

**Application for Encroachment Agreement
4 Bushey Avenue**

Date:	March 05, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 11 – York South-Weston
Reference Number:	ML&S Folder Number 08 199203 RAW

SUMMARY

This report is in regard to an application for an Encroachment Agreement to maintain existing stairs, retaining wall and fencing in the front yard street allowance of Bushey Avenue, with a total area of 2.73 square metres encroaching on the City road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that The Etobicoke York Community Council approve the application for the existing encroachments within the road allowance subject to the following conditions:

1. The City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachment.
2. The owner enters into an Encroachment Agreement with the City of Toronto and pays all fees associated with the preparation of the Agreement.
3. The signed agreement to be returned to the City 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. Should City by-laws affecting this encroachment be amended, the applicant will be responsible for any new or additional fees.
5. The Certificate of Insurance shall be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment.
6. The maximum height of the retaining walls not to exceed 0.85 metres in height for 3 metres in length measured from the west edge of the Bushey Avenue sidewalk as per the attached details, (Attachments 1, 2, 3, and 4).
7. The owner shall obtain all necessary construction/streets occupation permit(s) for any future work on the road allowance.
8. The owner shall comply at all times with regulations set out in the former City of York Streets By-law 3343-79, as amended.

Financial Impact

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

ISSUE BACKGROUND

The subject property is a two storey, semi-detached dwelling. An application has been submitted by Bettencourt Designs Ltd. on behalf of the owner of the property to maintain an existing staircase with retaining walls and fencing at the front of the property which will be encroaching onto the road allowance. The encroachment area is approximately 2.73 square metres, (Attachments 1, 2).

COMMENTS

This application was circulated to Transportation Services and the various utility companies and all objections raised have been resolved regarding these installations.

CONTACT

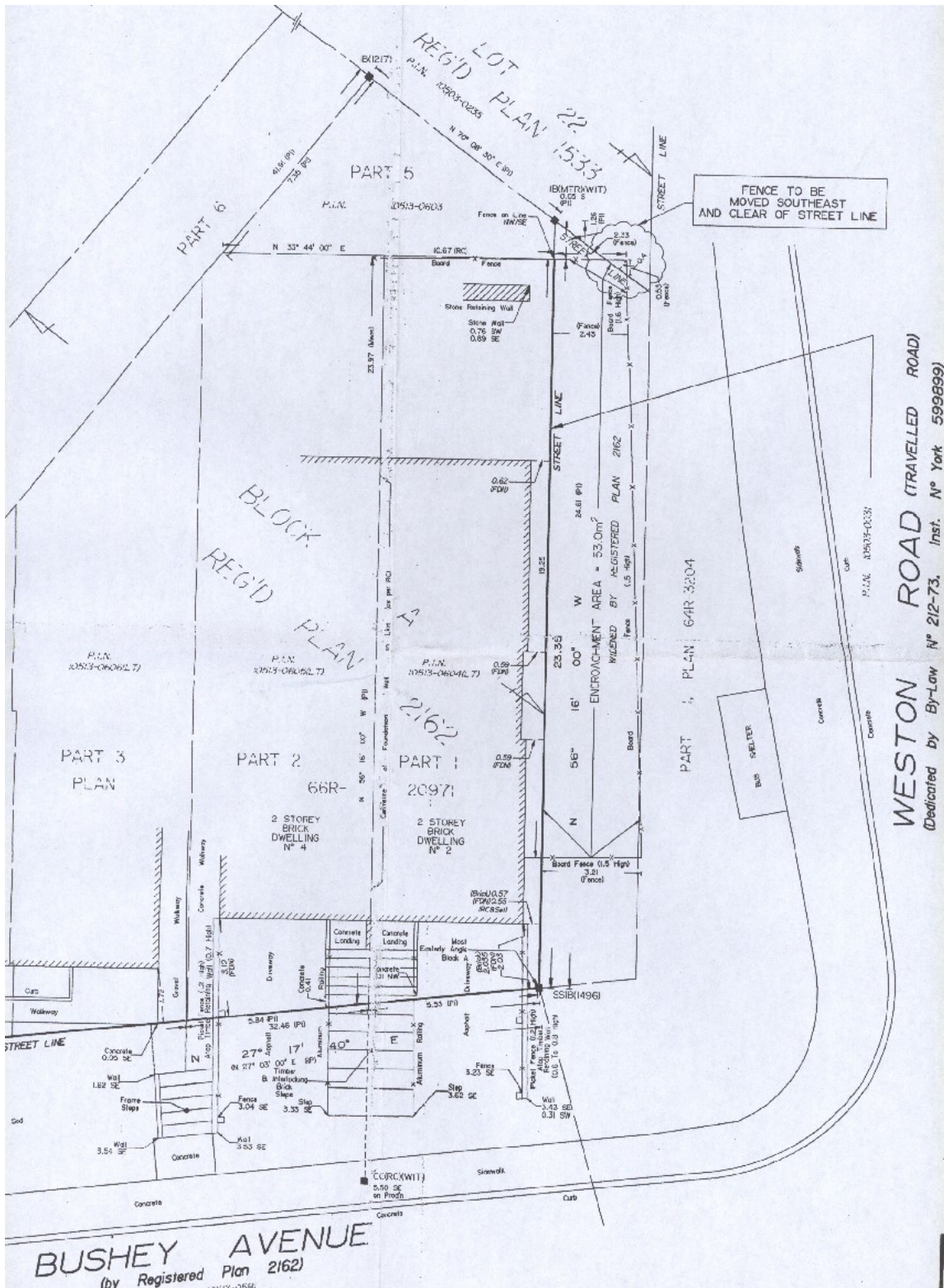
Curtis Sealock, District Manager
Municipal Licensing and Standards
Tel: 416-394-2532 Fax: 416-394-2904
E-mail: csealock@toronto.ca

SIGNATURE

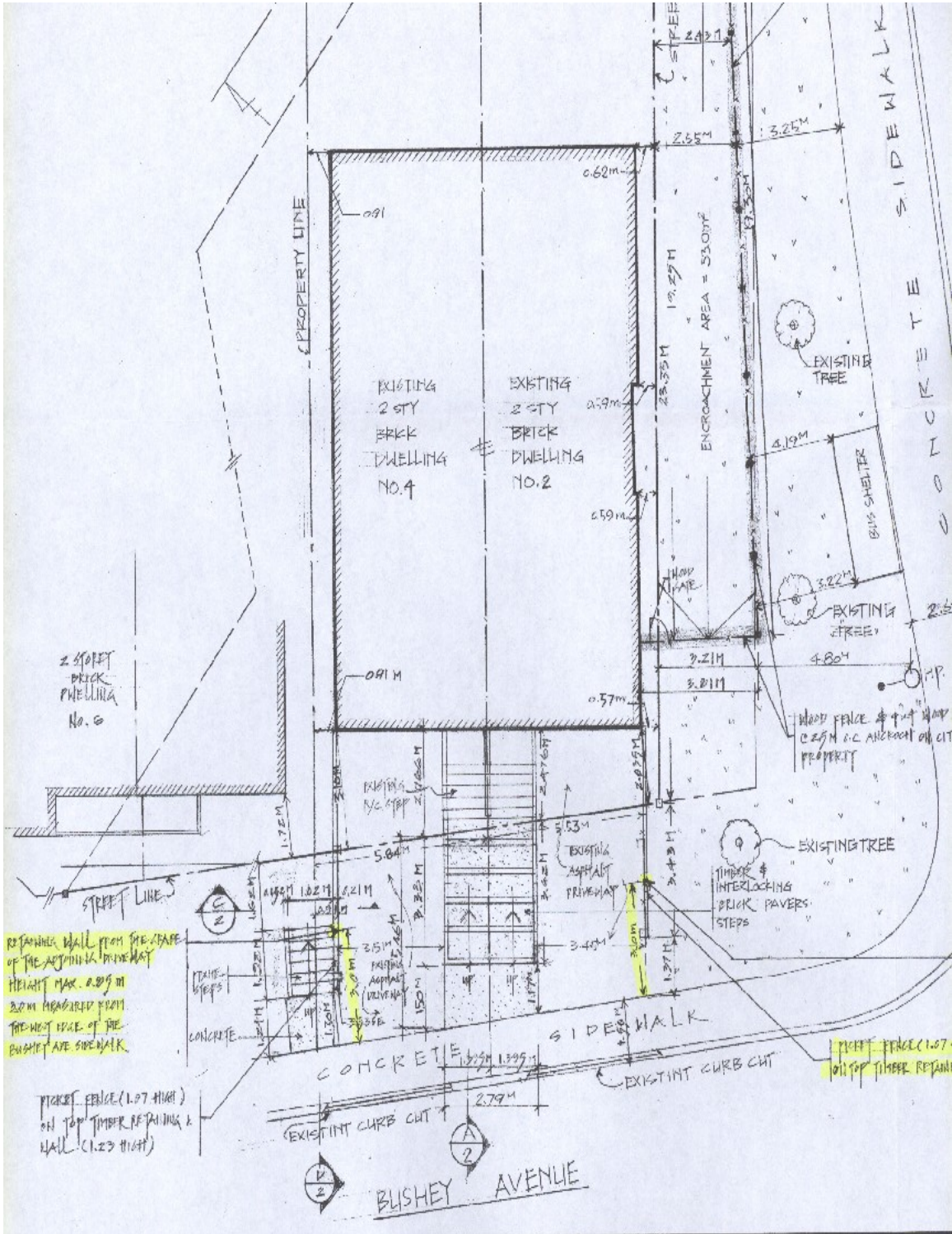
Curtis Sealock, District Manager
Municipal Licensing and Standards

ATTACHMENTS

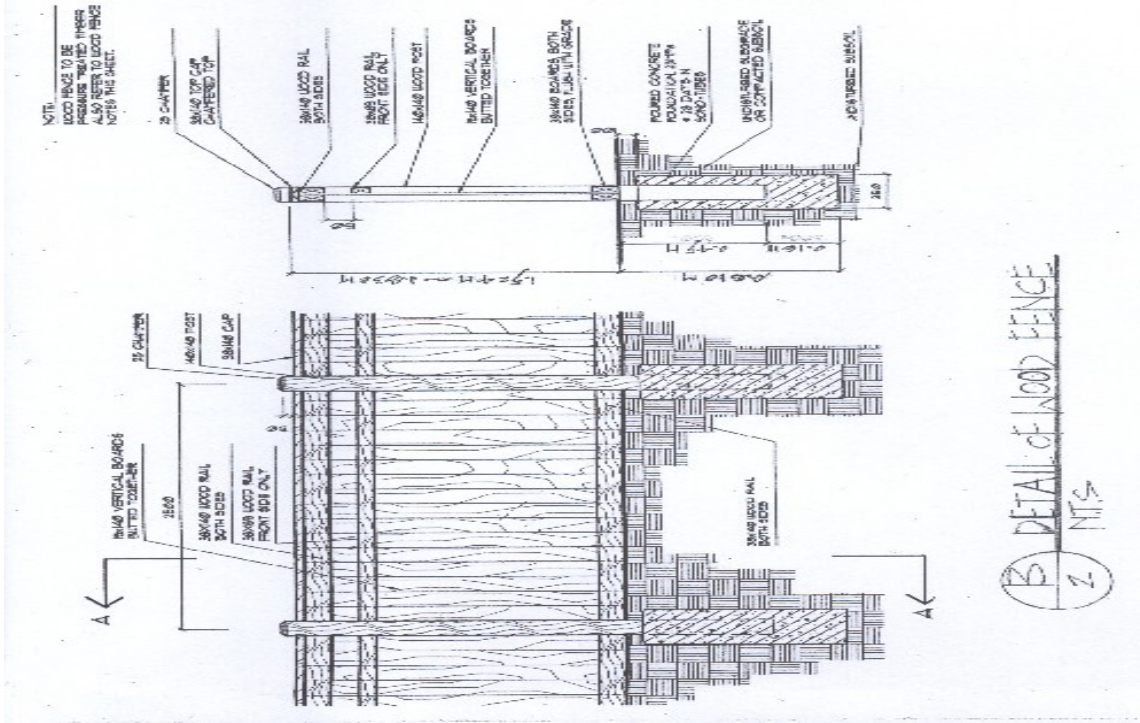
- Attachment 1 – Survey for 4 Bushey Avenue
- Attachment 2 – Site Plan for 4 Bushey Avenue
- Attachment 3 – Fence and Retaining Wall Details
- Attachment 4 – Stair Section and Detail
- Attachment 5 – Photos



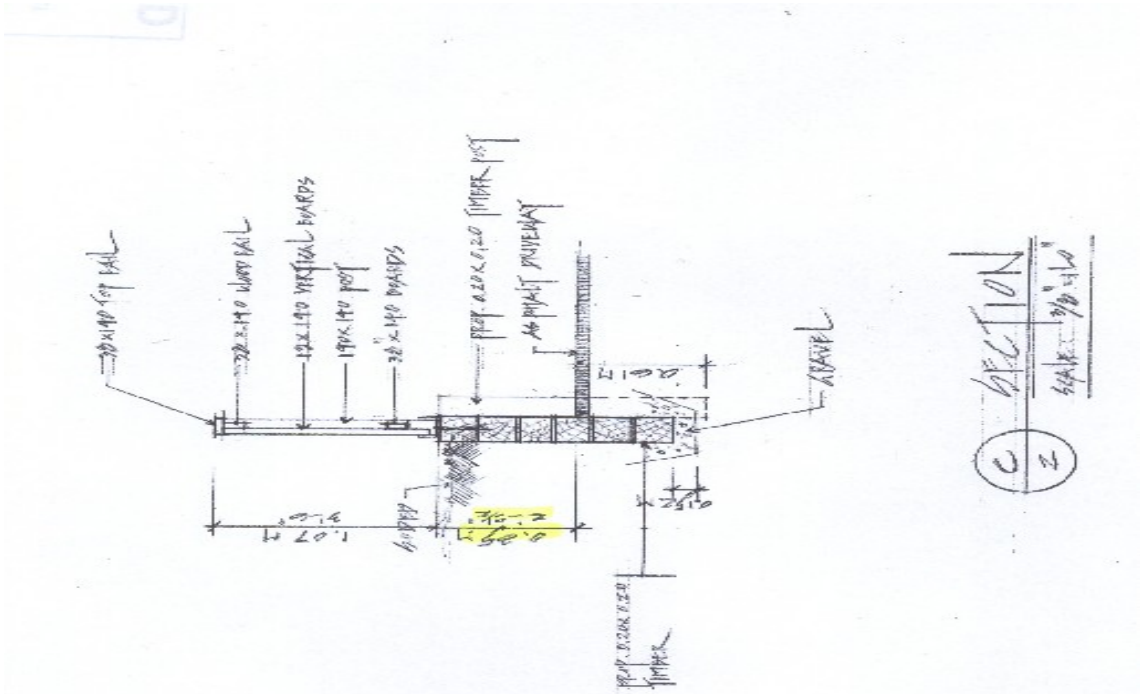
Attachment 1 – Survey of 4 Bushey Avenue



Attachment 2- Site Plan of 4 Bushey Avenue

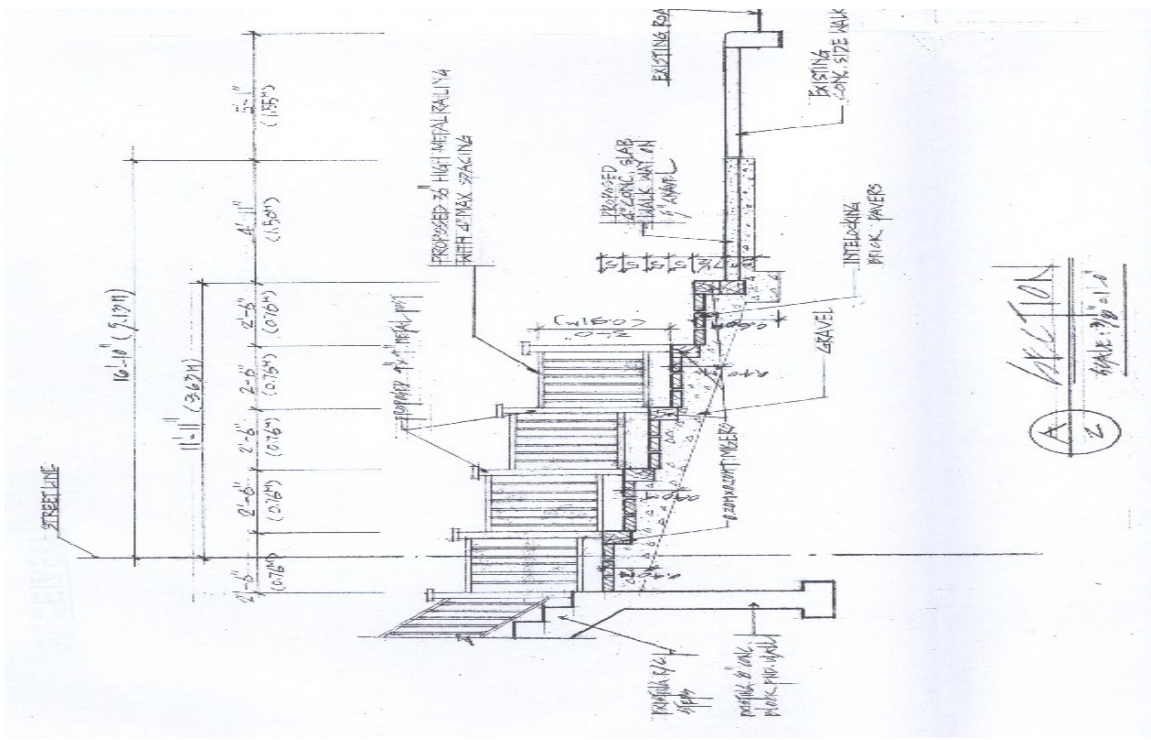


Wood Fence Details

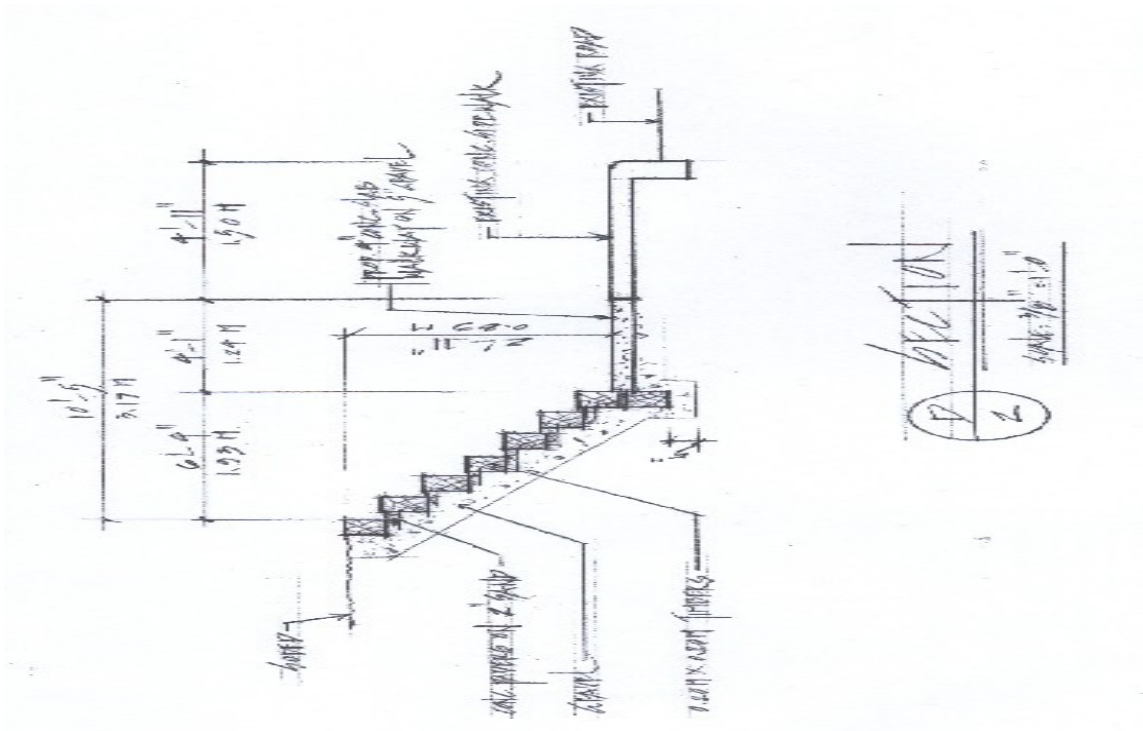


Retaining Wall Details

Attachment 3- Fence and Retaining Wall Details



Stair Section



Stair Detail

Attachment 4 – Stair Section and Detail



Photo of front elevation – 4 Bushey Avenue



Photo of front elevation – 4 Bushey Avenue

Attachment 5 – Photos