



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 597A Annette Street

Date:	August 18, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13 Parkdale – High Park
Reference Number:	ML& S Folder No. 05-163958 RAW 00 IR

SUMMARY

This staff report is in response to an application by the owner of the property municipally known as 597A Annette Street to maintain the existing encroachments including a 0.90 of a metre high open wrought iron fence within the Beresford Avenue road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The area of encroachment is approximately 84.14 square metres.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Etobicoke York Community Council approves this application on the following conditions:

1. The applicant to enter into an Encroachment Agreement with the City of Toronto.
2. The City Solicitor to be authorized to prepare an Encroachment Agreement.
3. The applicant to pay all fees associated with the preparation and execution of this Agreement and upon harmonization of the Streets By-law, an annual fee to the City of Toronto as may be imposed for the use of the street allowance.
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 \$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.

5. 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 encroachment.
6. The property owner to maintain the fence and all existing encroachments on Beresford Avenue road allowance as described in the Encroachment Agreement under Instrument No. CA192093, including cutting the grass and removing any waste and litter to the satisfaction of Transportation Services and Solid Waste Management, and comply at all times with the regulations set out in the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, as amended.

Financial Impact

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

ISSUE BACKGROUND

The property is located at the south east corner of Annette Street and Beresford Avenue (Attachments 1 and 3).

The previous property owner entered into an encroachment agreement with the City of Toronto on March 23, 1998 to maintain various encroachments on the Beresford Avenue road allowance listed respectively as (i) to (xii) under Item 1(f) of the said agreement, registered as Instrument No. CA192093 (Attachments 1 and 2).

The applicant, being the current property owner, purchased the property in May 2005 and requested for a transfer of the encroachment agreement to maintain the existing encroachments. It was noted by Transportation Services during their site inspection that, in addition to the listed encroachments, a 0.90 of a metre high open wrought iron fence has also been installed on the Beresford Avenue road allowance, which covers an area of approximately 84.14 square metres on the road allowance within the fence enclosure (Attachments 3, 4 and 5).

COMMENTS

As advised by Legal Services, the owner is required to enter into a new Encroachment Agreement with the City of Toronto to maintain all the encroachments on the Beresford Avenue road allowance.

CONTACT

Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: (416)394-2533 Fax: (416)394-2904
E-mail: cau2@toronto.ca

SIGNATURE

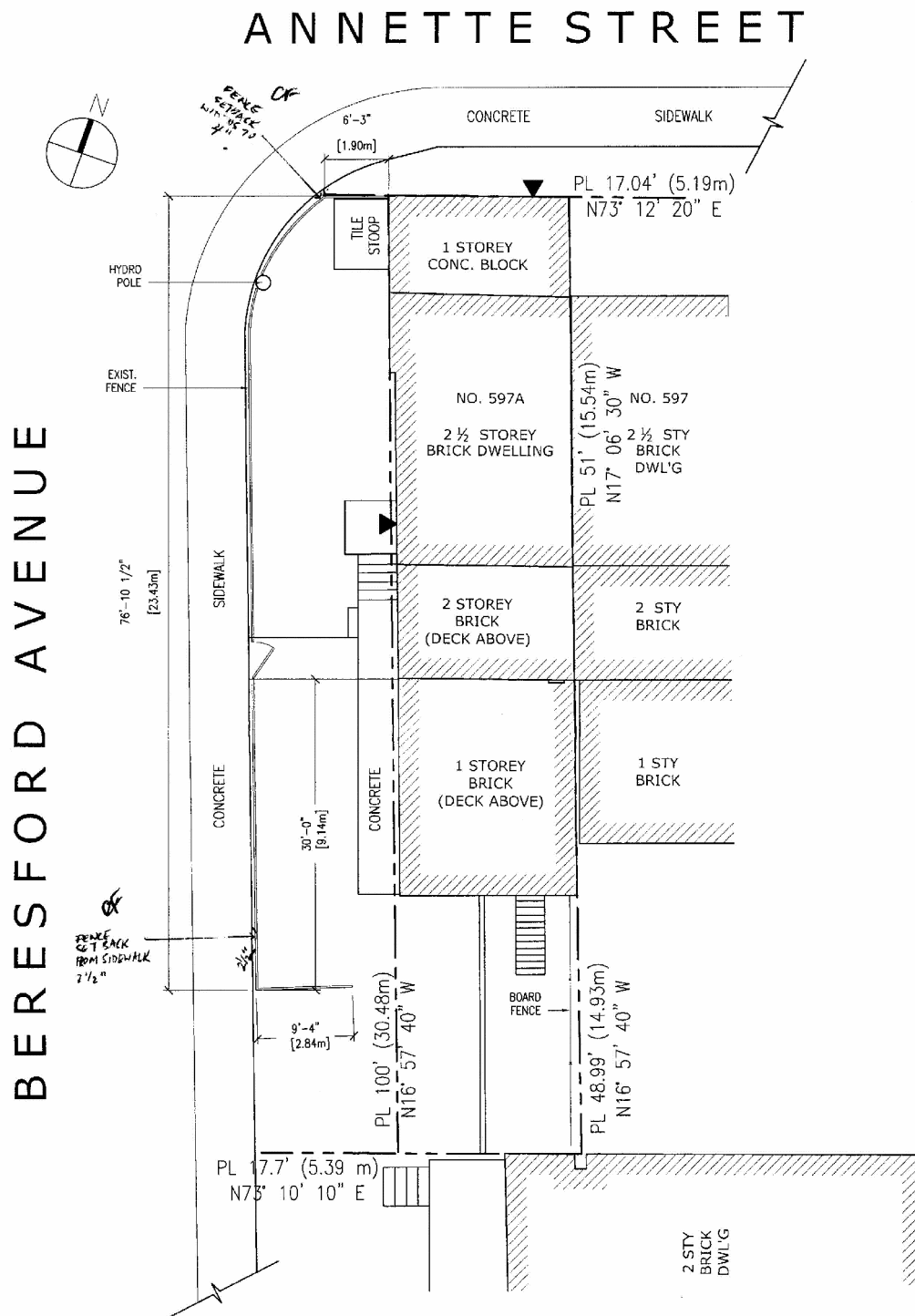
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

- Attachment 1: Site Plan showing the encroachments in the Encroachment Agreement dated March 23, 1998 (Instrument No. CA192093)
- Attachment 2: List of encroachments in the Encroachment Agreement dated March 23, 1998 (Instrument No. CA192093)
- Attachment 3: Site Plan showing the encroaching wrought iron fence
- Attachment 4: Detail and photo of the Fence
- Attachment 5: Photo showing the encroachments on Beresford Avenue road allowance

- (f) "Encroachment" means collectively;
- (i) a tile landing, which encroaches 1.57 m within the City boulevard forming part of the Public Highway;
 - (ii) a timber step, which encroaches 1.87 m within the City boulevard forming part of the Public Highway;
 - (iii) two doors, which encroach 0.7 m within the City boulevard forming part of the Public Highway;
 - (iv) eavestroughs, which encroach 0.15 m within the City boulevard forming part of the Public Highway;
 - (v) eaves which encroach 0.30 m within the City boulevard forming part of the Public Highway;
 - (vi) a cement bench, which encroaches 0.33 m within the City boulevard forming part of the Public Highway;
 - (vii) a 0.38 m high timber retaining wall, set back 1.1 m from the rear edge of the City sidewalk forming part of the Public Highway;
 - (viii) a wooden step, which encroaches 1.51 m within the City boulevard forming part of the Public Highway;
 - (ix) a cement step which encroaches 1.05 m within the City boulevard forming part of the Public Highway;
 - (x) a 0.43 m high timber planter situated immediately back of the City sidewalk forming part of the Public Highway;
 - (xi) a landing and a rail which encroach 1.40 m within the City boulevard forming part of the Public Highway; and
 - (xii) wooden steps, landing and rail which encroach a maximum of 0.89 m within the City boulevard forming part of the Public Highway;

Attachment 2: Enroachments listed in the Encroachment Agreement dated Mar 23, 1998



Attachment 3: Site Plan showing the installed Wrought Iron Fence



Attachment 5: Photo showing the encroachments on Beresford Avenue road allowance