

**Inoperable Vehicle – 256 Augusta Avenue**

<b>Date:</b>	April 27, 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>	Trinity-Spadina - Ward 20
<b>Reference Number:</b>	Te09052te.row

**SUMMARY**

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This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services is in receipt of a request from “Streets are for People” a community organization based in Kensington Market which promotes the creation of more urban green space as well as trying to raise awareness about the negative impacts on air quality of vehicle use in the urban core to again maintain an inoperable vehicle transformed into a garden within the public right of way on Augusta Avenue.

Transportation Services reviewed this request and recommends approval to the maintenance of the inoperable vehicle “Public Art” on the public right of way in the curb lane adjacent to 256 Augusta Avenue, from May 1 to October 31, 2009.

**RECOMMENDATIONS**

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

1. approve the request from the “Streets are for People” organization to temporarily display an inoperable vehicle which has been transformed into a planter for a community garden, to be located in the curb lane in front of 256 Augusta Avenue, from May 1 to October 31, 2009, subject to the applicant agreeing to but not limited to the following:

- a. indemnify the City from and against all actions, suits, claims or demands and from loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the duration of the temporary street occupation 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; and
- b. 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
- c. the applicant pay all applicable fees and comply with all other criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks.

### **Financial Impact**

Under the applicable provisions of Chapter 441 of the City of Toronto Municipal Code, occupancy of the public highway is subject to fees in the amount of \$5,847.52 plus GST for the period of May 1 to October 31, 2009. In addition, the use of the parking space at a pay and display machine on Augusta Avenue, from May 1 to October 31, 2009, confirmed by the Toronto Parking Authority, is \$1,805.31 plus GST and PST. Should Toronto and East York Community Council decide to waive the requisite fees, the City will lose revenues of \$5,847.52 plus GST and \$1,805.31 plus GST and PST.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications.

### **ISSUE BACKGROUND**

In September 2006, City Council granted permission to “Streets are for People” to maintain the same inoperable vehicle, transformed into a garden, in the curb lane adjacent to 256 Augusta Avenue. At that time, City staff advised that there was no objection to permitting the “Public Art” to remain on Augusta Avenue from a transportation perspective, and that this would not impact negatively on the public right of way. Council also waived the recommendation from City staff that the organization pay a monthly rental fee for the area of public right of way occupied in keeping with the provisions of Chapter 313, of the former City of Toronto Municipal Code, Streets and Sidewalks; and pay for the loss of pay and display machine revenue for one parking space occupied by the display inoperable vehicle.

Since 2006 this inoperable vehicle has been displayed during the summer months as “Public Art” without incident. Transportation Services recommends approval to the maintenance of the inoperable vehicle on the public right of way in the curb lane adjacent to 256 Augusta Avenue, from May 1 to October 31, 2009.

**CONTACT**

Angie Antoniou, Manager, Right of Way Management

Telephone: 416-392-1525, Fax: 416-392-7465, E-mail: [aaantonio@toronto.ca](mailto:aaantonio@toronto.ca)

**SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

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