



STAFF REPORT ACTION REQUIRED

Balcony – 395 Brock Avenue

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:	Davenport – Ward 18
Reference Number:	Te08093te.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 owners of 395 Brock Avenue to replace the existing wooden balcony which encroaches within the public right of way with a metal balcony on the Muir Avenue flank of 395 Brock Avenue.

As the encroaching balcony is situated well back of the pedestrian sidewalk and does not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the replacement of the existing wooden balcony with a metal balcony on the Muir Avenue flank of 395 Brock Avenue, subject to the 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;

- b. maintain the metal balcony 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 metal balcony 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

Transportation Services has assessed a request to replace the existing wooden balcony with a metal balcony that encroaches within the public right of way on the Muir Avenue flank of 395 Brock Avenue. The proposed metal balcony will be 1.6 m in width by 4.5 m in length, and will be set back approximately 5 m from the back edge of the City sidewalk. The proposed balcony will be attached to the building wall, with an above grade clearance of 4.8 m, and supported by 2 steel columns with 1.2 m deep footings.

The balcony will be utilized by the second floor tenants of the property. Toronto Fire Services has reviewed the application and has deemed the balcony to be suitable for fire rescue purposes.

For the information of the Toronto and East York Community, the owners have existing encroachment agreements for the wrought iron fence and wooden fence that encloses the property together with a basement entrance that encroaches within the public right of way on the Muir Avenue flank.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to allow the construction of balconies 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 request and determined that the balcony will not negatively impact the public right of way and, it should be permitted, subject to the owners entering into an encroachment agreement with the City of Toronto.

Details of the encroachment are on file with Transportation Services.

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

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - photo

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