



**STAFF REPORT
ACTION REQUIRED**

Glycol Heating System – 30 Vesta Drive

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:	St. Paul's – Ward 21
Reference Number:	Te08070te.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 30 Vesta Drive to install and maintain a glycol heating system that will encroach within the public right of way fronting 30 Vesta Drive.

As the installation of the glycol heating system will not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation and maintenance of a glycol heating system that will encroach within the public right of way fronting 30 Vesta Drive, 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 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 glycol heating system 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 owners of 30 Vesta Drive has requested permission to install and maintain a glycol heating system that will encroach within the public right of way fronting 30 Vesta Drive.

In order not to delay the project, the applicant has requested that Transportation Services issue a construction permit authorizing the installation of the glycol heating system notwithstanding that Community Council's approval has not been received. We have consulted with the Ward Councillor and he concurred with the applicant's request. Accordingly, Construction Permit No. 42850501 was issued on July 14, 2008 for the installation and maintenance of a glycol heating system.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, 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 the installation of 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

Ken McGuire, Supervisor, Right of Way Management

Tel: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photos

P:\2008\Cluster B\TRA\Toronto and East York\row\te08070te.row - jk