

Glycol Heating System and Retaining Wall – 99 Dunloe Road

Date:	March 9, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul's - Ward 22
Reference Number:	Te09016te.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 99 Dunloe Road to maintain a glycol heating system that will encroach within the public right of way fronting 99 Dunloe Road. At the time of inspection, staff of Transportation Services noted that a retaining wall was also constructed adjacent to the driveway.

As the maintenance of the glycol heating system and retaining wall do not impact negatively on 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 maintenance of the retaining wall together with the glycol heating system within the public right of way fronting 99 Dunloe Road, subject to the owner 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 retaining wall and the glycol heating system at his/her 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 encroachments 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 99 Dunloe Road has requested permission to maintain the glycol heating system within the public right of way fronting 99 Dunloe Road.

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 will not impact negatively on the public right of way. In addition, at the time of inspection, staff noted the existence of a retaining wall. Transportation Services has no objection to the maintenance of this encroachment.

Details of the encroachment are on file with Transportation Services.

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

CONTACT

Ken McGuire, Supervisor, Right of Way Management

Tel: 416-392-7894, Fax: 416-392-7465, E-mail: kmcguire@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photo

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