



**STAFF REPORT
ACTION REQUIRED**

Various Encroachments – 32 Glen Ames

Date:	October 27, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Ward 32
Reference Number:	Te08097te.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 owner of 32 Glen Ames to maintain various encroachments within the public right of way fronting 32 Glen Ames and on the Long Crescent flank. The encroachments include a gas light fronting the property and a wooden privacy fence surmounted by a retaining wall, pool water heater and pool shed on the Long Crescent flank of 32 Glen Ames.

Although the privacy fence and retaining wall exceed the allowable height under the Municipal Code, they do not negatively impact on the public right of way. Similarly, the gas light, pool water heater and pool shed do not impact negatively on the public right of way. Therefore, Transportation Services recommends approval of the owner’s request.

The owner 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 ongoing maintenance of the steel gas light within the public right of way fronting 32 Glen Ames, together with a wooden fence, retaining wall, pool water heater and a wooden pool shed on the Long Crescent flank, subject to the

- property 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;
 - b. maintain the gas light, fence, retaining wall, pool water heater and pool shed 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. 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; 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 32 Glen Ames has submitted an application requesting permission to maintain the various encroachments that have been constructed within the public right of way.

The encroachments consist of a 2.13 m high gas light fronting 32 Glen Ames, and on the Long Crescent flank, a wooden privacy fence measuring 2.1 m in height with a setback of 0.7 m from the sidewalk, surmounted by a dry laid stone retaining wall that has a varying height of 0.6 m to 1.33 m that is situated 0.28 m back of sidewalk. A pool water heater and a wooden pool shed are housed within the fenced area within portions of the public right of way on the Long Street flank.

COMMENTS

Applicable regulations

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 if they are neither hazardous nor unsightly in appearance. In addition, installations must be set back a minimum of 0.46 m from the rear edge of the City sidewalk or a minimum of 2.13 m from the curb where no sidewalk is present.

There are similar provisions within the Municipal Code to allow for the construction of retaining walls.

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the encroachment of the gas light, pool water heater and pool shed 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 ongoing maintenance of the gas light fronting 32 Glen Ames together with the privacy fence, retaining wall, pool water heater and pool shed on the Long Crescent flank do not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the encroachments are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photos

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