

## **Encroachment Request – 18 Wendigo Way**

<b>Date:</b>	February 16, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Water Infrastructure Management, Toronto Water
<b>Wards:</b>	13
<b>Reference Number:</b>	P:\2010\Cluster B\TW\ey10006

### **SUMMARY**

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To obtain Community Council’s authority to negotiate and enter into an Encroachment Agreement with 18 Wendigo Way (the “Owner”) to permit the Owner to encroach on the City’s sewer easement located on 18 Wendigo Way (the “Property”) for the purpose of installing a carport (the “Services”).

### **RECOMMENDATIONS**

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Toronto Water recommends that the Encroachment application be approved, subject to the following conditions:

1. The appropriate City officials be authorized and directed to negotiate and enter into an Encroachment Agreement with the Owner on such terms and conditions as may be required by the General Manager of Toronto Water and the City Solicitor;
2. The Owner shall indemnify the City against all claims for loss or damage which may occur to the proposed work as a result of a leak or break to the City’s infrastructure. The Owner shall also indemnify the City against all claims for loss or damage which may occur to the Services for any future construction activity upon, or within the City easement to repair, install, modify, or replace the existing City infrastructure by City staff or by contractors retained by the City to carry out said work;
3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto;

4. In the event of sale or transfer of the “Property”, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the General Manager, Toronto Water; and
5. The Owner(s) pay all applicable fees.

### **Financial Impact**

There are no financial implications.

### **ISSUE BACKGROUND**

An easement for the purpose of installing and maintaining a watermain and a sanitary sewer was registered on the Property in 1947 as Instrument Number LT429370 (Village of Swansea). The easement is 2.3 m in width and there is a 150 mm diameter watermain and a 200 mm diameter sanitary sewer within the easement. The only buildings connected to these services are the residential homes at Nos. 18 and 20 Wendigo Way. It has come to staff’s attention that there is a wood frame open carport encroaching over a portion of the easement. Toronto Water is willing to allow the encroachment to remain provided that the Owner enter into an encroachment agreement with the City.

### **COMMENTS**

Toronto Water has no objections to the encroachment subject to the Owner of the Property entering into an Encroachment Agreement on the terms and conditions satisfactory to the General Manager of Toronto Water and the City Solicitor. It is the City’s intention, however, to maintain the easement in a good state of repair. Should it become necessary to make repairs to the existing City infrastructure, the City will not be held responsible for any damage caused to the Services.

### **CONTACT**

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### **SIGNATURE**

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