

Residential and Commercial Encroachments

Date:	February 26, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Wards 8, 9, 10, 15, 16, 23, 24, 25, 26, 33 and 34
Reference Number:	-

SUMMARY

The North York Community Council requested a report on the rationale for the existing Encroachment Policy for the North York Community Council area as it relates to renewal periods established for residential and commercial encroachments.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that:

- 1. This Report be received for information purposes.**

FINANCIAL IMPACT

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

BACKGROUND

North York Community Council at its meeting of January 15, 2008 adopted the following motion:

“Requested the District Manager, Municipal Licensing and Standards, North York District, to report on the rationale for the existing Encroachment Policy for the North York Community Council area that requires a renewal period on a residential encroachment and not on a commercial encroachment.”

This report has been prepared in response to the above noted request by the North York Community Council.

COMMENTS

Procedure Number N-29 of the Policies and Procedures Manual of the former City of North York provides direction concerning the terms which are to be included in an Encroachment Agreement. The Procedure makes no differentiation between encroachments connected with different types of property such as commercial, industrial or residential. Section 2 (ii) (a) of the Policy addresses the length of agreement and states:-

2(ii)(a) “The life of the Agreement to be limited to 10 years (from the date of registration on title of the Agreement) or to the date of the removal of the encroachment, whichever is the lesser; at which time Council may consider the Agreement for a further extension if requested by the applicant;”

There have been a few exceptions to this policy whereby, owing to the type of encroachment such as a building foundation partially constructed on a road allowance, North York Community Council has recommended approval in perpetuity.

The Division also processes encroachment applications for a portion of the former City of York. In those instances, the agreement length is in perpetuity.

CONCLUSION

Standard practice in the former City of North York is to limit encroachment agreement length to a period of ten years with an option for renewal. Once entered into, encroachment agreements in the former City of York exist in perpetuity or upon removal of the encroachment.

CONTACT

Bryan Byng, North District Manager
Tel: No. 416-395-7020
Fax: No. 416-395-7056
E-mail: bbyng@toronto.ca

SIGNATURE

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