the amount of \$23.20 per square metre, plus GST, such fees are subject to change.

4. The signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of Two Million Dollars (\$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, and providing Municipal Licensing and Standards with a copy of the insurance policy on a yearly basis for the life of the encroachment.
5. The applicant to comply at all times with regulations set out in the former Metropolitan Toronto By-Law 41-95, as amended.
6. The applicant to maintain a minimum clear sidewalk width of 2.5 metres, measured from the Dundas Street West curb line.
7. The marketing area shall be limited in length to 5.0 metres, measured from the east limit of the applicant's property line when extended perpendicular to the curb line of Dundas Street West.
8. The agreement be limited to two (2) years.
9. The applicant to bring the property into compliance with all outstanding regulations prior to issuance.

Financial Impact

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

ISSUE BACKGROUND

At its meeting on April 12, 13 and 14, 2005, City Council adopted the report of Etobicoke York Community Council, Report 3, Clause 4; to issue an agreement to permit a marketing display within the municipal boulevard at the front of the property on the following conditions:

1. the application to lease being for the term of one (1) year; and
2. the applicant being required to remove all garbage, debris, litter and posters on the property and to maintain the property in a clean condition.

“The Etobicoke York Community Council further requested the District Manager, Municipal Licensing and Standards, to monitor the property; and report back at the end of the one (1) year lease period on whether there were any property standards violations, building code violations, operating with a licence, or other issues.”

At its meeting on April 25, 26 and 27, 2006, City Council adopted the report of Etobicoke York Community Council, Report 3, Clause 50; to:

1. receive the report and information; and
2. cancel the one (1) year lease for outdoor marketing display on the municipal boulevard in front of the subject property on expiry.

COMMENTS

The owner, operating the business known as “Shopper’s Convenience” at 4917 Dundas Street West, has made an application to lease 7.80 square metres of municipal road allowance for an outdoor marketing display (Attachments 1 and 2). The previous licence was issued for a limited period of a year in 2005 due to issues related to the operation of the business and outstanding building code, debris, licensing and property standard violations. As a result of continued violations for these regulations, a report to City Council recommended this Marketing License be terminated at the expiry of the one year period. This report was adopted and the License was cancelled.

At the present time, the Municipal Licensing and Standards Division has an outstanding Property Standards Order against the property. The property continues to have a history of violations of the City’s regulations.

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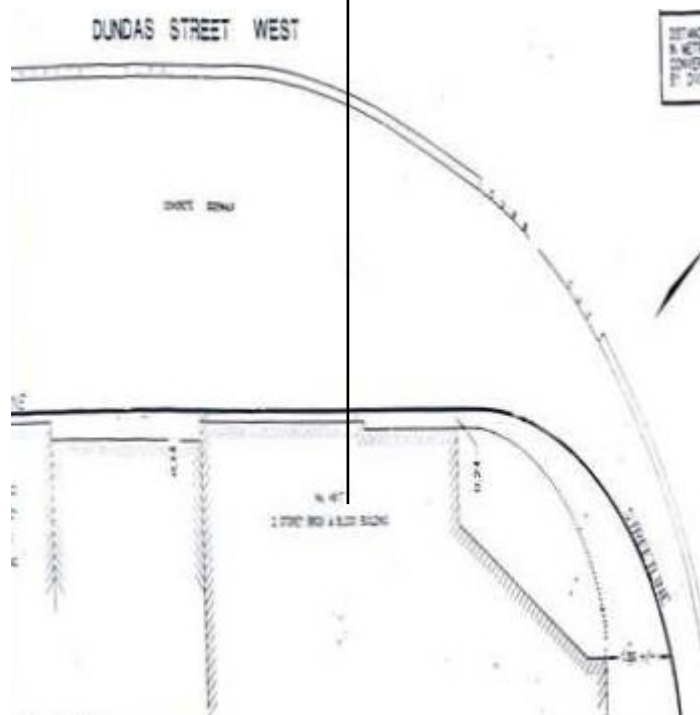
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Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

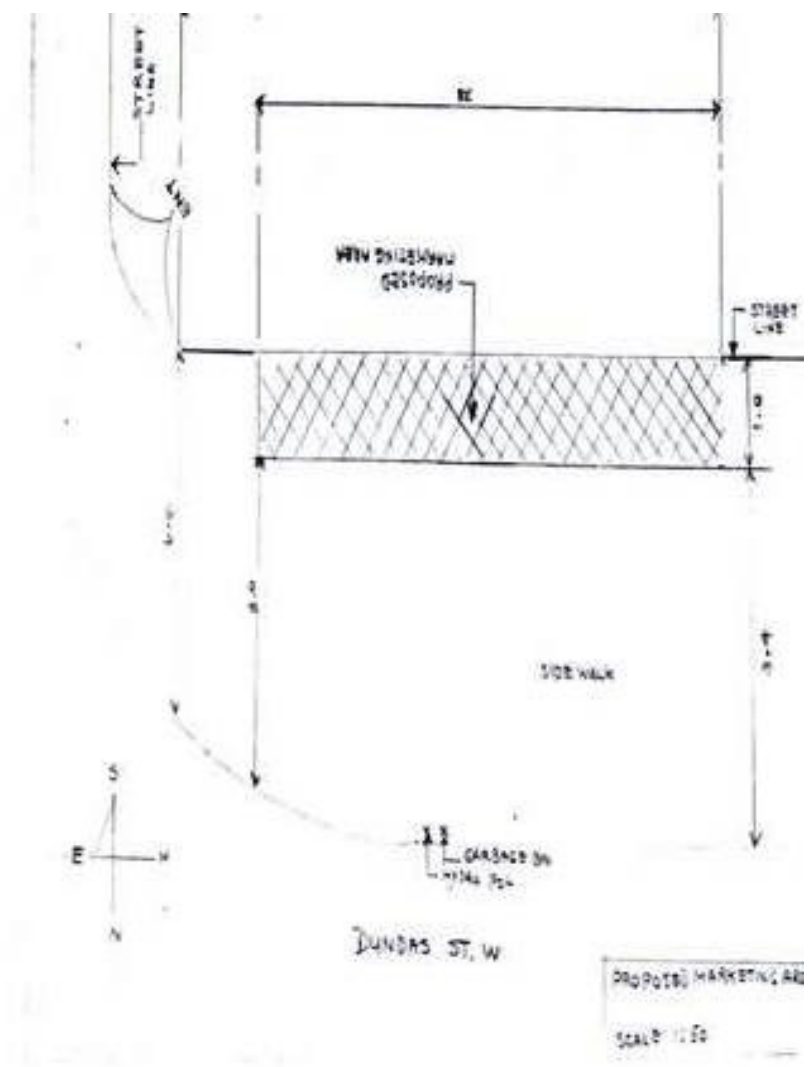
ATTACHMENTS

Attachment 1: Location of Property
Attachment 2: Proposed Marketing Display Detail

Aerial of property



Attachment 1: Location of Property



Attachment 2: Proposed Marketing Display Detail