

**Application for Encroachment Agreement
65 Mackay Avenue**

Date:	September 17, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17 – Davenport
Reference Number:	ML&S Folder Number 08 185100 RAW

SUMMARY

This report is in regard to an application for an Encroachment Agreement to erect two 1.20 metre high open picket steel fences and maintain existing planters within the street allowance of Mackay Avenue, for which the Etobicoke York Community Council has 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 for the existing encroachments within the road allowance subject to the following conditions:

1. The City Solicitor to be authorized to prepare an Encroachment Agreement for the proposed encroachment.
2. The owner to enter into an Encroachment Agreement with the City of Toronto and pays all fees associated with the preparation of the Agreement.
3. The Certificate of Insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment.

4. The owners 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;
5. The owners to comply with regulations set out in Chapter 313 of the Toronto Municipal Code, Streets and Sidewalks.
6. The owners to obtain all necessary street permits.
7. Footings shall not exceed 0.61 metres below the grade of the existing sidewalks.
8. To maintain a sight line clearance, the hedges be constantly trimmed to a height of no more than 1 metre.
9. The fences are to be set back a minimum 0.46 metres from the rear edge of the sidewalks.

Financial Impact

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

ISSUE BACKGROUND

The subject property is a two storey detached dwelling. An application has been submitted by the owner of the property to erect two 1.20 metre high open picket steel fences at the front of the property which will be encroaching onto the road allowance. The fences replace the existing chain link fence and will encroach onto the public road allowance by approximately 4.30 metres. (Attachments 1, 2, 3)

COMMENTS

This application was circulated to Transportation Services and the various utility companies with no objections received regarding the installations.

While the existing front yard parking pad was previously approved under Permit # 0512, this application also includes maintaining the existing planters which are located on the Mackay Avenue road allowance.

CONTACT

Curtis Sealock, District Manager
Municipal Licensing and Standards
Tel: 416-394-2532 Fax: 416-394-2904
E-mail: csealock@toronto.ca

SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards

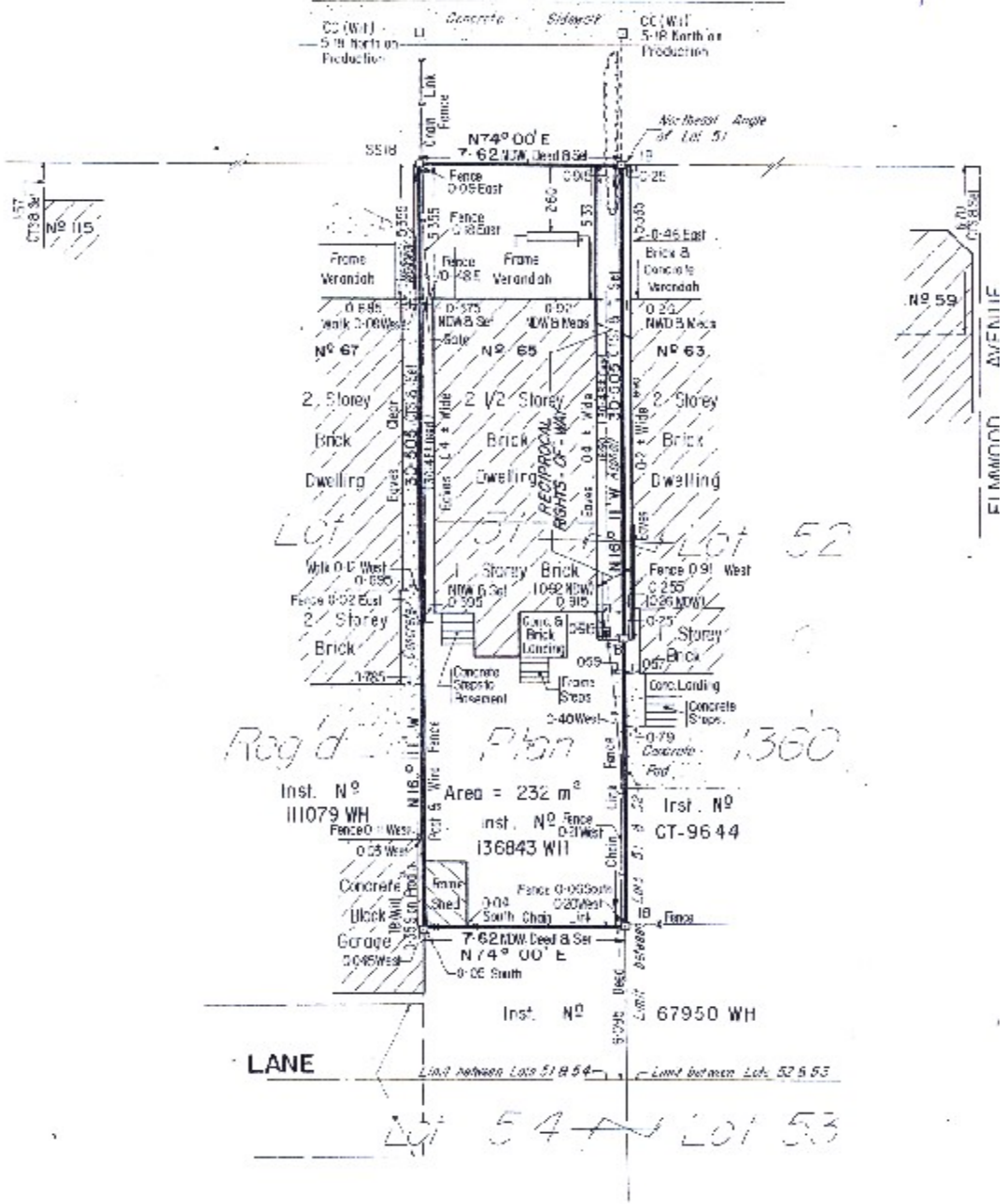
ATTACHMENTS

Attachment 1 – Survey of 65 Mackay Avenue
Attachment 2 – Plan View of 65 Mackay Avenue
Attachment 3 – Fence Details

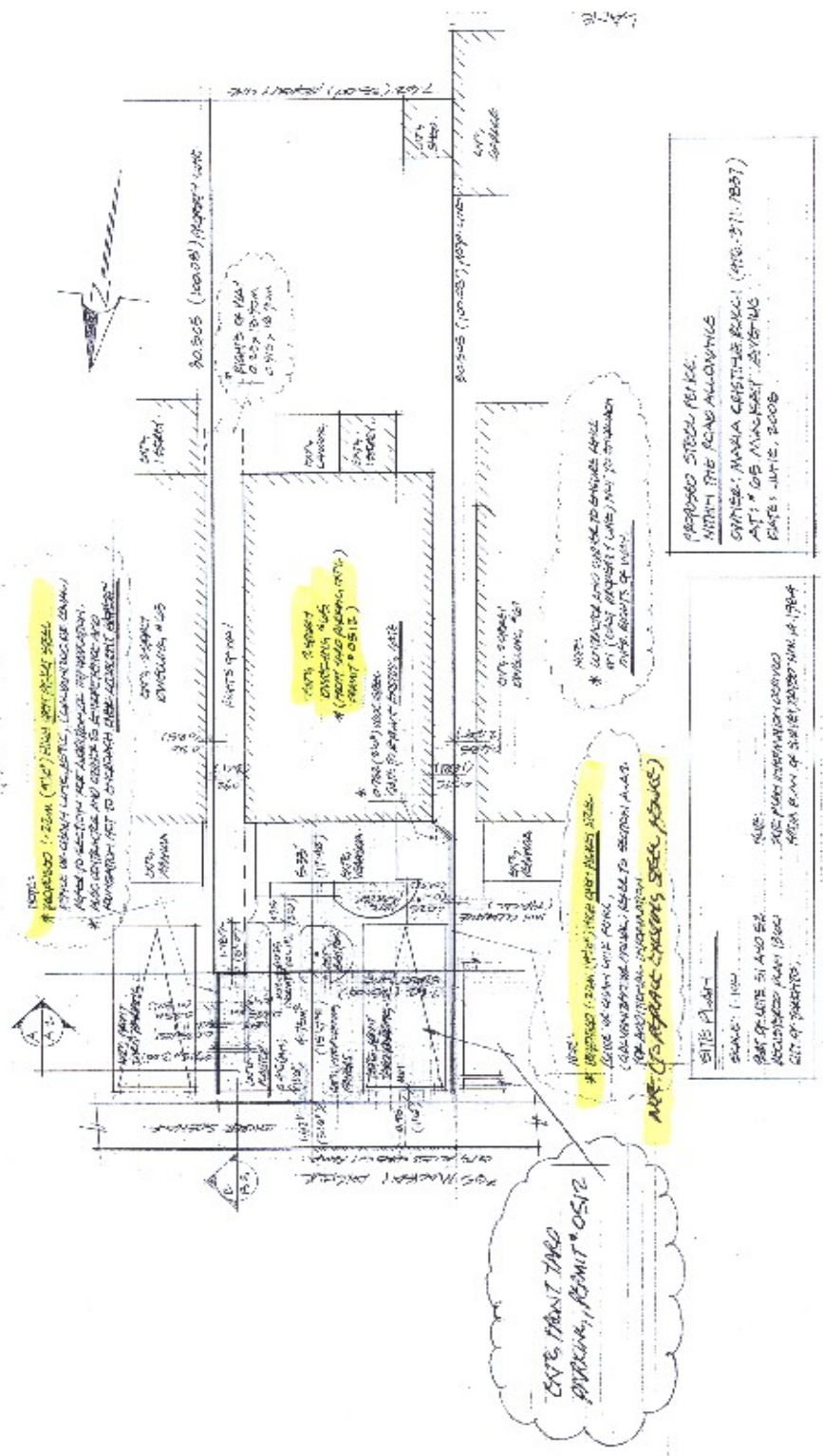
MacKAY AVENUE

(Formerly Harwood Avenue, Plan 1360)

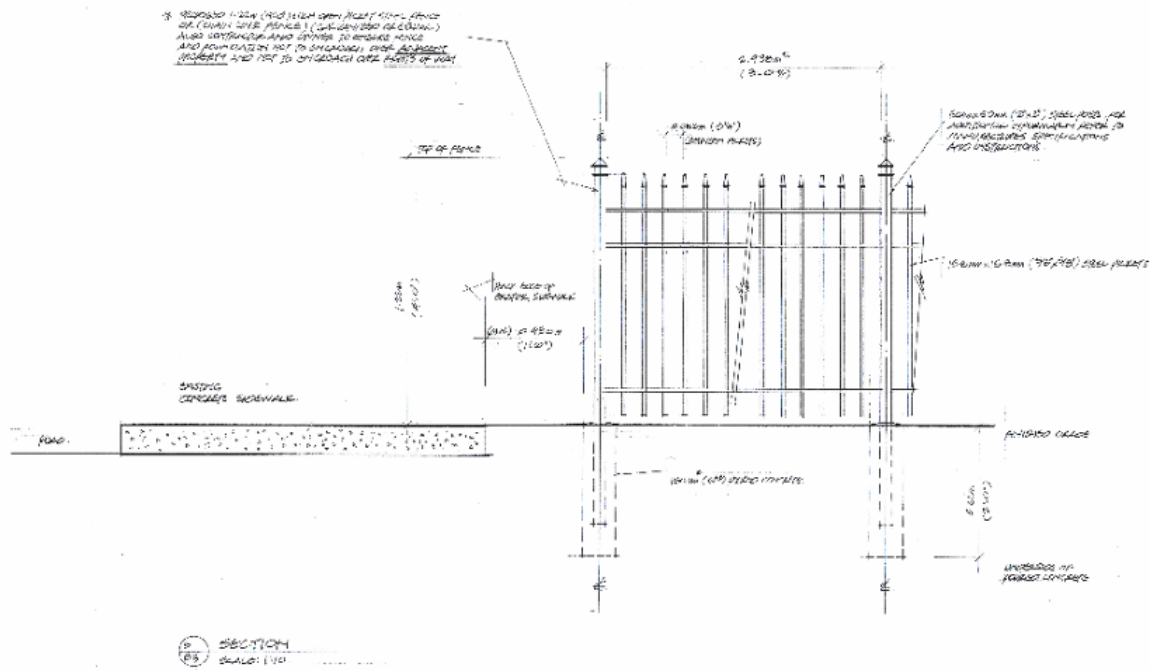
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Attachment 1 – Survey of 65 Mackey Avenue



Attachment 2 – Plan View of 65 Mackey Avenue



Attachment 3 – Fence Detail of 65 Mackey Avenue