



**STAFF REPORT  
ACTION REQUIRED**

**Request by the Owner of 312 Martin Grove Road to  
Encroach on the City’s Watermain Easement**

<b>Date:</b>	February 19, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Ward No. 3 (Etobicoke Centre)
<b>Reference Number:</b>	P:\2010\Internal Services\RE\ey10005re (AFS #11419)

**SUMMARY**

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The purpose of this Report is to obtain authority to enter into an Encroachment Agreement between the City of Toronto (the “City”) and Mr. Atthiligoda Gunaratne and Mrs. Elaine Gunaratne, the owners of 312 Martin Grove Road (the “Licensees”), to encroach on the City’s watermain easement. The encroachment consists of a flagstone landing and steps of approximately 8.6 s.m., and armour stone and shrubs of approximately 15.6 s.m. (the "Encroachment"), and defined as Part 1 on Registered Plan No. 66R-17192. Community Council has delegated authority to make a final decision with respect to encroachments.

**RECOMMENDATIONS**

**The Chief Corporate Officer recommends that:**

1. Community Council grant authority to enter into an Encroachment Agreement with the Licensees regarding the Encroachment on the City’s watermain easement substantially on the terms and conditions outlined in Appendix “A” of this Report, and in a form acceptable to the City Solicitor.
2. Community Council grant authority to the Chief Corporate Officer to administer and manage the Encroachment Agreement, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction.

## Financial Impact

This Encroachment Agreement will generate the following revenue, net of GST, commencing retroactively on January 1, 2010:

Year	Period	Annual Revenue net of GST
1-5	Jan. 1, 2010 to Dec. 31, 2014	\$200.00
6-10	Jan 1, 2015 to Dec. 31, 2019	\$230.00
11-15	Jan. 1, 2020 to Dec. 31, 2024	\$265.00
16-20	Jan 1, 2025 to Dec. 31, 2029	\$305.00
	Total Revenue	\$5,000.00

The total revenue to the City over the twenty (20) year term is \$5,000.00 net of GST. There are no outstanding payments under the current terms.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

The former Municipality of Metropolitan Toronto (now “City of Toronto”) is the owner of a permanent easement registered as Instrument No. TB844194 for the City’s 1200mm diameter watermain passing through part of Lot 192, Plan 5719 in the former City of Etobicoke. By the adoption of clause no. 11 of Report no. 32 of the Corporate Administration Committee on the 20<sup>th</sup> and 21<sup>st</sup> days of December, 1995, the former Metropolitan Council granted to the Licensees permission to encroach on the City’s Easement Lands commencing from August 1, 1995 and expiring on July 31, 2000 at an annual licence fee of \$100.00. The Licensees have requested that the City allow the Encroachment to remain on the City’s easement area.

## ISSUE BACKGROUND

The Encroachment Agreement expired on July 31, 2000 and has been in overholding position since August 1, 2000. Since then the Licensees have paid the same licence fee of \$100.00 per annum.

Negotiations were conducted with the Licensees and agreement was reached for another twenty (20) year period commencing from January 1, 2010 to December 31, 2029 at the annual Encroachment Fee as outlined in Appendix A. The City retains the right to terminate the Encroachment Agreement upon giving 6 months written notice to the Licensees. Toronto Water has no objection to this Encroachment Agreement.

## **COMMENTS**

The annual encroachment fee reflects current market value according to market research and valuation conducted by Real Estate Division staff.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix "A" – Major terms and conditions  
Appendix "B" – Location Map