



**STAFF REPORT
ACTION REQUIRED**

Brick Wall with Pillars – 58 Clarendon Avenue

Date:	March 27, 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:	Te09047te.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 owners of 58 Clarendon Avenue to construct and maintain a brick wall surmounted with a wrought iron railing with 5 brick pillars within the public right of way fronting 58 Clarendon Avenue. The height of the brick wall and railings will be 1.37 m while the pillars will be 1.47 m high and have 1.22 m deep footings.

Although the brick wall surmounted with wrought iron railing with brick pillars will not meet the height and extent of the footing requirements of the Municipal Code, they will 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 construction and maintenance of a brick wall surmounted with a wrought iron railing together with brick pillars and footings fronting 58 Clarendon Avenue, 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 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;
 - c. obtain approval for associated work on private property from Toronto Building;
 - d. remove the encroachments upon receiving 90 days written notice to do so; and
 - e. 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 owners of 58 Clarendon Avenue have requested permission to install and maintain a brick wall surmounted with a wrought iron railing together with brick pillars that will encroach within the public right of way fronting 58 Clarendon Avenue.

COMMENTS

Applicable regulations

The construction and maintenance of fences and ornamental walls within the public right of way are governed under the criteria set out in the former City of Toronto Municipal Code Chapter 313-33, which provides for installations to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of property if they are neither hazardous nor unsightly in appearance. In addition, they must be set back 0.46 m from the rear edge of the City sidewalk or a minimum 2.1 m from curb where there is no sidewalk present.

As the proposed encroachments do not meet the height and footings requirements set out in the Municipal Code, 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 on the public right of way and can be permitted, subject to the owners entering into an encroachment agreement with the City of Toronto.

Details of the encroachments 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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