

## **Various Encroachments – 132 Warren Road**

<b>Date:</b>	August 12, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	St. Paul's – Ward 22
<b>Reference Number:</b>	Te08056te.row

### **SUMMARY**

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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 agent of the owner of 132 Warren Road to maintain various encroachments within the public right of way including a 1.26 m high decorative wrought iron fence together with 1.8 m high brick pillars, and the installation of a glycol heating system fronting 132 Warren Road and on the Heath Street flank.

Although the decorative wrought iron fence and pillars do not meet the height requirements of the Municipal Code, these encroachments, together with the installation of the glycol heating system, will not impact negatively on the public right of way. Transportation Services recommends approval of these encroachments.

The owners together with any interested parties will be given an opportunity to make a deputation before Community Council.

### **RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the maintenance of a decorative wrought iron fence together with brick pillars and the installation of a glycol heating system fronting 132 Warren Road and on the Heath Street flank, subject to the owners entering into an

- encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
- a. maintain the decorative wrought iron fence together with brick pillars and the glycol heating system 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;
  - b. obtain approval for associated work on private property from Toronto Building;
  - c. remove the encroachments 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 agent of the owner of 132 Warren Road submitted an application requesting permission to maintain a decorative wrought iron fence together with brick pillars and to install a glycol heating system fronting 132 Warren Road and on the Heath Street flank which will encroach within the public right of way. The proposed landscape work is designed to enhance the City boulevard and be consistent with the adjoining property to the south.

The proposal was discussed with the Ward Councillor who agreed with the issuance of the construction permit prior to Community Council's approval. Construction Permit No. 41196801 was issued on August 6, 2008 for the maintenance of a decorative wrought iron fence together with brick pillars and the installation of a glycol heating system.

## **COMMENTS**

### **Applicable regulation**

The construction and maintenance of fences within the public right of way are governed under the criteria set out in the former City of Toronto Municipal Code Chapter 313-33, which provides for fences to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of property if there are neither hazardous nor unsightly in appearance. In addition fences must be set back 0.46 m from the rear edge of the City sidewalk or a minimum 2.1 m from curb where no sidewalk is present.

As there are no provisions within the Municipal Code to allow for the installation of a glycol heating system, we are required to report to Community Council on this matter.

### **Reasons for approval**

Transportation Services has reviewed the request and determined that notwithstanding the heights of the decorative wrought iron fence and brick pillars, these encroachments, together with the glycol heating system, will 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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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Photos

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