

Canopy - 371 Wallace Avenue

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:	Te08055te.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 on behalf of the owner of 371 Wallace Avenue to install a steel canopy over the doorway fronting 371 Wallace Avenue that will encroach 0.61 m over the public right of way and is 2.2 m above the level of the sidewalk.

Although the canopy does not provide the required height above sidewalk grade, in keeping with Municipal Code Chapter 313, Streets and Sidewalks, this encroachment will not impact negatively on the public right of way. Transportation Services recommends approval of this encroachment.

The owner together with any interested parties 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 installation of a steel canopy over the doorway fronting 371 Wallace Avenue that will encroach 0.61 m over the public right of way and is 2.2 m above the level of the sidewalk, 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 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 canopy 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. obtain approval for associated work on private property from Toronto Building;
 - d. maintain the canopy for the life of the building; and
 - e. 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 agent of the owner of 371 Wallace Avenue has submitted an application requesting permission to install a steel canopy over the doorway fronting 371 Wallace Avenue which will encroach 0.61 m over the public right of way and is 2.2 m above the level of the sidewalk.

Applicable regulation

The maintenance of canopies can be considered under the provisions of Chapter 313-64, Streets and Sidewalks, of the former City of Toronto Municipal Code, provided that no part of the projecting canopy is less than 2.36 m above the level of the sidewalk; with the exception of the curtain which must be a minimum of 2.13 m above sidewalk grade. Additionally, projecting canopies shall be supported on an iron, steel or other metal framework secured to the building.

Reasons for approval

Transportation Services has reviewed the application and determined that notwithstanding the reduced height of the canopy above grade level, it will not impact negatively on the public right of way and should be permitted.

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

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photos

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