

**Encroachment Agreement Request
183 Sandringham Drive**

Date:	April 27, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 10 - York Centre
Reference Number:	IBMS No. 07-264523

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 driveway slope be constructed according to regulation to the satisfaction of the Transportation Services Division;
2. That the two boulders on the east and west sides of the driveway be removed from the right-of-way;
3. That the drainage pipe on the flank of the property be removed from the right-of-way;
4. That the owner(s) will ensure that any work undertaken relating to the encroachment does not damage the existing underground television or telephone cables;
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 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;
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 related to the encroachment and the enclosed right-of-way area.

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 2007. Ownership of the property changed in 2008. The application was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro. The City of Toronto is currently holding a road deposit for this property.

ISSUE BACKGROUND

This detached corner lot house was built in 2006, in a sixth density residential zone (R6) (*Attachment 1*). It is on the southeast corner of Kirkton Road and Sandringham Drive.

The encroachment consists of a sprinkler system, walkways, stairs and stone retaining walls (*Attachment 2*). The walkway, stairs and retaining walls are at the end of the driveway on Sandringham Drive in the front yard. The fencing will enclose approximately 31 square metres of right-of-way in the rear yard beside Kirkton Road (*Attachments 3, 4, 5, 6 and 7*).

COMMENTS

Bell Canada and Rogers Cable have both indicated that they have underground cable in the area of the encroachment. The other 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 two boulders on either side of the driveway on Sandringham Drive have to be removed and a drainage pipe on the flankage side on Kirkton road also has to be removed. They further indicated that the driveway has to conform to regulations. If these items are complied with then they have no further objection.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Survey
3. Photograph side and rear yard
4. Photograph front yard view east
5. Photograph east retaining wall
6. Photograph west retaining wall and stairs
7. Photograph of walkway in front yard