



## STAFF REPORT ACTION REQUIRED

### 2113 Dundas Street West – Building Entrance Ramp

<b>Date:</b>	December 14, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Parkdale-High Park - Ward 14
<b>Reference Number:</b>	Te08013te.row

#### SUMMARY

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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 an appeal from the co-owner of 2113 Dundas Street West for the maintenance of a building entrance ramp which has a setback of 0.18 m instead of 0.46 m from the rear edge of the City sidewalk as required by the Municipal Code.

Although the building entrance ramp does not meet the required setback of 0.46 m from the rear edge of the City sidewalk as required by the Municipal Code, it does not impact negatively on the public right of way, therefore, Transportation Services is recommending approval of this application.

The owners will be given an opportunity to make a deputation before Community Council.

#### RECOMMENDATIONS

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the maintenance of the building entrance ramp within the public right of way fronting 2113 Dundas 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 of 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 the 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 building entrance ramp 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 building entrance ramp 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**

The property owner of 2113 Dundas Street West submitted an application requesting permission to maintain a concrete building entrance ramp within the public right of way fronting 2113 Dundas Street West.

The pedestrian access ramp is set back 0.18 m from the rear edge of the City sidewalk rather than 0.46 m as per the setback requirements of the former City of Toronto Municipal Code, Chapter 313-51, Streets and Sidewalks.

### **COMMENTS**

#### **Applicable regulations**

The construction and maintenance of building entrances within the public right of way is governed under the criteria set out in the former City of Toronto Municipal Code Chapter

313-51, which requires that the building entrance must comply to a number of conditions amongst which include that the installation must be set back not less than 0.46 m from the rear edge of the sidewalk or 2.1 m from the curb where no sidewalk is present.

### **Reasons for approval**

Transportation Services has reviewed the application and determined that the maintenance of the building entrance ramp fronting 2113 Dundas Street West does not impact negatively on the public right of way even though the minimum setback of 0.46 m has not been met.

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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Angie Antoniou  
Manager, Right of Way Management

### **ATTACHMENTS**

Appendix 'A' - photo

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