



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 68 Brooke Avenue

Date:	March 07, 2008
To:	North York Community Council
From:	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton- Lawrence
Reference Number:	IBMS No. 07- 289342

SUMMARY

This Staff Report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this report is to consider a request by the owner(s) of 68 Brooke Avenue, being a one-family detached dwelling third density zone (R3) for an encroachment agreement. The existing encroachments consist of a hedge, three trees and walkway with steps. The proposed encroachments consist of a wooden fence, a hedge, a tree, shrubs and perennial planting beds located on the City road allowance.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Encroachment application be approved, subject to the following conditions:

1. That the owner(s) maintain the existing hedge located on the north side of the driveway to a height of no greater than 0.76 metre to the satisfaction of Transportation Services, North York District;
2. That the owner(s) enter into an Encroachment Agreement with the City, to the satisfaction of the City Solicitor and the Executive Director of Municipal Licensing and Standards;

3. That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
4. That no claims will be made against the City by the owner(s) for damages occurring to the area of the encroachment or its elements during snow removal;
5. That the life of the Agreement be limited to 10 years from the date of registration on title or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension, if requested by the applicant;
6. The indemnification to the City by the owner(s) of the encroachment for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor, in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
7. In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
8. The owner(s) pay the following fees:
 - a. Application Fee of \$456.32 (paid).
 - b. Legal Administration Cost and Registration on Title, plus disbursements, including G.S.T.
 - c. One-time fee of \$441.25 plus G.S.T., totalling \$463.31.

FINANCIAL IMPACT

There is no financial impact anticipated resulting from the adoption of this report.

DECISION HISTORY

The application was received from the property owner(s) in December 2007 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

ISSUE BACKGROUND

The encroachments on the City road allowance are as follows:

- (a) An existing hedge runs along the north side of the driveway and extends 6.10 metres into the road allowance at a height of 0.91 metres;
- (b) Three existing trees consisting of a Locust and a Maple tree located on Brooke Avenue and a Birch tree on Joicey Boulevard;
- (c) An existing walkway with six steps leading from the front of the dwelling to the City Curb;

- (d) A proposed wooden fence, which commences at the south lot line on Brooke Avenue and steps around the corner of Joicey Boulevard. The wooden fence extends 0.90 metre to 2.11 metres into the road allowance at a height of 2.0 metres;
- (e) A proposed hedge adjacent to the wooden fence at a height of 0.91 metres;
- (f) A proposed Sugar Maple tree at the south side of the property;
- (g) Shrubs and perennial planting beds along Brooke Avenue and Joicey Boulevard.

COMMENTS

Utilities have provided clearance letters indicating that they have no objection.

Transportation Services, North York District staff, as part of their review, have indicated that the existing hedge located on the north side the driveway be maintained to a height no greater than 0.76 metres.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Site Plan