



## STAFF REPORT ACTION REQUIRED

### Application for Encroachment Agreement 162 Boon Avenue

<b>Date:</b>	October 20, 2008
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 17, Davenport
<b>Reference Number:</b>	ML&S Folder No. 07-286795 RAW

### SUMMARY

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This staff report is in regard to an application for an Encroachment Agreement to maintain the retaining wall, walkway, stairs, and porch as existing encroachments located at the south west corner of Boon Avenue and Hope Street with an area of approximately 89.86 square metres encroaching on the City road allowance, 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 Standards recommends that the application be approved to maintain the existing encroachments, subject to the following conditions:**

1. The City Solicitor to be authorized to prepare an Encroachment Agreement for the existing encroachments.
2. The owner 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. Should an annual fee be applicable in the future the applicant shall be subject to said fee and any resulting fee changes.

3. The owner to renew the said Certificate of Insurance and submit a copy thereof to Municipal Licensing and Standards on an annual basis for the life of the encroachments.
4. The owner to maintain the existing encroachments, including the retaining wall, stairs and porch, in accordance with the recommendations of Transportation Services (Right of Way Management), namely:
  - (a) To avoid creating a safety or vision hazards, and interference with the safe turning sight distance as needed by motorists, the height of the retaining wall shall not exceed 1.0 metre measured from the travelled portion of the public road way.
  - (b) The footing shall not exceed 0.61 metres below the grade of the sidewalk.
5. The owner shall comply, at all times, with the regulations set out in Chapter 313 of the Former City of Toronto Municipal Code, Streets and Sidewalks, as amended.

## **Financial Impact**

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

## **ISSUE BACKGROUND**

The owner has submitted an application for the purpose of maintaining the existing encroachments consisting of the dwelling entrance stairs, porch and retaining wall located on the municipal boulevard along the Boon Avenue frontage and Hope Street flankage, Attachments 1, 2 and 3.

The retaining wall measures approximately 31.42 metres in overall length and is approximately 1.0 metre in height above the sidewalk. The retaining wall is set back approximately 1.80 metres from the front face of the curb on the Boon Avenue frontage and approximately 2.01 metres from the front face of the curb on the Hope Street flankage. The stairs measures approximately 1.22 metres in width and are provided with a handrail, Attachment 4.

The total area of encroachment measures approximately 89.86 square metres, including approximately 47.50 square metres (4.33 metres by 10.97 metres) on the Boon Avenue frontage and approximately 42.36 square metres (4.03 metres by 10.51 metres) on the Hope Avenue flankage.

## **COMMENTS**

This application was circulated Toronto Fire Services, Transportation Services (Right of Way Management) and various utility companies for comments, with no negative responses being received.

## **CONTACT**

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Etobicoke York District  
Municipal Licensing and Standards  
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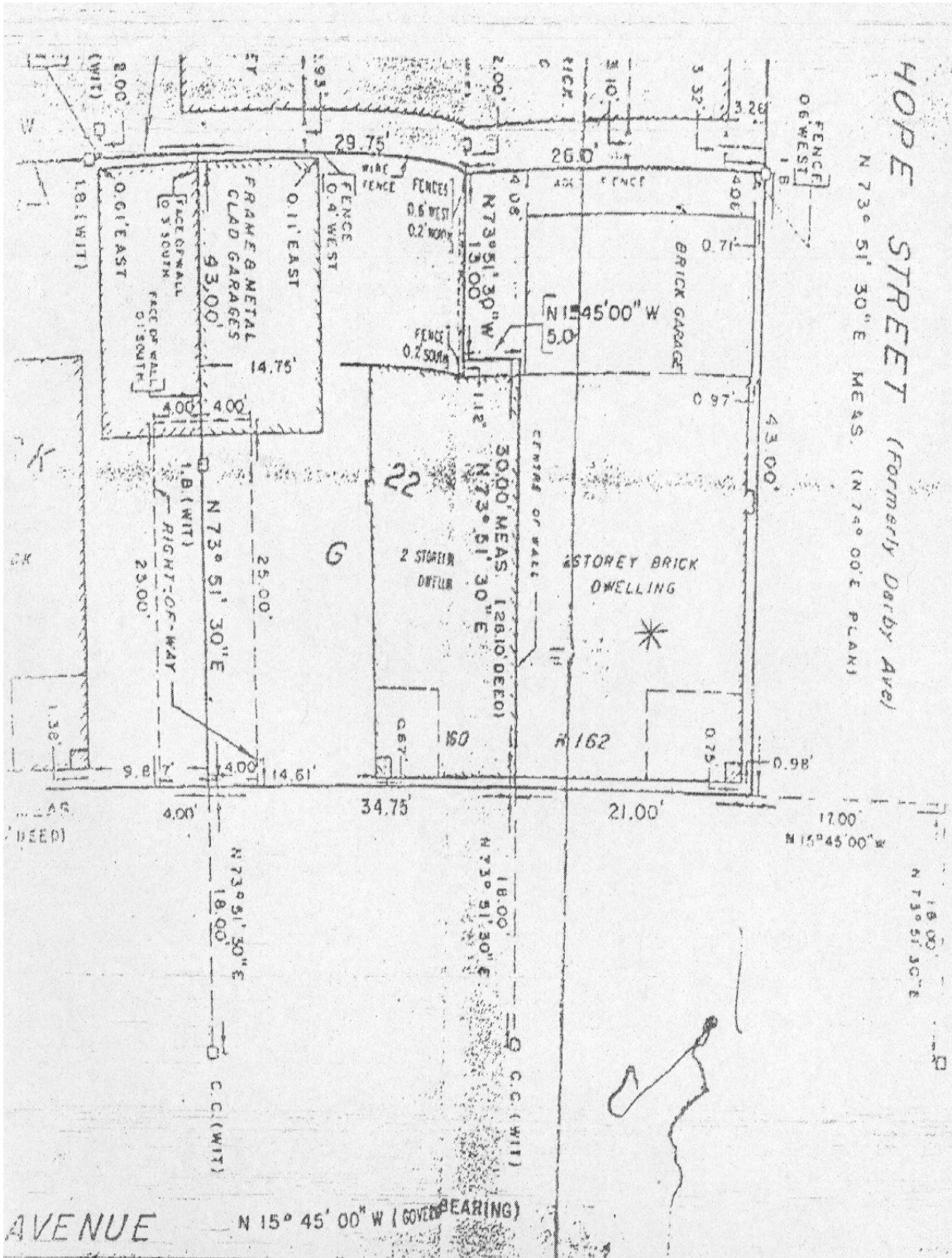
## **SIGNATURE**

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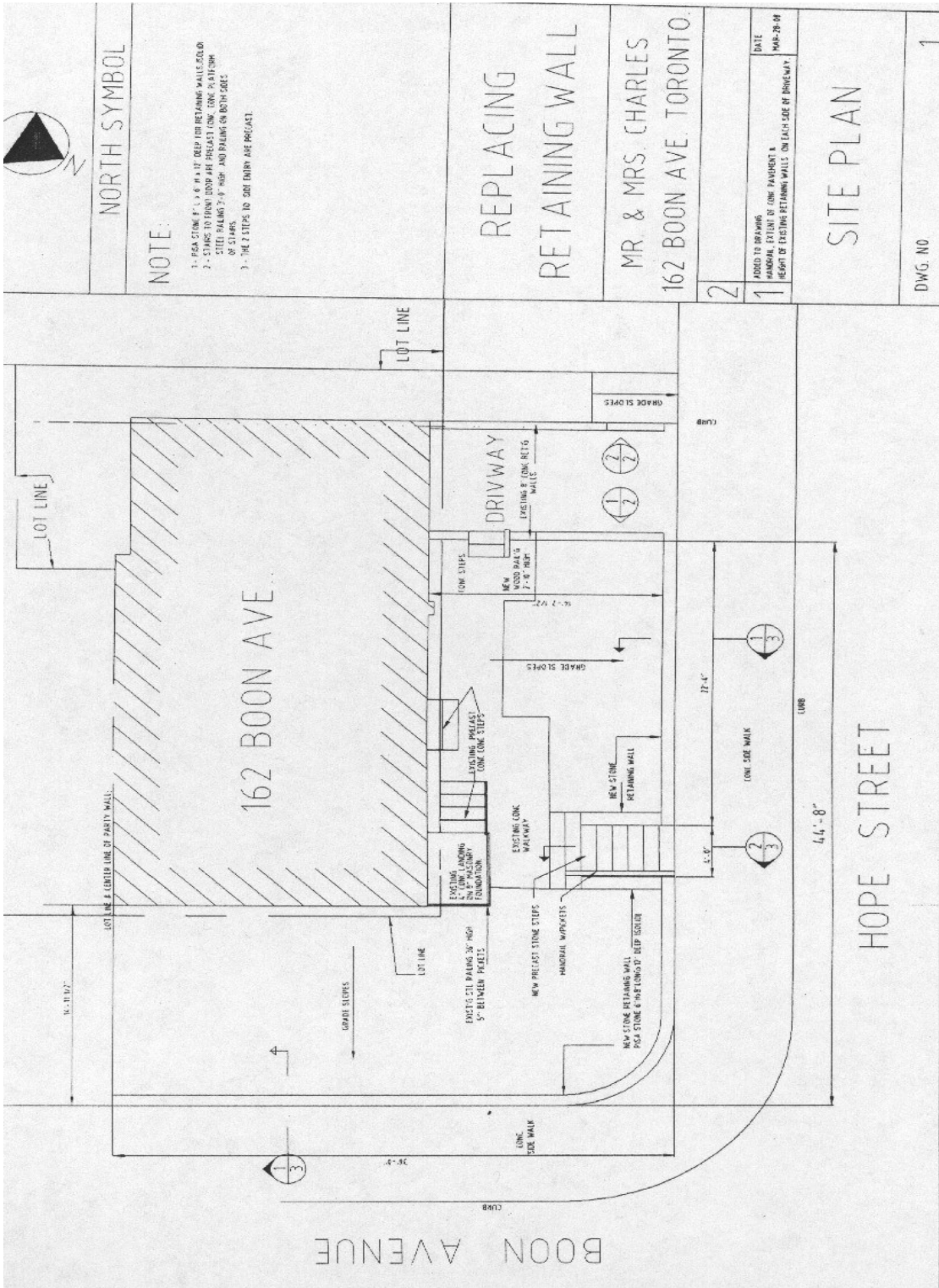
Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

## **ATTACHMENTS**

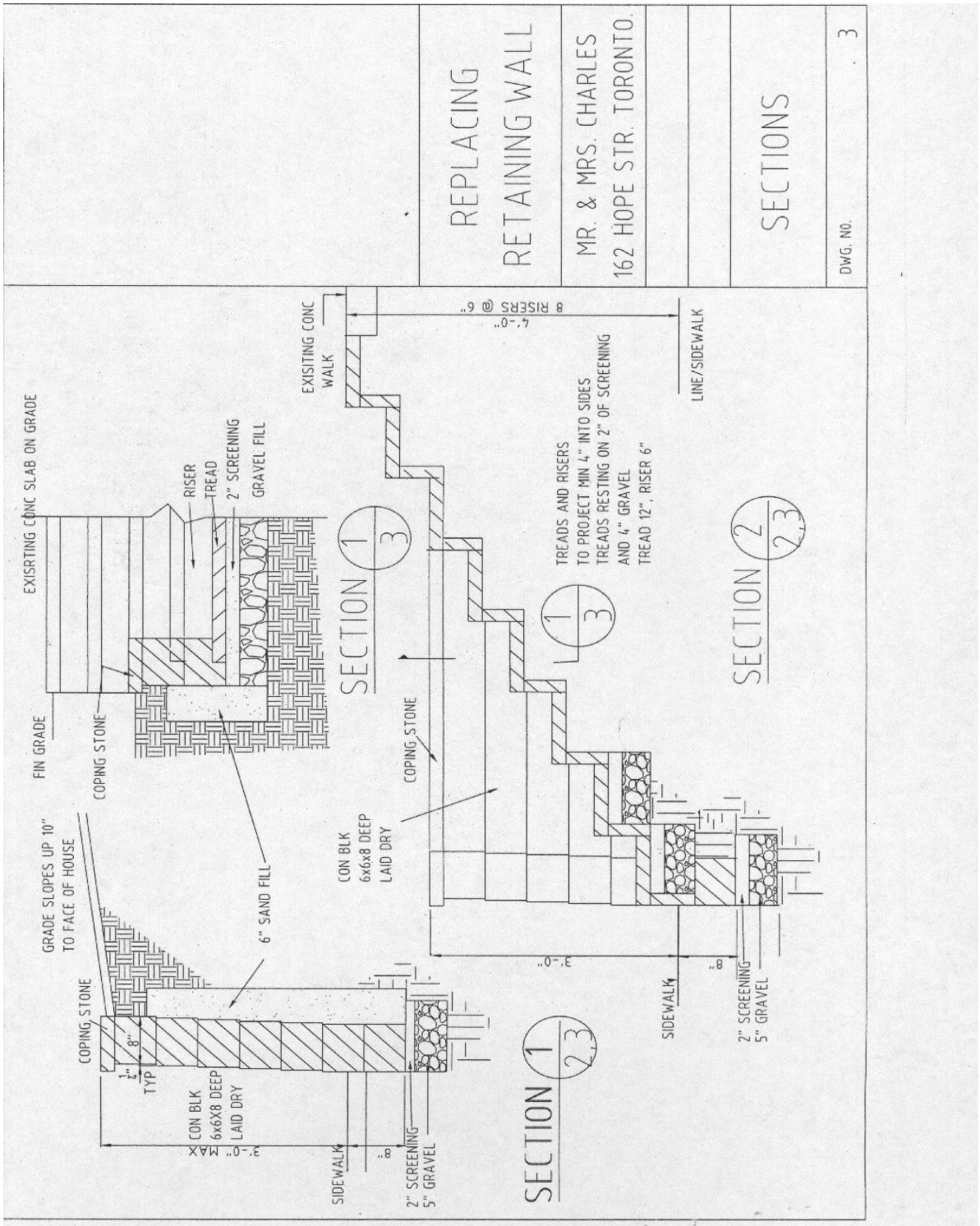
Attachment 1: Site Survey  
Attachment 2: Site Plan  
Attachment 3: Retaining wall and stairs cross-section detail  
Attachment 4: Photographs showing the front yard and the retaining wall encroachment on Boon Avenue road allowance and photograph showing flankage yard and the retaining wall encroachment on Hope Avenue road allowance



**Attachment 1: Site Survey**



**Attachment 2: Site Plan**



REPLACING  
RETAINING WALL

MR. & MRS. CHARLES  
162 HOPE STR. TORONTO.

SECTIONS

DWG. NO. 3

**Attachment 3: Retaining wall and stairs cross-section detail**



Photograph # 1 - Retaining wall encroachment on Boon Avenue road allowance



Photograph # 2 - Retaining wall encroachment on Hope Avenue road allowance

**Attachment 4: Photos of the existing encroachments**