



STAFF REPORT ACTION REQUIRED

Glycol Heating System – 75 Binscarth Road

Date:	January 20, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale – Ward 27
Reference Number:	Te09017te.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 owner of 75 Binscarth Road to maintain a glycol heating system that encroaches within the public right of way fronting 75 Binscarth Road.

As the maintenance of the glycol heating system does not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of the glycol heating system within the public right of way fronting 75 Binscarth Road, subject to the property 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;.

- b. maintain the glycol heating system 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. obtain approval for associated work on private property from Toronto Building;
 - d. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
 - e. remove the glycol heating system upon receiving 90 days written notice to do so; and
 - f. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
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; and
 3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

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

ISSUE BACKGROUND

The owner of 75 Binscarth requested permission to maintain a glycol heating system within the public right of way fronting 75 Binscarth Road.

In order not to delay the project, the applicant had requested that Transportation Services issue a construction permit authorizing the installation of the glycol heating system notwithstanding that Community Council's approval has not been received. We have consulted with the Ward Councillor and he concurred with the applicant's request. Accordingly, Construction Permit No. 450013 was issued December 4, 2008 for the installation and maintenance of the glycol heating system.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the maintenance of glycol heating systems 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 request and determined that the maintenance of the glycol heating system does not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

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

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix 'A' – Photos

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