

**Encroachment Agreement Request  
526 Oakwood Avenue**

<b>Date:</b>	March 9, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 15 - Eglinton - Lawrence
<b>Reference Number:</b>	IBMS No. 07-204971

**SUMMARY**

---

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an encroachment agreement.

**RECOMMENDATIONS**

---

**Municipal Licensing and Standards has received the necessary clearances to recommend that the Encroachment application be approved, subject to the following conditions:**

1. That the owner(s) enter into an Encroachment Agreement with the City, to the satisfaction of the City Solicitor and the Executive Director of Municipal Licensing and Standards;
2. That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
3. That no claims will be made against the City by the owner(s) for damages occurring to the area of the encroachment or its elements during snow removal;
4. The indemnification to the City by the owner(s) of the encroachment for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor, in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;

5. That the life of the Agreement be limited from the date of registration on title or to the date of removal of the encroachment;
6. In the event of 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;
7. The owner(s) pay all applicable fees.

## **FINANCIAL IMPACT**

---

There is no financial impact anticipated resulting from the adoption of this report.

## **DECISION HISTORY**

The application was received from the property owner(s) in September 2008 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

## **ISSUE BACKGROUND**

This attached first floor retail and second storey residential building was built in 1942, in a local commercial residential zone (LCR) in the former City of York (*Attachments 1, 2 and 3*).

The encroachment is generally described as a one storey addition constructed of frame and concrete block which extends 3.77 metres into the road allowance and runs parallel to Eleanor Avenue, a distance of approximately 16.3 metres. The roof overhang makes the total projection into the right of way approximately 4.04 metres. The addition encloses approximately 61.6 square metres of municipal road allowance (*Attachments 3, 4 and 5*).

## **COMMENTS**

Utilities have provided clearance letters indicating that they have no objection.

Transportation Services, North York District staff, as part of their review, have indicated that they have no objections provided that the sidewalk is not obstructed by any display of goods outside of the encroachment.

## **CONTACT**

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District  
Tel: (416) 395-7012; Fax: (416) 395-7056; Email: mcarey@toronto.ca

## **SIGNATURE**

---

Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. Zoning map
2. 2007 Survey
3. 2008 fire repair project diagram
4. Photograph of encroachment from east end
5. Photograph of encroachment from west end
6. Photograph of encroachment from the north side