



## STAFF REPORT ACTION REQUIRED

### Encroachment Agreement Request 1881 Steeles Avenue West

<b>Date:</b>	March 3, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 10 - York Centre
<b>Reference Number:</b>	IBMS No. 08-108679

#### **SUMMARY**

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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 1881 Steeles Avenue West, being a local shopping centre zone (C2) for an encroachment agreement. The proposed encroachment consists of three sections of wrought iron fencing with concrete columns located on the City road allowance.

#### **RECOMMENDATIONS**

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

1. That the owner(s) maintain the parking lot by placing the excess snow on private property 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 \$463.31 (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**

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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 February 2008 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

## **ISSUE BACKGROUND**

The encroachment on the City road allowance is as follows:

- (a) Three sections of wrought iron fencing along the east side of Dufferin Street including six concrete columns measuring approximately 1.46 metres in height located at each end of the three wrought iron sections. The wrought iron fence measures 1.27 metres in height for a total combined length of approximately 64.5 metres.

## **COMMENTS**

Bell Canada staff, as part of their review, have indicated that there is an existing underground plant and that the installers hand dig within one metre of the Bell plant. They also recommend that the installers maintain a clearance of 0.6 metre from the Bell plant.

Rogers Communications Inc. staff, as part of their review, have indicated that there is an aerial cable plant facility and to proceed with caution when installing the fence.

Enbridge Gas and Toronto Hydro Policy & Standards have no objections.

Transportation Services, North York District staff, as part of their review, have indicated that they have no objections to the encroachment as long as the owner(s) maintain the parking lot by placing the excess snow on private property.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Decorative Fencing Plan