



**STAFF REPORT  
ACTION REQUIRED**

**Application for Encroachment Agreement  
28 Lake Crescent**

<b>Date:</b>	January 22, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	ML&S Folder Number 08 206204 RAW

**SUMMARY**

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To report on an application submitted by Mr. Ian Leach, representing the owners of the property, to request an encroachment agreement to maintain existing encroachments, including a 1.90 metres high wooden fence measuring 2.67 metres by 11.09 metres, a 0.46 of a metre high pre-cast concrete retaining wall and a 0.90 of a metre high hedge (these encroachments cover a total area of 49.91 square metres), and a pre-cast concrete paved walkway and steps on the Lake Crescent road allowance, as well as a similar paved walkway and steps on the Eastbourne Crescent road allowance.. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision on this matter.

**RECOMMENDATIONS**

**Municipal Licensing and Standards recommend that Etobicoke York Community Council approve this application subject to the following conditions:**

1. The City Solicitor to be authorized to prepare an encroachment agreement for the existing encroachment.
2. The owner to pay all fees associated with the preparation of the agreement and pays an annual fee of \$11.00 per square metre, plus G.S.T.; fees are subject to change.

3. The signed agreement to be returned to the City of Toronto along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of \$2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy.
4. The owner to trim the shrubs/hedges at the exit of the driveway on Lake Crescent road allowance on a regular basis to a height of no more than 1 metre to maintain an unobstructed sight line.
5. The owner to comply at all times with the regulations set out in the former City of Etobicoke Municipal Code, Chapter 231, Streets and Sidewalks.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **ISSUE BACKGROUND**

The owner has made an application for an encroachment agreement to maintain a close board wood fence, with a pre-cast concrete retaining wall and shrubs adjacent to the fence within the Lake Crescent road allowance. The total encroaching area including the retaining wall and shrub is approximately 49.91 square metres, (11.09 metres by 4.50 metres). Also included in this encroachment application are two pre-cast concrete paved walkways and steps, one on the Lake Crescent road allowance and another similar one on the Eastbourne Crescent road allowance (Attachments 1 and 2).

### **COMMENTS**

This application was circulated to various city divisions and utilities. While Transportation Services, Urban Forestry Services, Toronto Fire Services, Toronto Hydro and Enbridge Gas have no objection to the application, the following comments have been received:

Bell Canada has forwarded the following comments: “Poles for the proposed fence on east side of the property goes more than 0.7 metres into the ground where the buried cable is existing already so does not leave 0.6 metres clearance for the Bell plant.”

Rogers has forwarded the following comments: “Please use caution; we have buried cable in this area. Please call for locates. NOTE: Hand dig within 1 metre for Rogers Plant. Standard offset is between 2.7metres and 3.5 metres from the property line.”

## **CONTACT**

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## **SIGNATURE**

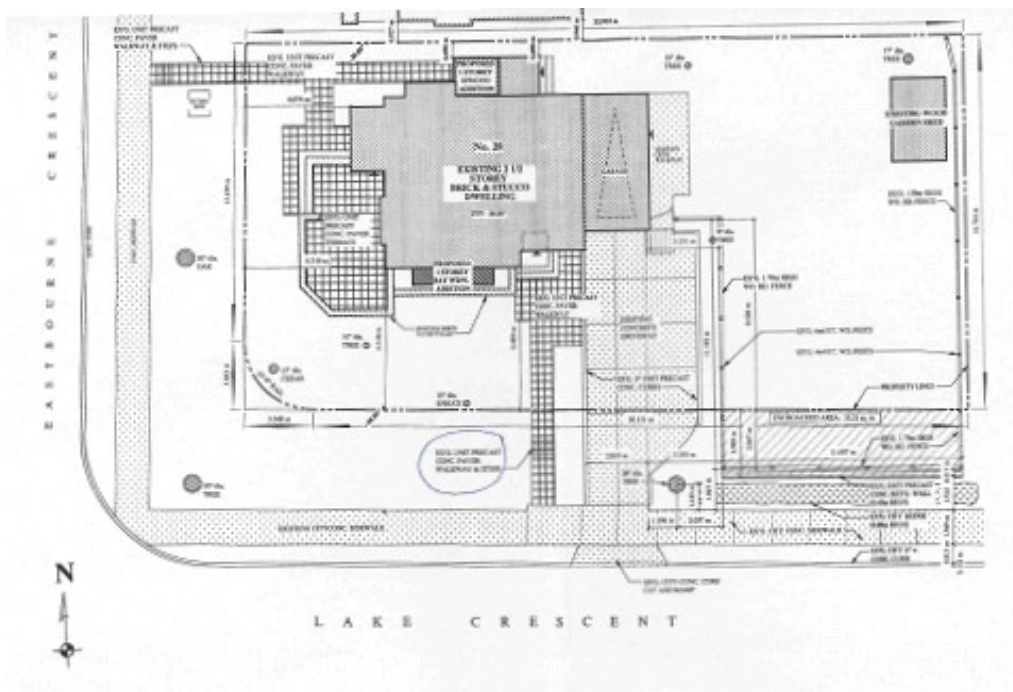
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Municipal Licensing and Standards

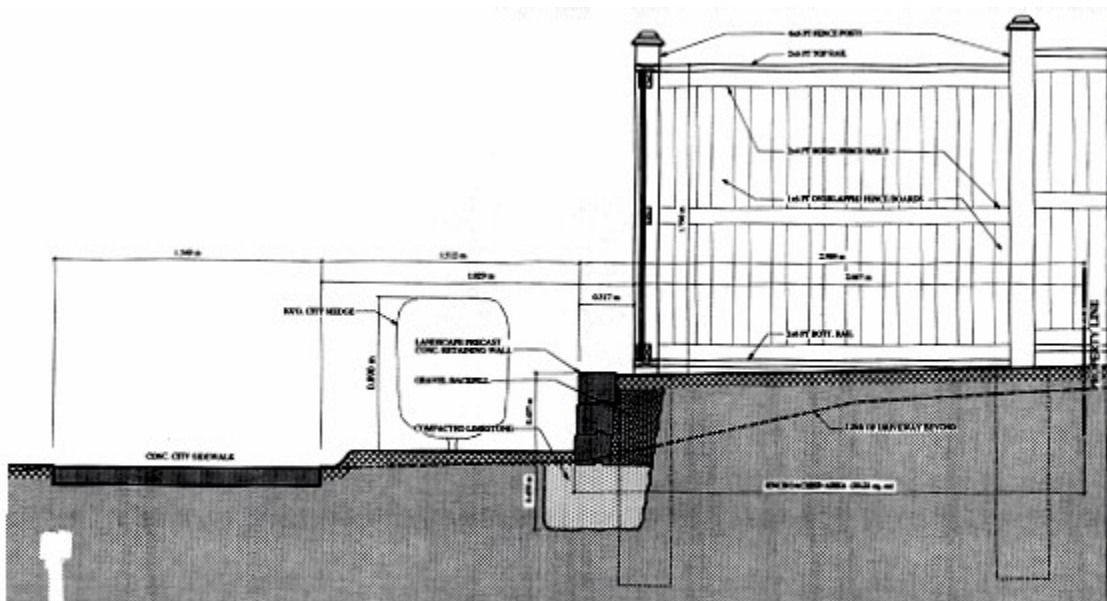
## **ATTACHMENTS**

Attachment 1 – Site Plan and Fence Detail  
Attachment 2 – Photographs showing the encroaching Fence

Site Plan



Fence Detail



Attachment 1



Photographs showing the encroaching fence  
**Attachment 2**