



**STAFF REPORT
ACTION REQUIRED**

**Bike Rack, Wall Mounted Lights and Flag Poles -
1193 Bloor Street West**

Date:	August 13, 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:	Te08068te.row

SUMMARY

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

Transportation Services has assessed a request from the lessee of 1193 Bloor Street West to allow the ongoing maintenance of a bike rack, four decorative lights attached to the building on the Brock Avenue flank of 1193 Bloor Street West and three flag poles attached to the building that encroach within the public right of way fronting 1193 Bloor Street West.

Transportation Services has determined that these encroachments do not impact negatively on the public right of way, and recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the ongoing maintenance of the bike rack and decorative lights attached to the building wall on the Brock Avenue flank of 1193 Bloor Street West and flag poles attached to the building wall that encroach within the public right of way fronting 1193 Bloor 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 as 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 encroachments 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 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 arrange for the execution of the Encroachment Agreement.

Financial Impact

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

ISSUE BACKGROUND

Transportation Services has assessed an application from the lessee of 1193 Bloor Street West, requesting permission to allow the ongoing maintenance of several existing encroachments, amongst which include a bike rack, four decorative wall mounted lights encroaching 0.7 m and 0.3 m within the public right of way on the Brock Avenue flank of 1193 Bloor Street West. The decorative wall mounted lights are situated 2.44 m above ground.

Also amongst the encroachments are three flag poles attached to the building wall at the second storey level, encroach within the public right of way fronting 1193 Bloor Street West.

COMMENTS

Applicable regulations

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 bike rack, decorative wall mounted lights and flag poles within the public right of way, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the bike rack, decorative wall mounted lights and flag poles 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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