

Various Encroachments – 1497 Queen Street West

Date:	December 10, 2008
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Parkdale-High Park - Ward 14
Reference Number:	Te09005te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the representative of the Parkdale Recreation Centre at 1497 Queen Street West for the maintenance of two emergency exit doors that when open, encroach approximately 0.8 m within the public lane rear of 1497 Queen Street West, along with three window wells and five exhaust ducts.

Although the doors do not meet the provisions of the Municipal Code, these encroachments, together with the window wells and exhaust ducts, do not impact negatively on the public right of way. Transportation Services recommends approval of these encroachments.

The owner together with any other interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the ongoing maintenance of three window wells, five exhaust ducts and two emergency exit doors within the public lane rear of 1497 Queen Street West, subject to the owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;
 - b. maintain the encroachments at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement; and
 - c. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The representative of the Parkdale Recreation Centre submitted an application requesting permission to install two emergency exit doors that when open, encroach approximately 0.8 m within the public lane rear of 1497 Queen Street West.

Construction Permit No. 35172401 was issued authorizing the installation of the doors subject to a number of conditions, amongst which include that the property owner enter into an encroachment agreement with the City of Toronto. The application was discussed with the Ward Councillor's Office who had no objections to the proposal and agreed with the issuance of the permit.

Site inspection later confirmed the existence of three window wells and five exhaust ducts that encroach within the public lane. Transportation Services has no objections to the maintenance of these encroachments.

COMMENTS

Applicable regulation

The maintenance of encroaching doors is considered under the provisions of Chapter 313-50, Streets and Sidewalks, of the former City of Toronto Municipal Code, which

provides for a minimum of 2.1 m of clear sidewalk or boulevard to be available within the public right of way. The Municipal Code does not provide for the installation and maintenance of outward swinging doors over the travelled portion of a public lane.

As there are no provisions within the Municipal Code to allow for the maintenance of window wells and exhaust ducts, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the encroachments do not impact negatively within the public lane rear of 1497 Queen Street West.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - photos

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