

**451 Adelaide Street West - Wooden Enclosure**

<b>Date:</b>	December 12, 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>	Trinity-Spadina - Ward 20
<b>Reference Number:</b>	Te08002te.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 a request from the owner of 451 Adelaide Street West to allow the ongoing maintenance of an existing wooden enclosure that encroaches within portions of the public laneway rear of 451 Adelaide Street West.

As the wooden enclosure does not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

**RECOMMENDATIONS**

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

1. approve the ongoing maintenance of an existing wooden enclosure which encroaches within portions of the public laneway rear of 451 Adelaide 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. maintain the wooden enclosure 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;

- b. obtain approval for associated work on private property from Toronto Buildings;
  - c. remove the wooden enclosure 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 execute 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 451 Adelaide Street West submitted an application requesting permission to maintain an existing wooden enclosure which encroaches within portions of the public laneway rear of 451 Adelaide Street West.

Pursuant to redeveloping the property at 451 Adelaide Street West in the early 1980s, one of the aspects of the development included a conveyance of private lands to the rear of the property abutting the laneway to the City for future lane widening purposes.

As a result of such lands being conveyed, the wooden enclosure has been constructed within the same conveyed lands.

The owner of 451 Adelaide Street West has now requested the City to entertain an encroachment agreement which would allow the owners to leave and maintain the existing wooden enclosure in its original location within the same conveyed lands.

### **COMMENTS**

#### **Applicable regulation**

The construction and maintenance of various encroachments within the public right of way may be considered under the criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, subject to meeting various criteria amongst which includes that all installations shall be set back a minimum of 0.46 m from the rear edge of the City sidewalk or a minimum of 2.1 m from the curb where no sidewalk is present. In the case of benches, doors, bay windows, air-conditioning units and exhaust ducts, a minimum of 2.1 m of clear sidewalk or boulevard shall be available adjacent to

the proposed installation. Furthermore, the owner of the property is required to enter into an encroachment agreement for the ongoing maintenance of the encroachment.

The by-law does not speak to installations that encroach into a public laneway with the exception of fire escapes which require that the fire escapes meet the provisions of the Highway Traffic Act for vertical clearances.

### **Reasons for approval**

Transportation Services has reviewed the application and determined that the ongoing maintenance of the wooden enclosure to the rear of 451 Adelaide Street West does not impact negatively on the public laneway. Permission should be granted for the maintenance of the wooden enclosure, subject to the property owners 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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Angie Antoniou  
Manager, Right of Way Management

### **ATTACHMENTS**

Appendix 'A' - photos

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