



STAFF REPORT ACTION REQUIRED

94R Rainsford Road - Wooden Shed

Date:	December 12, 2007
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:	Te08008te.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 agent for the owner of 94R Rainsford Road to allow the ongoing maintenance of an existing wooden shed that encroaches within portions of the public laneway rear of 94R Rainsford Road.

As the wooden shed 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 ongoing maintenance of an existing wooden shed which encroaches within portions of the public laneway rear of 94R Rainsford Road, subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. maintain the wooden 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;

- b. obtain approval for associated work on private property from Toronto Buildings;
 - c. remove the wooden shed 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

An application was received on behalf of the property owner of 94R Rainsford Road requesting permission to maintain an existing wooden shed which encroaches within portions of the public laneway rear of 94R Rainsford Road.

This lane was originally created as a system of mutual rights of way, was recreated as a public lane in the mid-to-late 1980's, when the City expropriated the right of way lands and then dedicated much of the expropriated lands as public lane.

As a result of the expropriation of the lands, the wooden shed now encroaches approximately 300 mm upon the same conveyed lands. The wooden shed appears to have been in place for a number of years (approximately 65 years).

The owner of 94R Rainsford Road has now requested the City to entertain an encroachment agreement, which would allow the owner to maintain the existing wooden shed in its original location, within the same conveyed lands.

COMMENTS

Applicable regulation

The construction and maintenance of encroachments 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 stipulates that 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.

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to allow for the maintenance of the wooden shed, 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 wooden shed to the rear of 94R Rainsford Road does not impact negatively on the public laneway. Permission should be granted for the maintenance of the wooden shed, subject to the property owner entering into an encroachment agreement.

Details of the encroachment are on file with Transportation Services.

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

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - photos

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