

**Encroachment Agreement Request  
227 Joicey Boulevard**

<b>Date:</b>	October 22, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 16 - Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 09-164964

**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 227 Joicey Boulevard, subject to the following conditions:**
  - a) That the drainpipe under the rear yard fence be removed;
  - b) That the trees/shrubs on Kelso Avenue beside the rear yard fence are maintained so that they do not obscure the speed limit sign;
  - c) That the stones on the west side of the driveway be secured;
  - d) 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;
  - e) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;

- f) 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;
- g) 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;
- h) 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;
- i) 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;
- j) 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 for an existing encroachment was received from the property owner(s) in September 2009 and was circulated to Transportation Services and the applicable utilities.

## **ISSUE BACKGROUND**

This single family detached home is in a seventh density (R7) zone located in the former City of North York (*Attachment 1 and 2*). This is a corner lot on the southeast corner of Joicey Boulevard and Kelso Avenue.

The existing encroachments are along Kelso Avenue and Joicey Boulevard. They consist of a board on board fence that is 2.12 metres in height enclosing the rear yard for a total area of approximately 25.56 square meters. A stone curb and pavers beside the side entrance off Kelso Avenue. A small portion of brick wall and steps at the corner of Kelso Avenue and Joicey Boulevard and the retaining walls beside the driveway off Joicey Avenue (*Attachments 3 and 4*).

## **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 the drainpipe under the rear yard fence must be removed, stones beside the driveway must be secured and that the trees/shrubs beside the rear yard fence be maintained so that they do not obstruct the speed limit sign.

## **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. Survey
3. Transportation photograph 227 Joicey Blvd – Sept 10, 2009 – view west
4. Transportation photograph 227 Joicey Blvd – Sept 10, 2009 – view south from Joicey Boulevard
5. Transportation photograph 227 Joicey Blvd – Sept 10, 2009 – view east on Kelso Avenue
6. Transportation photograph 227 Joicey Blvd – Sept 10, 2009 – view of drainpipe under rear yard fence