

**Glycol Heating System – 77 Hillholm Road**

<b>Date:</b>	March 9, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	St. Paul's - Ward 22
<b>Reference Number:</b>	Te09031te.row

**SUMMARY**

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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 of the owners of 77 Hillholm Road to install and maintain a glycol heating system which will encroach within the public right of way on the Russell Hill Road flank.

As the installation and maintenance of the glycol heating system will not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment, subject to the owners restoring the paved area adjacent to the private driveway to soft landscaping.

**RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the installation and maintenance of the glycol heating system that will encroach within the public right of way on the Russell Hill Road flank of 77 Hillholm Road, 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;

- 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. restore the paved area adjacent to the driveway to soft landscaping;
  - f. remove the glycol heating system upon receiving 90 days written notice to do so; and
  - g. 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 owners of 77 Hillholm Road have requested permission to install and maintain a glycol heating system that will encroach within the public right of way beneath the private driveway on the Russell Hill Road flank.

During the course of our inspection, it was determined that the driveway had been widened without permission. Front yard parking is governed by the criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. One of the provisions of the Code does not permit applications to be accepted for a parking pad for a residential property with a private driveway. As the Code does not permit any parking fronting the residential dwelling, it may be appropriate to require the owner to restore the area adjacent to the driveway to soft landscaping to prevent unauthorized parking.

### **COMMENTS**

## **Applicable regulation**

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the installation and 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 installation and maintenance of the glycol heating system will not impact negatively on the public right of way and should be granted, subject to the owners restoring the widened paved area adjacent to the driveway to soft landscaping.

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**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Photo

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