



## STAFF REPORT ACTION REQUIRED

### Front Yard and Flankage Yard Encroachment Agreement 17 Montgomery Road

<b>Date:</b>	December 8, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 5, Etobicoke-Lakeshore
<b>Reference Number:</b>	Municipal Licensing and Standards Folder Number. 09 165318 RAW

#### SUMMARY

---

To report on an application submitted by Ms. Helen Vorster, Architect, on behalf of the owner of the property, for an Encroachment Agreement to construct items within the road allowance, including a new landscaped terrace with path to White Oak Boulevard and a new decorative iron fence with light pole at west side of property with an encroaching area of 80 square metres. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision on this matter.

#### RECOMMENDATIONS

**Municipal Licensing and Standards recommends that the Etobicoke York Community Council modify this application and adopt as follows:**

1. The City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachments on the Montgomery Road and White Oak Boulevard right of way.
2. The applicant pay all fees associated with the preparation of this agreement and pay an annual fee of \$11.00, (plus G.S.T.), per square metre for the encroachment area. All fees are subject to change.
3. The signed agreement is to be returned to the City along with the required Certificated of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of Two Million Dollars, (\$2,000,000.00), or such

other and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy.

4. The Certificate of Insurance shall be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachments.
5. Construction plans are to be forwarded to Toronto Buildings for review and issuing of a Building permit for all work requiring a permit.
6. Toronto Hydro has given a conditional clearance based on the following conditions:
  - a. Mandatory requirement for a locate to pinpoint the location of this underground cable. Hydro may – on demand – request to see such a location report for that cable on the public allowance.
  - b. The homeowners' landscapes shall ensure no portion of the landscaping within the public allowance shall exceed 500 millimetres in depth.
  - c. Should Hydro be required at any time in the future to service or replace this direct-buried cable's public allowance segment, Hydro, while taking all prudent measures, cannot be required to return any disrupted elements of this landscaping to their ideal original state.
7. Urban Forestry Services, have requested the following conditions:
  - a. The owner shall employ the services of a qualified arborist by Urban Forestry Services, to remove the existing 47 centimetre diameter pear tree on the Montgomery Road street allowance and replant a new red tree to align with the existing oak trees, at her own expense.
  - b. Prior to commencement of work, the owner shall construct tree protection hoarding as described in the Arborist Report and attached Tree Preservation Plan prepared by Shady Lane Expert Tree Care dated June 12, 2009, (Attachments 3- 6).
  - c. The owner shall pay Urban Forestry Services a deposit, to be held for two years following replanting, for protection and replacement tree planting, in the amount of \$3, 513.00, while understanding that such deposit is a reduced amount and does not represent the full value of all City-owned trees on site, and that the owner will be held liable for the full amount should damage or injury occur.
  - d. The work shall be carried out in accordance with a contractor's agreement prescribed by Urban Forestry Services, and include all necessary hoarding

and other means of protection to the public, as well as temporary traffic diversion with application for any required permit for such work as approved by Transportation Services, during the course of work.

- e. All work shall be completed in 90 days upon approval by the Etobicoke York Community Council.

## **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **ISSUE BACKGROUND**

The owner of the property, being represented by Ms. Helen Vorster, Architect, has made an application for an Encroachment Agreement to construct items within the road allowance, including a new landscaped terrace with path to White Oak Boulevard and a new decorative iron fence with light pole at west side of property, (Attachments 1 and 2).

## **COMMENTS**

This application was circulated to various City Departments and Utilities. Comments were received from Toronto Building Services, Toronto Hydro and Urban Forestry Services. Their comments and concerns have been reported in the recommendations portion of this report.

## **CONTACT**

Curtis Sealock  
Municipal Licensing and Standards  
Tel: 416-394-2532 Fax: 416-394-2904  
E-mail: [csealock@toronto.ca](mailto:csealock@toronto.ca)

## **SIGNATURE**

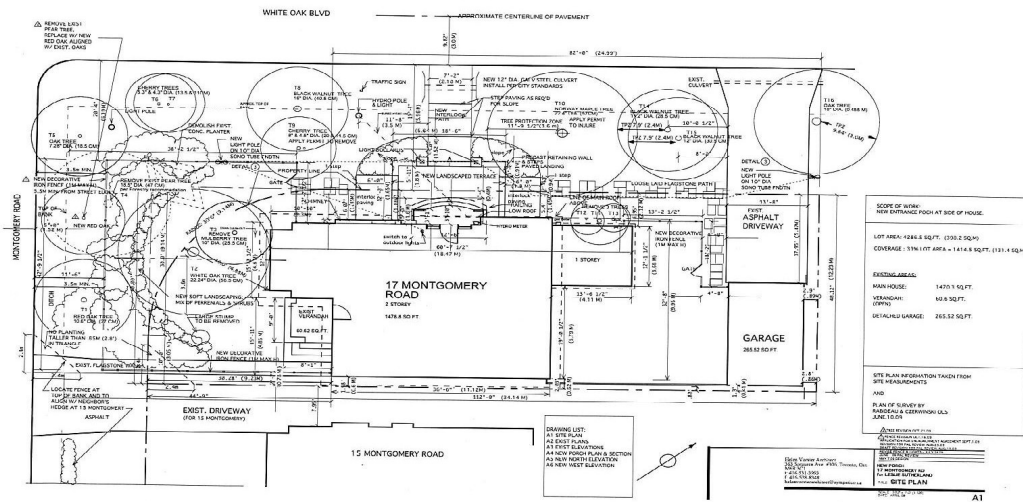
---

Curtis Sealock, District Manager  
Municipal Licensing and Standards

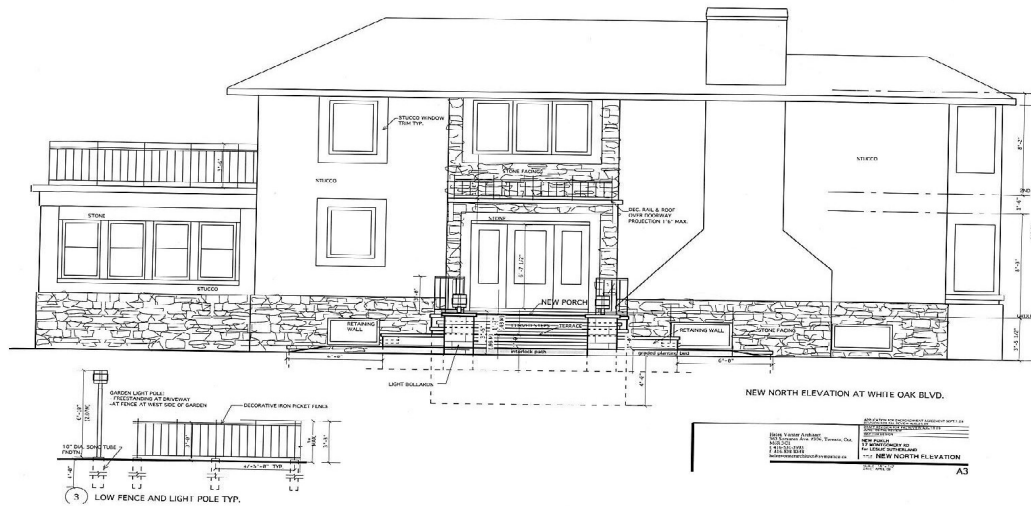
## **ATTACHMENT**

Attachment 1 - Site Plan and East Elevation  
Attachment 2 - Terrace Section  
Attachments 3 - 6 - Tree Preservation Plan prepared by Shady Lane Expert Tree Care

## Site Plan

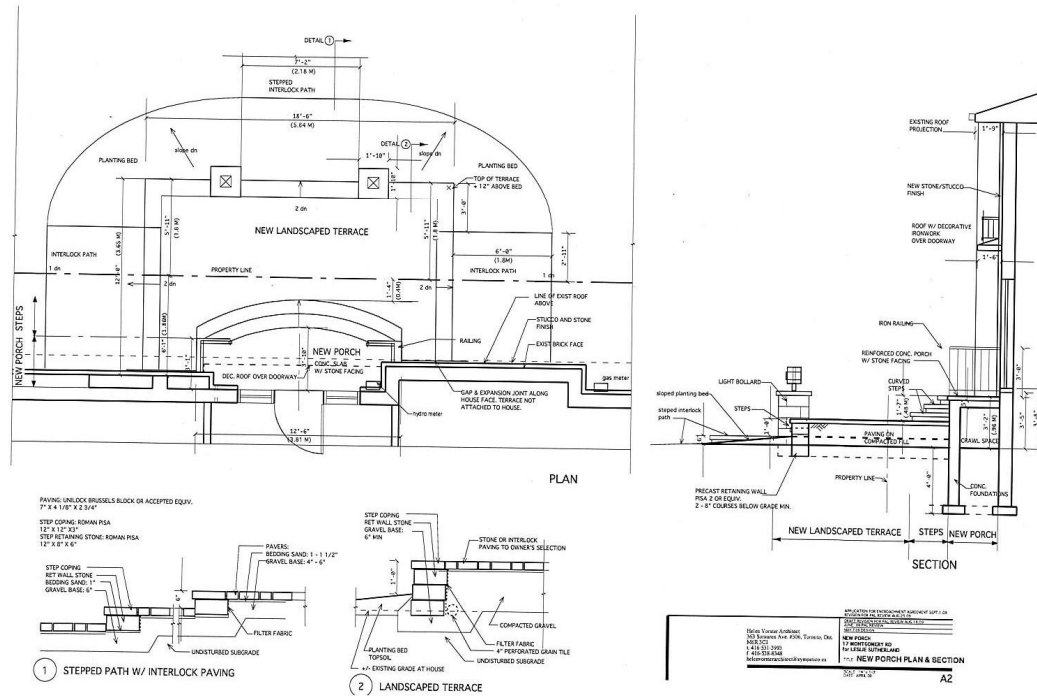


### East Elevation



## Attachment 1

## Terrace Sections



## Attachment 2

# SHADY LANE

SHADY LANE

Expert Tree Care Inc

17468 Warden Avenue Newmarket, Ontario L3Y 4W1

Toronto (905) 773 5906 facsimile (905) 830 0571

[www.shadylandtreecare.com](http://www.shadylandtreecare.com)

June 12, 2009

**Helen Vorster Architects**  
363 Sorauren Ave  
Suite 306  
Toronto, ON M6R 3C1

Dear Helen,

re: 17 Montgomery Rd, Toronto

On June 2, 2009 I visited the above site to gather information to complete an Arborist report for Construction.

According to the plans provided, a new veranda, stone steps and new paths to the road (White Oak Blvd) and the driveway are being built. Several city owned trees will be affected by the construction; and will require preservation steps to minimize the stress.

The tree inventory includes all trees on city owned right of way and all trees on the private property (not just 30cm and larger, as some smaller trees are in poor health and should be removed).

## Tree Preservation Plans

Tree no 1, 4, 5, 6, 7 and 8 are all city owned trees and far enough from the proposed construction to not be affected. A tree protection hoarding shall run from the road, White Oak Blvd, to the house, 3 m east of the trunk of tree 8 (see drawing). Tree 4 would benefit from crown thinning and cabling to support weak main leaders. Tree 8 should be cabled to help support co-dominant leaders.


Tree 2 is far enough from the construction to not be affected. Hoarding for trees 1, 4, 5, 6, 7 and 8 will keep construction activities away from tree 2. This tree would benefit from deadwood removal and to be deep root fertilized with chelated iron, as the leaves are showing a chlorotic condition.

Tree 3 which grows into tree 2, should be removed to help prevent future damage to tree 2. This tree does not require a permit for removal.

Tree 9 is a city tree, in poor health and should be removed. Permission to remove this tree would be required and an Agreement for Contractors to work on City Owned trees would be needed.

Shady Lane Expert Tree Care  
Pg 1 of 2

### Attachment 3



Tree 10 normally requires a 3.6m TPZ, however part of the stone steps, part of the iron fence and the path to the driveway will be within the TPZ. A permit to injure this tree would be required. I recommend the tree is pruned to remove deadwood, the large leaders are cabled, the roots deep root fertilized prior to construction and the tree is properly watered during the growing season (approximately 2-3" slow trickle per week including rainfall). Any roots exposed during installation of the steps, iron fence or path must be properly cut and covered to prevent rotting and desiccation, I also recommend the paths are dry laid stone in sand, with base excavation, no further than 2" deep. This tree shall be re-assessed after the construction for any further requirements. A native tree may need to be planted due to the injury of this tree. See note below re: excavation of fence holes.

Tree 11, 12 and 13 are private trees and under 30cm. They should be removed, as they are either in poor condition, invasive or poorly located, with the potential for further damage. No permits are required for their removal.

Tree 14, a city owned tree, normally requires a 2.4m TPZ. I have recommended the path to the driveway be shifted further south to avoid damaging many roots. This will keep the path out of the TPZ. If the path cannot be moved, a permit to injure would be required and the tree should be deep root fertilized prior to construction. A proper water program would need to be implemented and the hoarding shall be placed at the edge of the path. The path shall be the same as tree 10. See drawing for location of hoarding. (See notes below re: fence & light bollards installation).

Tree 15, a city owned tree, normally requires a 2.4m TPZ. As with tree 14, I have recommended the path be moved to lessen the impact on this tree. If the path cannot be moved, the tree should be deep root fertilized prior to construction, the deadwood removed and the tree shall be properly watered. The hoarding will need to be placed at the edge of the path and the path installed as per tree 10. This tree would need to be re-evaluated upon completion of the project. See drawing for location of hoarding.

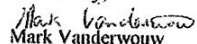
Tree 16 is far enough from the construction to not be affected. A hoarding placed at the edge of the driveway, 3m north & south of the trunk to protect the trunk, is required. This tree normally requires a 3m TPZ.

For trees 10, 14, 15 & 16 any fence post excavation or light bollards base excavation must be air spaded or hydro vac'd to minimize damage to roots. All roots exposed must be properly cut. If there are any roots exposed over 30mm, a permit to injure will be required.

If the above steps are followed, all trees should survive the construction.

If you have any questions, please feel free to call the office.

Yours truly,

  
Mark Vanderwou  
Certified Arborist ON 131A

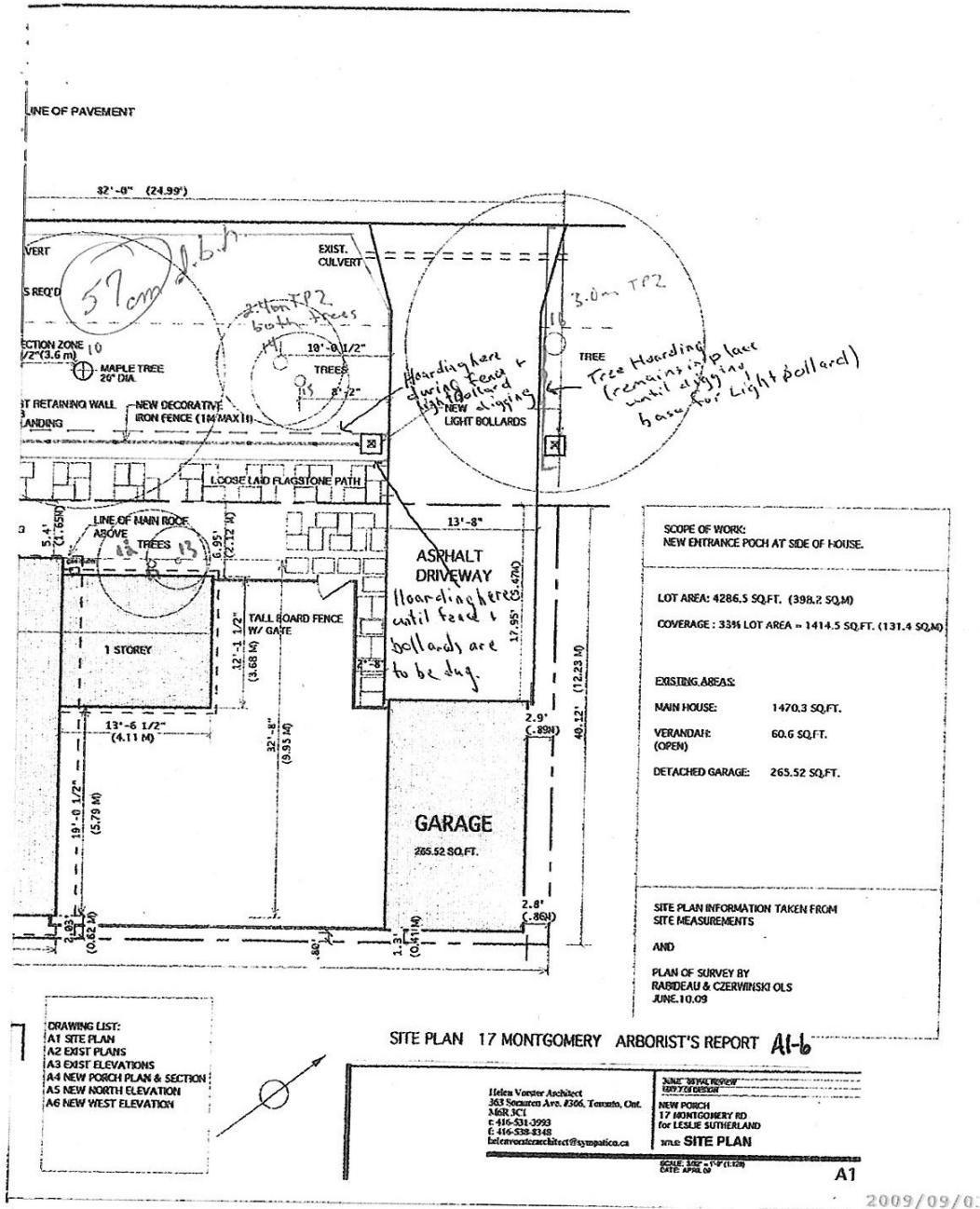
Shady Lane Expert Tree Care  
Pg 2 of 2

2000/00/00

## Attachment 4







## Attachment 6