

Arbours – 1355 King Street West

Date:	December 15, 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:	Te09003te.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 agent representing the owners of 1355 King Street West to relocate an existing metal arbour and to install a new metal arbour within the public right of way on the Dunn Avenue flank of 1355 King Street West.

Given that the arbours will not negatively impact the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the relocation of an existing metal arbour and the installation of a new metal arbour, 3.3 m in height, 2.5 m in width, set back 2.6 m and 0.6 m from the back edge of the City sidewalk, within the public right of way on the Dunn Avenue flank of 1355 King 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 arbours 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;
 - c. remove the arbours upon receiving 90 days written notice to do so; and
 - d. 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 agent representing the owners of 1355 King Street West is requesting permission to relocate a metal arbour and install a new metal arbour which will encroach within the public right of way on the Dunn Avenue flank of 1355 King Street West. The arbours will measure 3.3 m in height and will be set back 2.6 m and 0.6 m respectively, from the back edge of the City sidewalk.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the construction and maintenance of arbours within the public right of way, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the application and determined that the relocation and ongoing maintenance of the two metal arbours do not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

A photo of the property is shown on Appendix 'A'.

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix 'A' – photo

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