



## STAFF REPORT ACTION REQUIRED

### Request for an Encroachment Agreement 119 Ridgewood Road

<b>Date:</b>	March 5, 2008
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Transportation Services, Scarborough District
<b>Wards:</b>	Ward 44 - Scarborough East
<b>Reference Number:</b>	P:\2008\Cluster B\TRA\Scarborough\sc08026

#### **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 119 Ridgewood Road, being a one-family detached dwelling, for an encroachment agreement. The proposed encroachments consist of: stone steps, stone retaining walls, decorative rocks/boulders, brick pillars with electric lighting, sprinkler system, shrubs, trees, hedges, wooden fence, and a corner section of the building where the eavestrough and fascia board overhang the City road allowance.

#### **RECOMMENDATIONS**

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Transportation Services, Scarborough District recommends that the Encroachment application be approved, subject to the following conditions:

1. That the owner(s) remove the wood fence and hedge fronting and flanking the property, and restore the boulevard to the satisfaction of Transportation Services, Scarborough District;
2. That no decorative rocks/boulders be placed within two metres of the travelled portion of the road.

3. That the owner(s) enter into an Encroachment Agreement with the City to the satisfaction of the City Solicitor and the General Manager, of Transportation Services;
4. That the City Solicitor be authorized to prepare and execute the encroachment agreement;
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 General Manager; Transportation Services; and
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 rental fee of \$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) on January 9, 2008 as a requirement in the Committee of Adjustment Variance Approval dated September 7, 2005

### **ISSUE BACKGROUND**

Many of these encroachments on the Municipal right of way have been in place for years, without the necessary approvals.

The Committee of Adjustment in reviewing a minor variance application for this property noted that a hammer head driveway was within the municipal right of way and required an encroachment agreement.

The owner has removed the hammer head driveway and replaced the area with soil and a stone retaining wall because of the various elevations.

Staff in reviewing the Committee of Adjustment requirements noted many other encroachments for which the owner has subsequently applied to legitimize.

## **COMMENTS**

Transportation Services, Scarborough District Traffic Operations staff, as part of their review, have indicated that the complete removal of the hedge and wood fence from the right of way is required to provide adequate sight lines in the vicinity of the subject driveway.

We have received notification from the public utilities that they have no objections to the encroachments.

## **CONTACT**

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## **SIGNATURE**

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Peter J. Noehammer, P. Eng.  
Director, Transportation Services, Scarborough District

DT/BT:lab

## **ATTACHMENTS**

1. Site Plan – 119 Ridgewood Road