

**Encroachment Agreement Request  
15 Wilket Road**

<b>Date:</b>	August 26, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 25 - Don Valley West
<b>Reference Number:</b>	IBMS No. 09-144011

**SUMMARY**

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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**

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**Municipal Licensing and Standards has received the necessary clearances to recommend that:**

- 1. The North York Community Council approve the encroachment agreement for 15 Wilket Road, subject to the following conditions:**
  - a) That the owner(s) maintain a minimum clearance of 2.13 metres from the curb, that all sprinkler heads are to be pop-up, that all gates must swing inward and all curb re-instatements are to be done at the owner(s) expense;
  - b) That the owner(s) meet all excavation conditions for existing buried installations required by the utility company 'Enbridge Gas' prior to and after construction;
  - c) That the owner(s) meet all excavation conditions for existing buried installations of telecommunications equipment and lines required by Bell Canada;
  - d) That the owner(s) will meet all excavation conditions including hand digging within 1 meter around existing Toronto Hydro ductbank installations and that Toronto Hydro cannot be held liable for damage to the glycol underground

heating system if repairs or replacement is required for underground installations under the encroachment;

- e) 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;
- f) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
- g) 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;
- h) 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;
- i) 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;
- j) 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;
- k) The owner(s) pay all applicable fees.

## **FINANCIAL IMPACT**

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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 January 2009 and was circulated to Transportation Services and the following Utilities: Enbridge, Bell Canada, Cable and Hydro.

A Municipal Licensing and Standards Officer attended the site on August 25, 2009 and found that construction for the encroachments had already begun.

## **ISSUE BACKGROUND**

This new single family detached home is in a first density residential (R1) zone located in the former City of North York (*Attachments 1 and 2*).

The partially constructed encroachment (*Attachments 3, 4, 5 and 6*) will consist of the following items:

1. One glycol heated stone walkway to the front door;
2. One ornamental tree on the boulevard;
3. One glycol heated stone driveway on un-reinforced concrete;
4. Underground sprinkler system extending across the entire boulevard;
5. Concrete and stone posts 58 centimeters square and 1.5 meters in height on either side of the walkway and the driveway;
6. Ornamental wrought iron gate approximately 2.4 meters wide, on centre of the stone posts, that swings inward on the walkway;
7. Hedges 1.5 meters in height between the posts running across the front yard;

The amount of right-of-way enclosed by the fencing will be approximately 107 square metres.

## **COMMENTS**

Enbridge Gas, Toronto Hydro and Bell Canada all stated that there were conflicts but that work could proceed with excavation conditions. Rogers Cable had no objections.

Transportation Services, North York District staff, as part of their review, indicated they wanted the fence a minimum of 2.13 metres from the curb, they want the sprinkler heads to be pop-up, any gates must swing inward and all curb re-instatements to be done at owner(s) expense.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Zoning map
2. Site encroachment map for 15 Wilket Road
3. Survey of 15 Wilket Road
4. Photograph facing west
5. Photograph facing south
6. Photograph facing south showing trench work
7. Photograph facing north