

Decorative Lights - 1208 Bloor Street West

Date:	August 12, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Davenport - Ward 18
Reference Number:	Te08054te.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 owner of 1208 Bloor Street West to allow the ongoing maintenance of four decorative lights attached to the building wall at the second storey level that encroach over the public right of way by 0.8 m fronting 1208 Bloor Street West.

As the existing decorative lights do not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the ongoing maintenance of four decorative lights attached to the building wall at the second storey level that encroach over the public right of way by 0.8 m fronting 1208 Bloor Street West, subject to the owner 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 as approved by the Deputy City Manager and Chief Financial Officer and in the 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 decorative lights at his/her 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. the decorative lights are to be maintained by the owner for the life of the building; 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; and
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.

Financial Impact

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

ISSUE BACKGROUND

The owner of 1208 Bloor Street requested permission to maintain four decorative lights that are attached to the building wall at the second storey level, which encroach 0.8 m over the public right of way.

Our records show that Construction Permit No. 41393401 was issued February 22, 2008 authorizing the maintenance of the decorative wall mounted lights subject to a number of conditions, amongst which included that the owner enter into an encroachment agreement with the City of Toronto. Approval of this permit was discussed with the Ward Councillor's office who advised that they have no objections to the maintenance of these lights that encroach over the public right of way.

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the ongoing maintenance of the decorative lights, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the request and determined that the existing decorative lights do not impact negatively on the public right of way and the ongoing

maintenance of the lights should be permitted subject to the owner entering into an encroachment agreement.

Details of the encroachments are on file with Transportation Services.

A photo of the property is shown on Appendix 'A'.

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix 'A' – Photo

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