



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 39 Montgomery Road

Date:	October 20, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	ML&S Folder No. 07 236008 RAW

SUMMARY

To report on an application submitted by the owner of the property to request an encroachment to maintain an existing 1.85 metres high solid board wood fence that covers an area of approximately 37.56 square metres (1.85 metres x 20.3 metres) within the Belvedere Boulevard road allowance. This report should be considered in conjunction with the report for the fence exemption for this address, which has also been submitted. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision on this matter, (Attachments 1, 2 and 3).

RECOMMENDATIONS

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

1. The City Solicitor to be authorized to prepare an encroachment agreement for the existing encroachment.
2. The owner/applicant to pay all fees associated with the preparation of all agreement documents and pays an annual fee of \$11.00 per square metre, plus G.S.T.; fees are subject to change.

3. The signed agreement to be returned to the City of Toronto along with the required Certificate of Insurance, 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 owner/applicant to trim the shrubs at the exit of the driveway on Belvedere Boulevard road allowance on a regular basis to a height of no more than 1 metre to maintain an unobstructed traffic sight line.
5. Comply at all times with the regulations set out in the former City of Etobicoke Municipal Code, Chapter 231, Streets and Sidewalks.

Financial Impact

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

ISSUE BACKGROUND

The owner made an application for an encroachment agreement to allow the existing closed board wood fence within the Belvedere Boulevard road allowance. The fence measures 1.85 metres in height, with a total encroaching area of 37.56 square metres (1.85 metres by 20.3 metres).

COMMENTS

This application was circulated to Transportation Services, Urban Forestry Services as well as the various utilities having jurisdiction, with no negative responses being returned.

CONTACT

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SIGNATURE

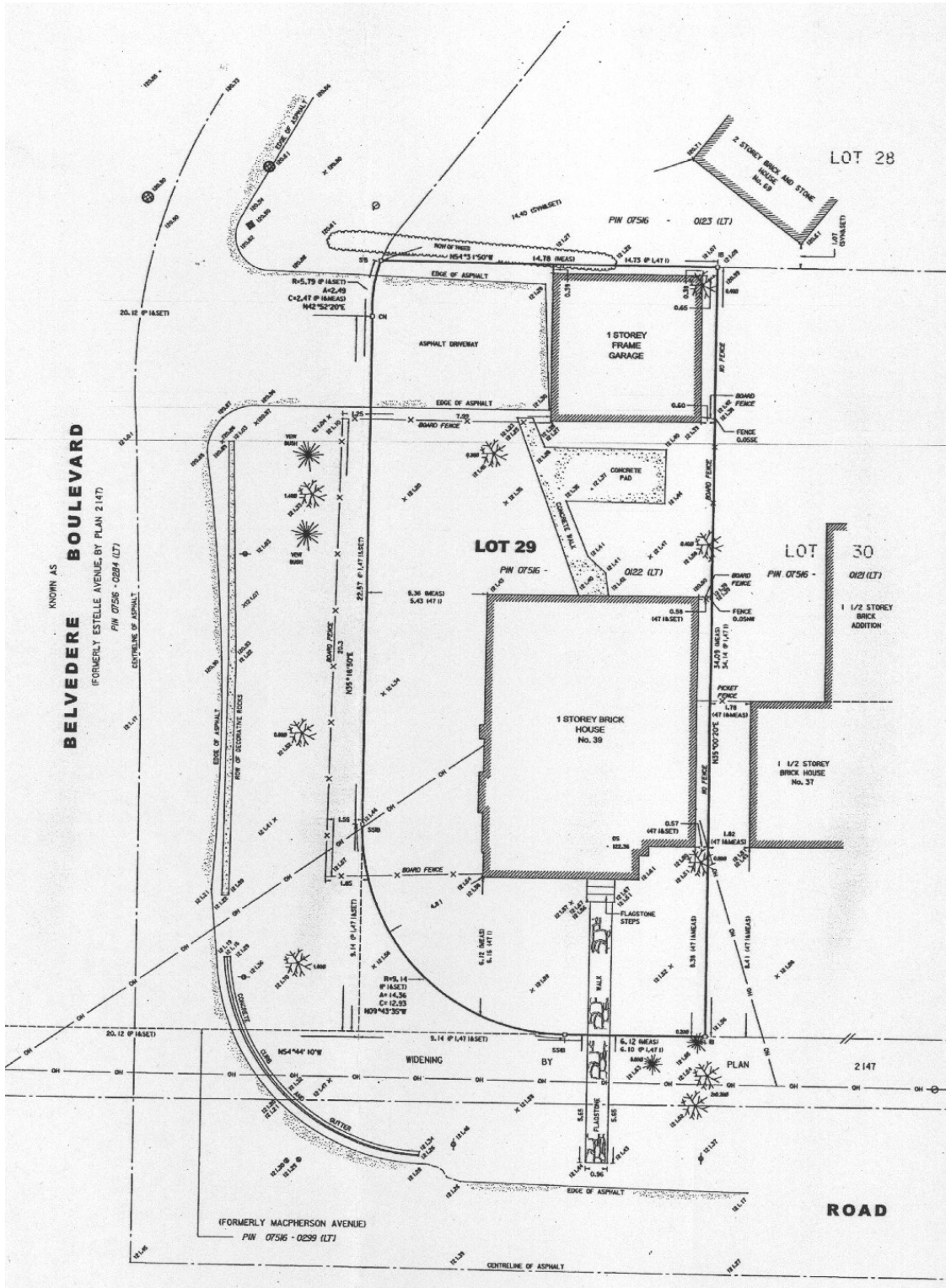
Curtis Sealock, District Manager

ATTACHMENTS

Attachment 1 – Site Plan

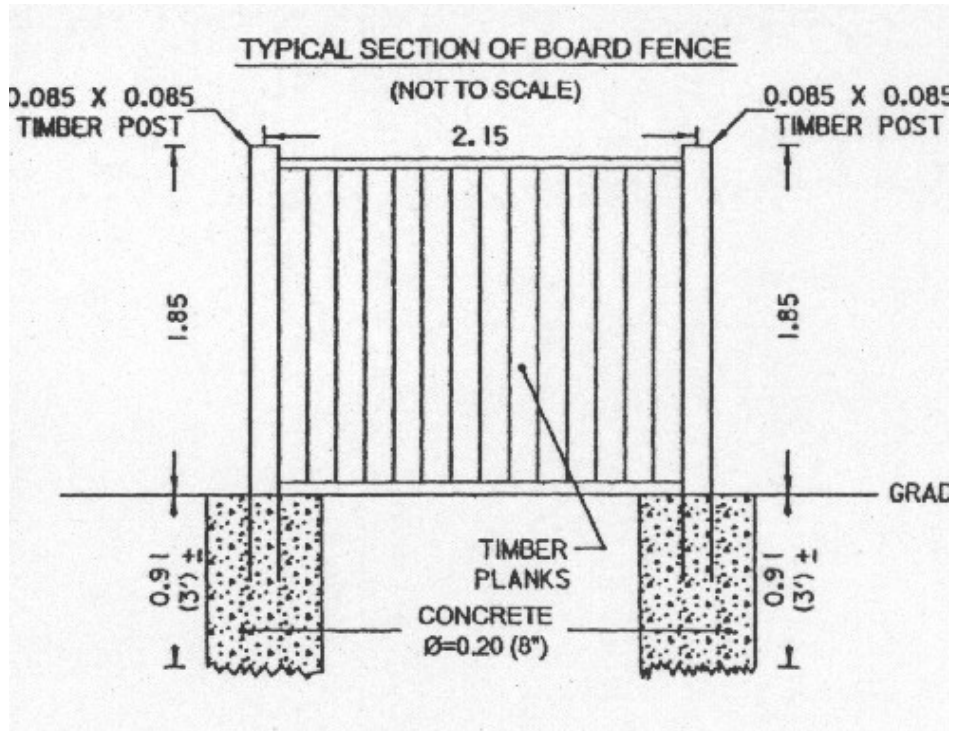
Attachment 2 – Fence Detail and Photographs

Attachment 3 – Fence Views



Site Plan
Attachment 1

Fence Detail



South East Flankage View of Fence



Attachment 2

East Elevation Fence Enclosure



Attachment 3