



STAFF REPORT ACTION REQUIRED

Various Encroachments - 827 Dundas Street West

Date:	August 14, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Trinity-Spadina – Ward 19
Reference Number:	Te08066te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the co-owner of 827 Dundas Street West for the maintenance of two outward swinging emergency exit doors that when open, encroach approximately 1.0 m onto the public laneway adjacent to 827 Dundas Street West, along with two decorative lights attached to the building wall that encroach over the public right of way fronting 827 Dundas Street West.

Although the doors do not meet the provisions of the Municipal Code, these encroachments, together with the decorative lights, do not impact negatively on the public right of way. Transportation Services recommends approval of these encroachments.

The owners will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of two emergency exit doors that when open, encroach approximately 1.0 m onto the public laneway adjacent to 827 Dundas Street West, along with two decorative lights attached to the building wall that encroach over

- the public right of way fronting 827 Dundas Street West, subject to the property owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
- a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime of the Agreement in a form approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. maintain the emergency exit doors and lights at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - c. remove the emergency exit doors and lights upon receiving 90 days written notice to do so; and
 - d. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services; and
 3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The co-owner of 827 Dundas Street West submitted an application requesting permission to maintain two emergency exit doors that when open, encroach approximately 1.0 m onto the public laneway adjacent to 827 Dundas Street West, along with two decorative lights attached to the building wall fronting 827 Dundas Street West.

The doors are used exclusively as emergency exits and are not used on a regular basis as there is existing access to the building from the front of the property.

The decorative lights are situated at the front of the building approximately 3.6 m above sidewalk grade, and encroach 0.61 m over the public right of way.

COMMENTS

Applicable regulation

The maintenance of encroaching doors is considered under the provisions of Chapter 313-50, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for a minimum of 2.1 m of clear sidewalk or boulevard to be available within the public right of way. The Municipal Code does not provide for the installation of doors over the travelled portion of the public laneway.

As there are no provisions within the Municipal Code to allow for the ongoing maintenance of decorative lights, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the encroachments do not impact negatively on the public right of way.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendix A.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix A - photos

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