



**STAFF REPORT  
ACTION REQUIRED**

**Flankage Yard Encroachment Agreement Request  
2049 Davenport Road**

<b>Date:</b>	May 12, 2008
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 17 - Davenport
<b>Reference Number:</b>	ML&S Folder Number 08 108903 RAW

**SUMMARY**

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To report on an application for an encroachment agreement to maintain an existing 2.0 metres average high wooden lattice fence, with a 2.36 metres high gate on the Osler Avenue road allowance, as well as the items enclosed therein, including a roof over basement entrance areaway, wooden steps and an air-conditioning unit, (Attachments 1, 2, 3 and 4). The total area of encroachments amounts to approximately 42.81 square metres. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

**RECOMMENDATIONS**

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**Municipal Licensing and Standard recommends that Etobicoke York Community Council approve this application on the following conditions:**

1. The City Solicitor to be authorized to prepare an Encroachment Agreement for the existing encroachments on the Osler Avenue road allowance.
2. The applicant pays all fees associated with the preparation of this agreement and shall be subject to any future fees for use of the street allowance should the Streets By-law be amended to include charges in the future.
3. The signed agreement is 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 \$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.

4. The Certificate of Insurance shall be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachments.
5. Construction plans be forwarded to Toronto Building Division for review and issuing of a Building Permit for all work requiring a permit.
6. The south-west corner of the encroaching fence adjoining the existing driveway is removed for a distance of 2.5 metres to both the north and east, measured from the south-west corner of the fence in order to provide a 45 degree angle to the fence line at this location, allowing motorists exiting the driveway to view pedestrians approaching from the north.
7. The property owner agrees to maintain the subject property in good repair and comply at all times with the regulations set out in the former City of Toronto, Municipal Code, Chapter 313, Streets and Sidewalks.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

The property is located on the south east corner of Davenport Road and Osler Avenue. The applicant requested to maintain an existing 2.0 metres average high wooden lattice fence with a 2.36 metres high gate on the Osler Avenue road allowance, as well as the items enclosed therein, including an air conditioning unit, wooden steps and a roof over the basement entrance areaway, (Attachments 1, 2, 3 and 4). The total area of the encroachments is approximately 42.81 square metres. The areaway and roof structure are presently under investigation by Toronto Building Division.

### **COMMENTS**

This application was circulated to Urban Forestry, Toronto Fire Services, Toronto Building and various utilities, with no refusals being received.

Toronto Building indicated that a Building Permit will be required for the basement entrance areaway and roof. While Transportation Services had no objections, it was commented that the south-west corner of the encroaching fence adjoining the existing driveway should be removed for a distance of 2.5 metres to both the north and east, measured from the south-west corner of the fence in order to provide a 45 degree angle to the fence line at this location, allowing motorists exiting the driveway to view pedestrians approaching from the north.

## **CONTACT**

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## **SIGNATURE**

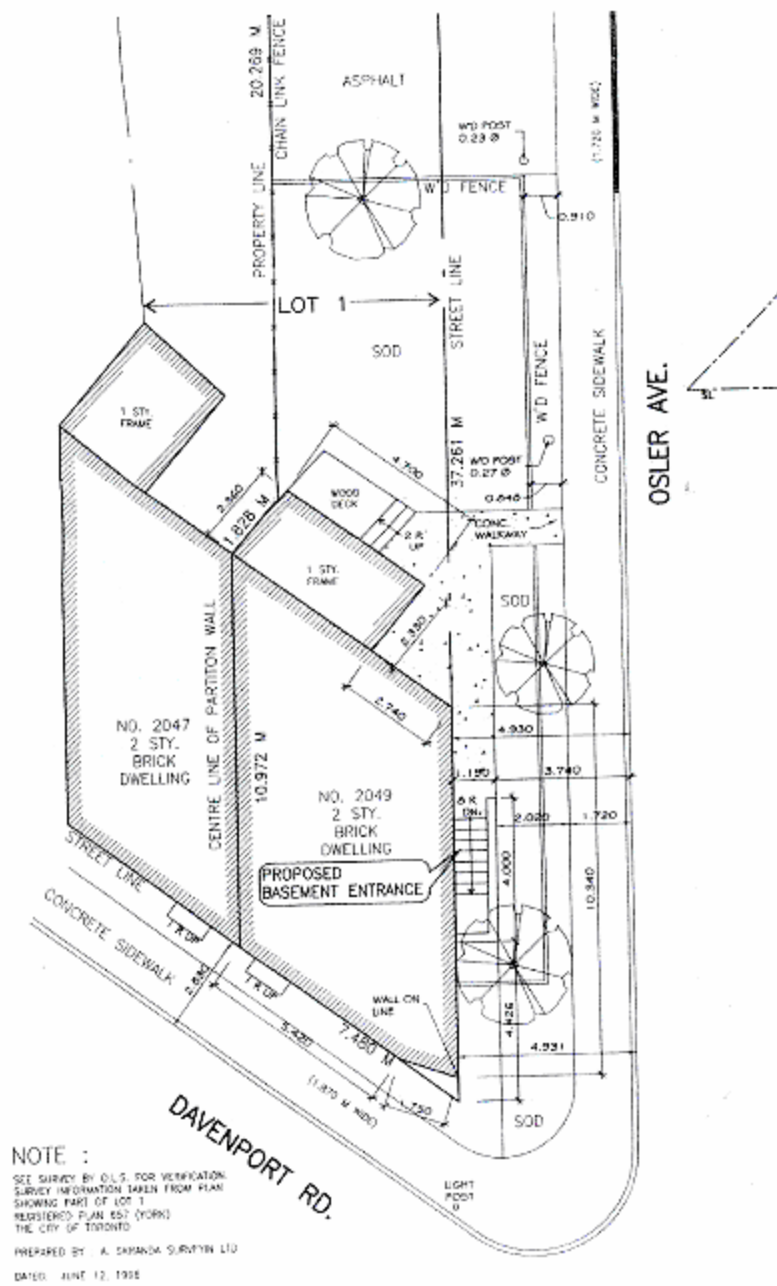
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Curtis Sealock, District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Areaway detail  
Attachment 3: Photographs showing the Encroachments  
Attachment 4: Photograph showing the portion of the encroaching fence which requires  
removal

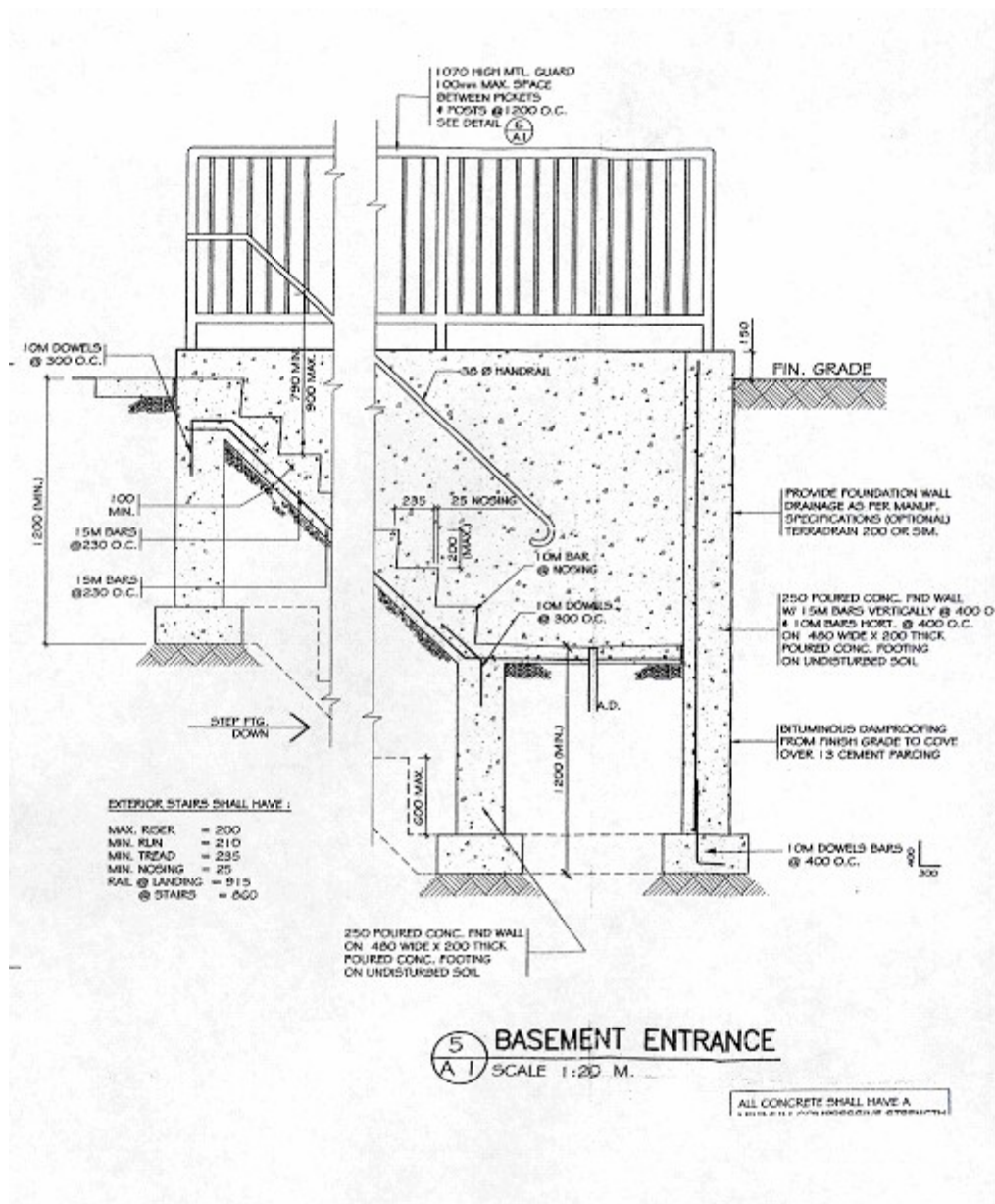
# Site Plan



(1) PLOT PLAN  
 (A) SCALE 1:100 M.

## Attachment 1

## Areaway Detail



## Attachment 2



Photographs showing the encroaching fence enclosure, basement entrance areaway and roof structure, wooden steps and air conditioning unit

**Attachment 3**



**Attachment 4: Photograph showing the south west corner of the encroaching fence which is required to be removed as recommended by Transportation Services**