

**Encroachment Agreement Request
15 Owen Boulevard**

Date:	September 23, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 - Don Valley West
Reference Number:	IBMS No. 09-162037

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 15 Owen Boulevard, subject to the following conditions:**
 - a) That the owner(s) ensure that all gates swing inwards to the satisfaction of the Transportation Services division;
 - b) 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;
 - c) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;

- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) 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 an existing encroachment was received from the property owner(s) in January 2009 and was circulated to Transportation Services, Urban Forestry and the applicable utilities.

ISSUE BACKGROUND

This single family detached home is in a residential third density (R3) zone located in the former City of North York (*Attachments 1 and 2*). It is a corner lot on the southwest corner of Owen Boulevard and Gordon Road.

The proposed encroachment consists of steel fencing, two swinging passage gates, one sliding driveway gate and an irrigation system (*Attachments 3 and 4*). The proposed steel fence and the gates will be approximately 1.5 metres in height and will enclose approximately 372 square metres of right-of-way. The fencing will be 91 centimeters from the sidewalk on Owen Boulevard and 1.8 metres from the curb on Gordon Road.

COMMENTS

Utilities have provided clearances letters indicating that they have no objections. Urban Forestry has no objections.

Transportation Services, Road Operations, as part of their review indicated that they want all gates to swing inwards, the sprinkler heads to be included in the agreement and that the drain pipe on the right-of-way be removed (*Attachment 4*).

Note that there is no sidewalk on the Gordon Road side of 15 Owen Boulevard.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Site plan 15 Owen Blvd.
3. Photograph facing west on Owen Blvd.
4. Photograph of drain pipe