



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 734 Vaughan Road

Date:	March 31, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 15 - Eglinton-Lawrence
Reference Number:	IBMS No. 08-162555

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 not received the necessary clearances to recommend that the Encroachment application be approved.

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 May 2008 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

ISSUE BACKGROUND

This semi-detached home is in a residential multiple zone (RM2) in the former City of York and it is located on the southwest corner of Vaughan Road and Lauder Avenue (*Attachments 1 and 2*).

The existing encroachment (*Attachments 3 and 4*) consists of a chain link fence that is approximately 1.3 metres high with loose mesh on top to 1.5 metres in height that runs along Lauder Avenue from Vaughan Road approximately 18.7 metres.

The street line along Lauder Avenue is directly beside the building wall. All of the property on the flankage side is paved and is City of Toronto right-of-way.

COMMENTS

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

The owner(s) wish to maintain this encroachment to promote privacy and encourage pedestrians to use the sidewalk.

Transportation Services, Road Operations, North York District staff, as part of their review, have indicated that the encroachment is a winter and sight obstruction and have not approved the application.

Should the recommendation not be accepted and the request approved, the conditions of approval should include:

1. The fence be a minimum of 0.45 metres back from the edge of the sidewalk;
2. The fence does not encumber the mail box or light standard;
3. Vehicles are not parked in the encroachment area on the right-of-way;
4. The former fence posts be removed and covered;
5. 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;
6. That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
7. 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;
8. 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;
9. That Agreement be for life for the current owner(s);
10. 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;

11. The owner(s) pay all applicable fees.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Aerial view
3. Photograph - facing north on Lauder Avenue
4. Photograph - facing south from the intersection