

**Application for Encroachment Agreement
47 Treelawn Parkway**

Date:	April 24, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 12 – York South-Weston
Reference Number:	ML&S Folder Number 09 108690 RAW

SUMMARY

This report is in regard to an application for an Encroachment Agreement to maintain stone masonry retaining walls complete with wrought iron railings and curb stones within the front yard street allowance of Treelawn Parkway, with a total area of approximately 38.15 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 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 existing and proposed encroachments.
2. The owner to enter into an Encroachment Agreement with the City of Toronto and pay all fees associated with the preparation of the Agreement. Should an annual fee be charged in future, the owner shall be responsible for payment of the fees.
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. In the event of the sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards.
5. The Certificate of Insurance to be renewed on an annual basis for the life of the encroachment.
6. The owner to obtain all necessary construction/streets occupation permit(s) for any work done on the road allowance.
7. That the life of the agreement be limited to 10 years from the date of registration on title or the date of removal of the encroachment at which time, the City may consider the agreement for further extension, if requested by the applicant.

Financial Impact

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

ISSUE BACKGROUND

The subject property is a two storey detached dwelling. An application has been submitted by an agent on behalf of the owner of the property to maintain stone masonry retaining walls complete with wrought iron railings and curb stones within the front yard street allowance of Treelawn Parkway, with a total area of approximately 38.15 square metres encroaching on the City road allowance, (Attachments 1, 2 and 3).

COMMENTS

This application was circulated to Transportation Services and the various utility companies with no objections received regarding the installations.

CONTACT

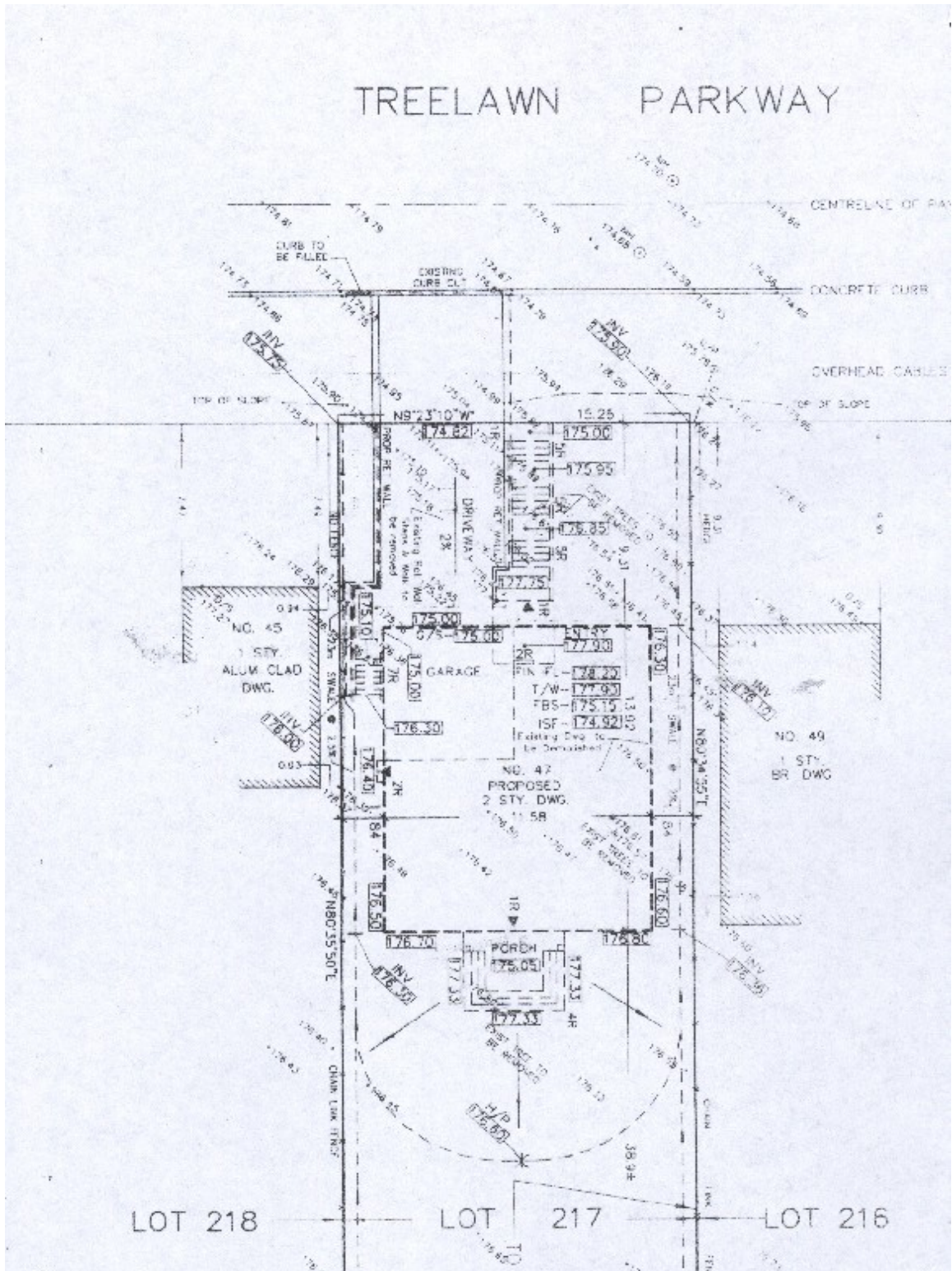
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SIGNATURE

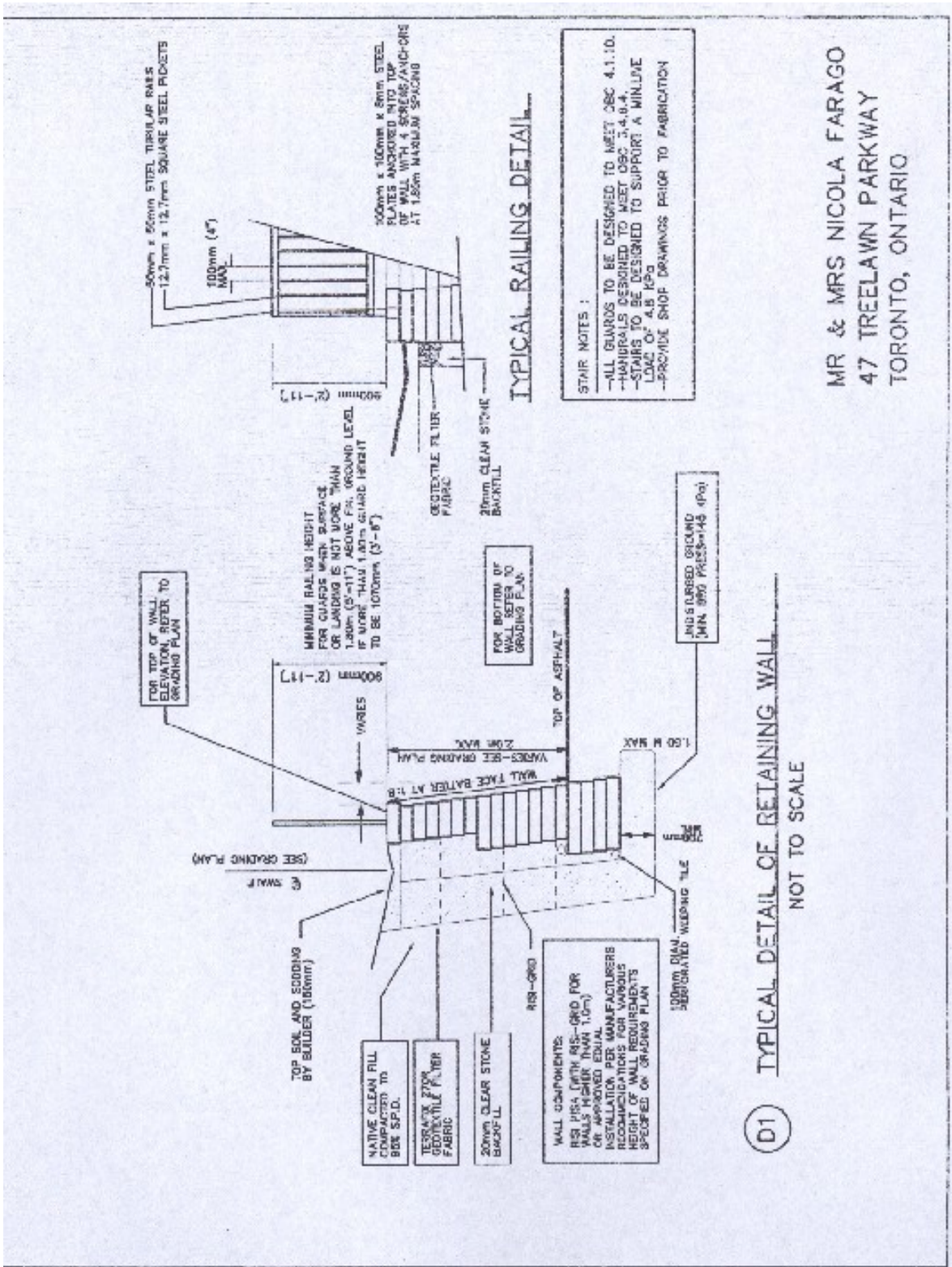
Curtis Sealock, District Manager
Municipal Licensing and Standards

ATTACHMENTS

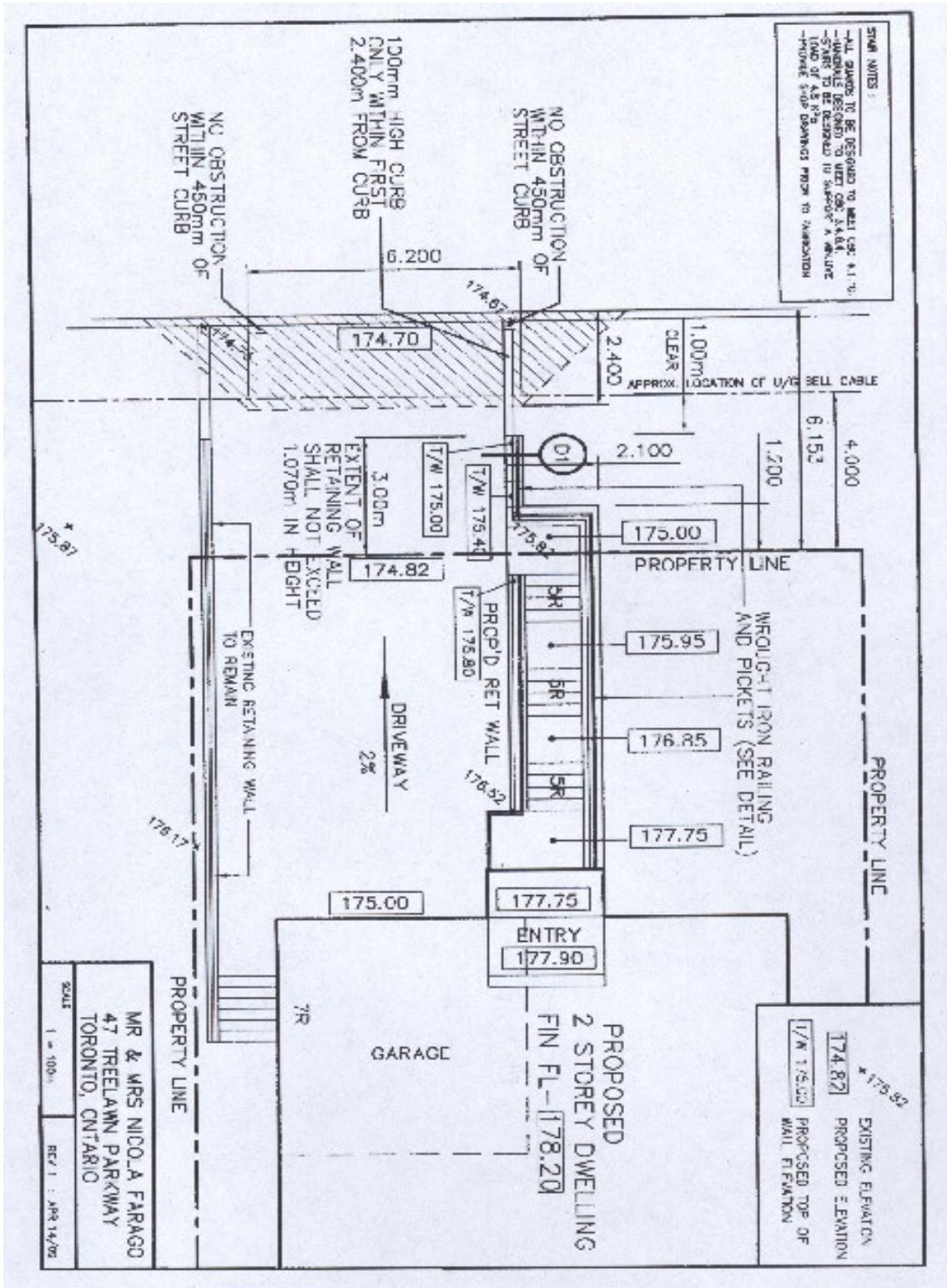
Attachment 1 – Survey of 47 Treelawn Parkway
Attachment 2 – Retaining Wall Detail – 47 Treelawn Parkway
Attachment 3 – Plan View – 47 Treelawn Parkway



Attachment 1-Survey of 47 Treelawn Parkway



Attachment 2- Retaining Wall Detail of 47 Treelawn Parkway



Attachment 3- Plan View of 47 Treelawn Parkway