



STAFF REPORT ACTION REQUIRED

21 Old Mill Road – Encroachment Agreement

Date:	October 20, 2009
To:	Etobicoke York Community Council
From:	Director, Transportation Services - Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	p:\2009\Cluster B\TRA\Etobicoke York\eycc090146.tp

SUMMARY

This staff report is about a matter that Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to obtain Etobicoke York Community Council approval to legalize an existing 41.8 square metre encroachment beneath the Old Mill Road right-of-way that consists of an existing pedestrian walkway. The applicant also requests that Etobicoke York Community Council accept a one-time encroachment fee payment equivalent to five years of annual rental fees.

RECOMMENDATIONS

Transportation Services recommends that Etobicoke York Community Council approve:

1. The encroachment of a pedestrian walkway located beneath the Old Mill Road right-of-way.
2. The applicant entering into an encroachment agreement with the City of Toronto.
3. The applicant's encroachment subject to the applicant maintaining the encroachment in a state of good repair and free of graffiti, snow and ice.
4. The City Solicitor preparing an encroachment agreement at the applicant's expense and to the satisfaction of the City Solicitor.

5. The applicant paying an encroachment fee of \$2,090.00, in lieu of the annual rental fee currently specified by the former City of Etobicoke encroachment policy.
6. Authorizing and directing the appropriate City officials to take the necessary action to give effect thereto, including the introduction in Council of any bills that maybe required.

Financial Impact

Legalizing this encroachment under the terms of the former City of Etobicoke encroachment policy will provide the City of Toronto with an application fee of \$700.00 and a payment of \$2,090.00.

ISSUE BACKGROUND

An application has been submitted to legalise an existing pedestrian walkway located beneath the Old Mill Road right-of-way. The pedestrian walkway, existing for many years, was converted from a former non-functioning water raceway originally built as part of the Old Mill. The walkway is not presently used on a regular basis.

COMMENTS

During the site plan approval process to permit the construction of a residential condominium building at 0 Old Mill Road, Transportation Services staff identified a number of outstanding issues with the Old Mill Inn and Restaurant complex relating to a number of unauthorized encroachments into the Old Mill Road right-of-way.

These issues consist of a number of minor encroachments that include a bike rack, bollards, flag poles, pillars, signs, steps, and stone walls. Under the policy, minor encroachments are delegated to staff for approval; however, because it occupies more than 15m², the pedestrian walkway is a major encroachment requiring Community Council approval and public notice to property owners located within 61m of the subject site.

Attachment 1 shows the site location, Attachment 2 illustrates the pedestrian walkway encroachment, and Attachment 3 is a photograph of the site.

Based on the policy, the applicant is required to pay an application fee of \$700.00 plus an annual rental fee of \$418.00. The applicant requests that Community Council authorize a one-time encroachment fee payment equivalent to five years of annual fees, which in this case amounts to \$2,090.00. Staff supports the one-time payment since it alleviates rental fee collection problems and streamlines the administration of the encroachment agreement. We emphasise that Community Council has previously approved similar one-time encroachment fee payments.

CONTACT

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SIGNATURE

John Niedra, P.Eng.

Director, Transportation Services - Etobicoke York District

ATTACHMENTS

Attachment 1: Site Location

Attachment 2: Pedestrian Walkway Encroachment

Attachment 3: Photograph