

Glycol Heating System – 39 Heath Street West

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| Date: | October 20, 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: | Te09078te.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 agent of the owners of 39 Heath Street West to install and maintain a glycol heating system that will encroach within the public right of way fronting 39 Heath Street West.

As the installation of the glycol heating system will 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 installation and maintenance of a glycol heating system that will encroach within the public right of way fronting 39 Heath Street West, 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. 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 agent of the owners of 39 Heath Street West has requested permission to install and maintain a glycol heating system that will encroach within the public right of way fronting 39 Heath Street West.

In order not to delay the project, the applicant requested that a construction permit be issued prematurely, prior to Committee approval. Staff have consulted with the Ward Councillor who concurred with the applicant's request. Accordingly, Construction Permit No. 47027801 was issued on October 1, 2009 authorizing the installation and maintenance of a 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 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.

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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ATTACHMENTS

Appendix 'A' – Photo

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