

**Application for Encroachment Agreement
2 A 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 117412 RAW

SUMMARY

This report is in regard to an application for an Encroachment Agreement to maintain existing fencing in the side yard street allowance of Weston Road with a total area of 53.0 square metres encroaching on the City road allowance, and stairs, retaining wall and front yard fencing on the Bushey Avenue 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 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.

4. Should City by-laws affecting this encroachment be amended, the applicant will be responsible for any new or additional fees.
5. The maximum height of the retaining wall not to exceed 0.85 metres in height (from grade of the adjoining driveway) for 3 metres in length measured from the west edge of the Bushey Avenue sidewalk as per the attached details. The picket fence shall not exceed 1.07 metres in height on the retaining wall (Attachments 1, 2 and 3).
6. The owner shall obtain all necessary construction/streets occupation permit(s) for any future work on the road allowance.
7. The owner shall comply at all times with regulations set out in the former City of York Streets By-law 3343-79, as amended.
8. 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.
9. The owner shall complete all work in accordance with the submitted plans forming, attachments 1, 2, 3 and 4.

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 the owner of the property to maintain an existing fence at the side yard of the property which is encroaching onto the Weston Road municipal road allowance with an approximate encroachment area of 53.0 square metres, and stairs, retaining wall and front yard fencing which encroaches onto the Bushey Avenue municipal road allowance by approximately 5.13 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

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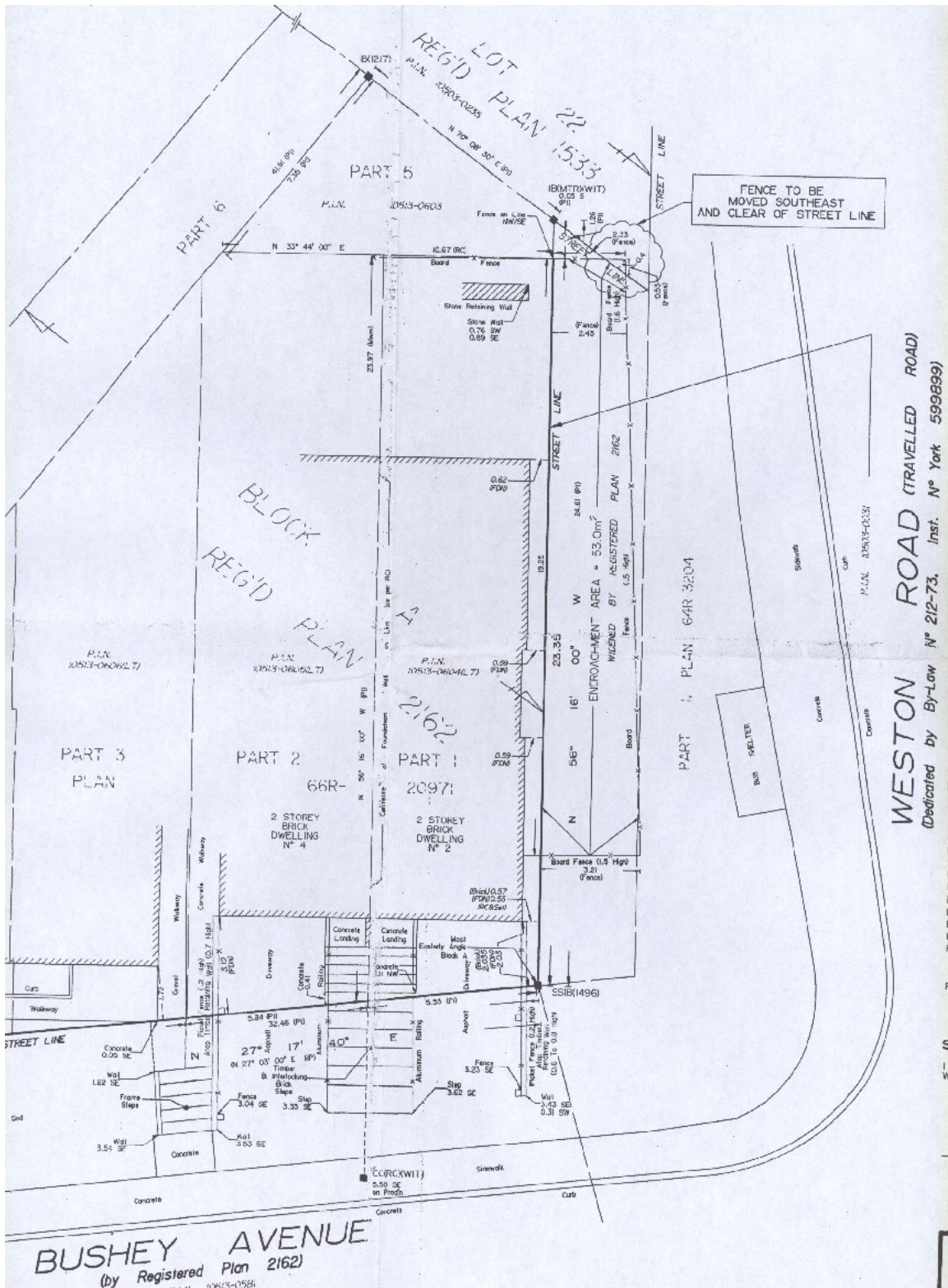
SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards

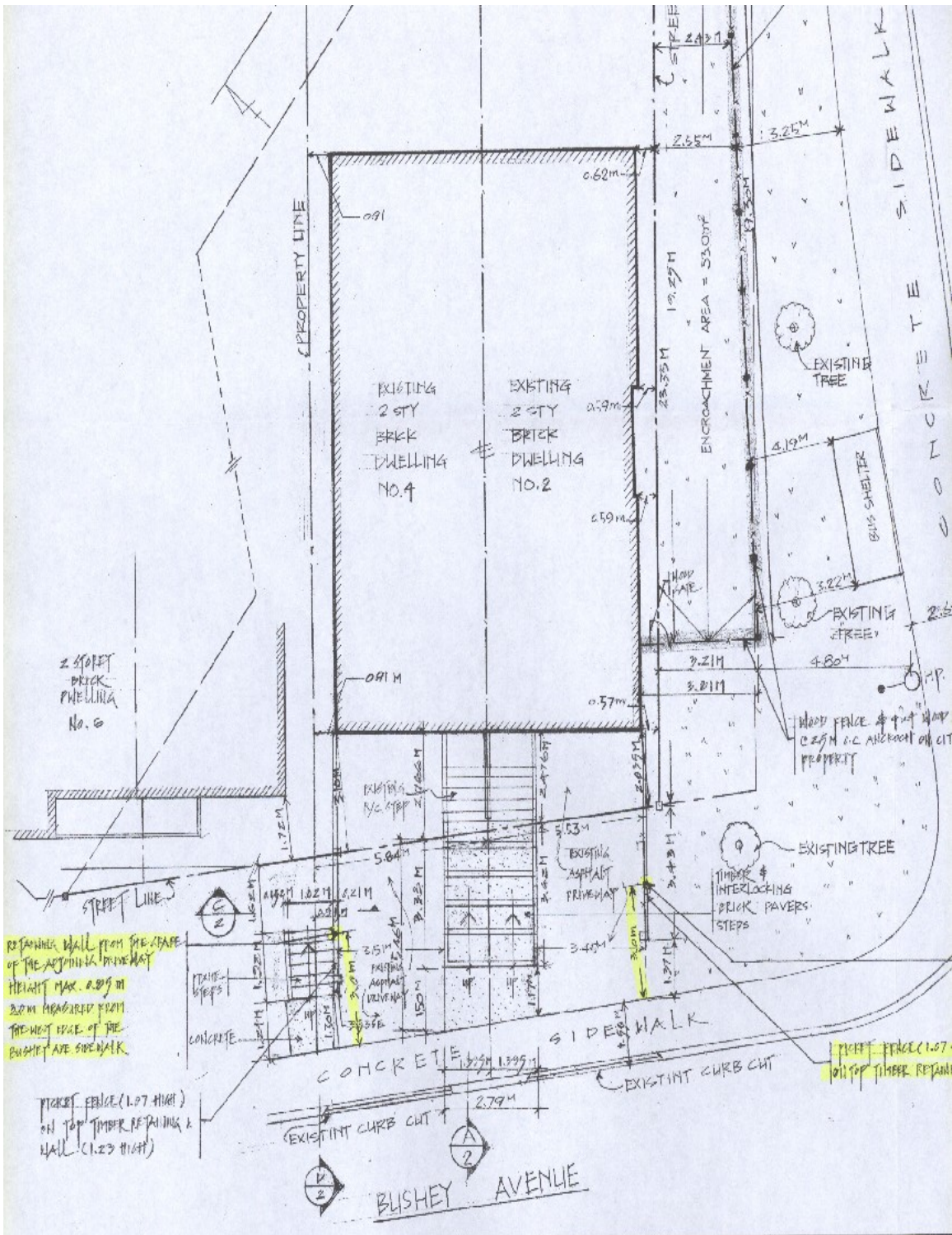
ATTACHMENTS

Attachment 1 – Survey for 2A Bushey Avenue
Attachment 2 – Site Plan for 2A Bushey Avenue
Attachment 3 – Fence and Retaining Wall Details
Attachment 4 – Photos

Attachment 1-Survey of 2A Bushey Avenue



Attachment 2- Site Plan of 2A Bushey Avenue



Attachment 4- Photos



Photo of Front and side elevation – 2A Bushey Avenue



Photo of front elevation – 2A Bushey Avenue