

## **Assumption Status for Legacy Court**

<b>Date:</b>	January 10, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	Raffi Bedrosyan, Acting Director, Development Engineering
<b>Wards:</b>	<b>Ward 25 - Don Valley West</b>
<b>Reference Number:</b>	P:\2008\Cluster B\Tec\NY009.doc (AFS # 6729) (MLS, IBMS No. 07-263591)

### **SUMMARY**

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The purpose of this report is to present information on the status on the assumption of Legacy Court as directed by North York Community Council at its meeting of November 27, 2007.

### **Financial Impact**

There are no financial implications associated with the adoption of this report.

### **DECISION HISTORY**

At its November 27, 2007 meeting, North York Community Council deferred consideration of this report (October 15, 2007) from the District Manager, Municipal Licensing and Standards, North York District, on the fence encroachment of 9 Legacy Court to its next meeting on January 15, 2008, to allow the District Manager, Municipal Licensing and Standard, to report on:

- a) the appropriate action to be taken on this issue and the timing regarding the assumption of this road; and
- b) further details on the fence encroachment.

## **ISSUE BACKGROUND**

The owners of 9 Legacy Court have requested an exemption from Chapter 447, Fences, Section 447-2(B) with regards to an iron fence with stone posts on the gated entrance that is located along the front property line.

Municipal Licensing and Standards has recommended that the fence exemption not be granted.

## **COMMENTS**

Legacy Court is an unassumed subdivision that has a site area of 2.9 ha with 11 single family residential units in the Highway 401 and Bayview Avenue area as shown on the attached map. The Subdivision Agreement for Plan 66M-2331 between Woodglen & Co. Ltd., Legacy Court Inc., Shelley Anne Milnes, Ian Milnes and the City of Toronto was registered on April 12, 1999. The developer, Woodglen & Co. Ltd., has recently made a request for the City to commence the process to assume the municipal services within the above noted subdivision.

However, the developer has been informed that prior to the City commencing the assumption process the following deficiencies need to be addressed:

- Concrete curb repair;
- Sewer repair;
- Lot grading certification;
- Placement of top course of asphalt; and
- All lots with fence encroachment on the future City right-of-way must have provided all pertinent information to the Municipal Licensing and Standards office.

The developer has advised the City that their agreements of purchase and sale with the builders did not provide the developer or their agents the authority to enter onto the lots to correct any grading or any other deficiencies which may need to be dealt with prior to the City assuming the subdivision. However, the subdivision agreement between the City and developer requires the developer, not the individual lot builders, to adhere to the terms and conditions of the subdivision agreements.

In the spring of 2008, when weather permits, City staff shall inspect the grading of all the lots within the subdivision to ensure that the lots are adequately graded and that there are no negative impacts to the dwellings or to any adjacent properties. Any deficiencies to the grading will need to be rectified prior to the assumption process commencing.

Also, along with 9 Legacy Court, there are three other lots that have fence and post encroachments within the City's right-of-way. The developer and all affected property owners have been advised of the existing encroachments and of their need to submit a

request to the City for permission to encroach, along with all the pertinent information to process the encroachment application.

The Municipal Licensing and Standards office cannot process an encroachment application until such time as Legacy Court has been assumed by the City.

The developer is anticipating that all the curb and sewer deficiencies will be rectified in the summer of 2008 and is proposing to schedule the placement of the top course of asphalt in the fall of 2008, if all the necessary information for the encroachments has been received by the City.

The City will commence the assumption process for Legacy Court once the one year maintenance guarantee period has expired for the placement of the top course of asphalt.

## **CONTACT**

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## **SIGNATURE**

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R. Bedrosyan, P. Eng  
Acting Director  
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## **ATTACHMENT**

Attachment No. 1. – Map

**ATTACHMENT 1**  
[Legacy Court]

