



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 542 Deloraine Avenue

Date:	August 26, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton-Lawrence
Reference Number:	IBMS No. 09-106893

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:

- 1. The North York Community Council approve the Encroachment Agreement for 542 Deloraine Avenue, subject to the following conditions:**
 - a) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
 - b) 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;
 - c) 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;
 - d) 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;

- e) 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;
- f) 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 for this existing encroachment was received from the property owner(s) in June 2009 and was circulated to Transportation Services and to the applicable utilities.

ISSUE BACKGROUND

This single family detached home is in a fourth density residential (R4) zone located in the former City of North York (*Attachments 1 and 2*).

The existing encroachment consists of 4 concrete steps leading to the sidewalk, a portion of the concrete and stone porch, one wrought iron handrail on the steps, and a concrete curb on the south side of the driveway (*Attachments 3, 4 and 5*).

COMMENTS

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

Transportation Services, Road Operations, North York District staff, as part of their review, have indicated that they have no objections.

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 of 542 Deloraine Ave
2. Survey of 542 Deloraine Ave
3. Photograph facing south
4. Photograph facing east
5. Photograph facing north