



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 516 Eglerslie Avenue

Date:	March 9, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 - Willowdale
Reference Number:	IBMS No. 08-172321

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) relocate the stairs so that they are 0.45 metres back from the sidewalk;
2. 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;
3. That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
4. 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;

5. 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;
6. That the life of the Agreement be limited to 10 years from the date of registration on title or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension, if requested by the applicant;
7. 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;
8. 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 June 2008 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

ISSUE BACKGROUND

This condominium townhouse is in a multiple residential first density [RM1(49)] zone located on the northeast corner of Bathurst Street and Ellerslie Avenue (*Attachments 1, 2 and 3*). The front entrance stairs that form the encroachment are 0.23 metres from the edge of the sidewalk on the west side and 0.60 metres from the sidewalk on the east side. The total area of the encroachment is approximately 1.056 square metres (*Attachments 4, 5 and 6*).

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 the stairs be relocated so that they are 0.45 metres back from the sidewalk so they do not interfere with any snow removal operations.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Aerial view
2. Zoning map
3. RM1(49) exception to RM1 zone
4. Survey sketch of encroachment
5. Photograph – view to the west
6. Photograph – view looking north