

**Application for Encroachment Agreement  
34 Feltham Avenue**

<b>Date:</b>	May 06, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 11 – York South-Weston
<b>Reference Number:</b>	ML&S Folder Number 09 199618 RAW

**SUMMARY**

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This report is in regard to an application for an Encroachment Agreement to maintain existing stone retaining wall complete with a wrought iron fence on top and stone columns with an attached wood beam within the Feltham Avenue road allowance at 34 Feltham Avenue, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The total area of encroachments is approximately 53.06 square metres, (12.17 metres by 4.38 metres).

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommend that Etobicoke York Community Council approve the application for the existing encroachments at 34 Feltham Avenue within the road allowance subject to the following conditions:**

1. The City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachment.
2. The owner enters into an Encroachment Agreement with the City of Toronto and pays all fees associated with the preparation of the agreement. Should annual fees be charged in the future, the owner shall be responsible for payment of the fees, which may be subject to change.
3. The signed Agreement is to be returned to the City with the required Certificate 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 coverage and greater amount as the City may require, and naming the City of Toronto as an

additional insured party under the policy. The Certificate of Insurance shall be renewed on an annual basis for the life of the encroachments.

4. Maintain encroachment(s) in compliance with all applicable municipal regulations including the former City of York's Municipal Code, Chapter 1004.

## **Financial Impact**

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

## **ISSUE BACKGROUND**

The owner of the property has submitted an application to maintain the existing stone retaining walls, wrought iron fencing and stone columns and wood beam. These landscaping features encroach onto the Feltham Avenue road allowance by approximately 53.06 square metres, attachments 1, 2, 3 and 4.

## **COMMENTS**

This application was circulated to Transportation Services and various utility companies with no objections received regarding the as-built installations.

However, Transportation Services is advising the property owner that as the existing retaining walls do not provide the minimum setback from the existing sidewalk, the municipality is not responsible for any damage to the wall that may occur as a result of sidewalk maintenance, including the removal of snow and ice.

## **CONTACT**

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Municipal Licensing and Standards  
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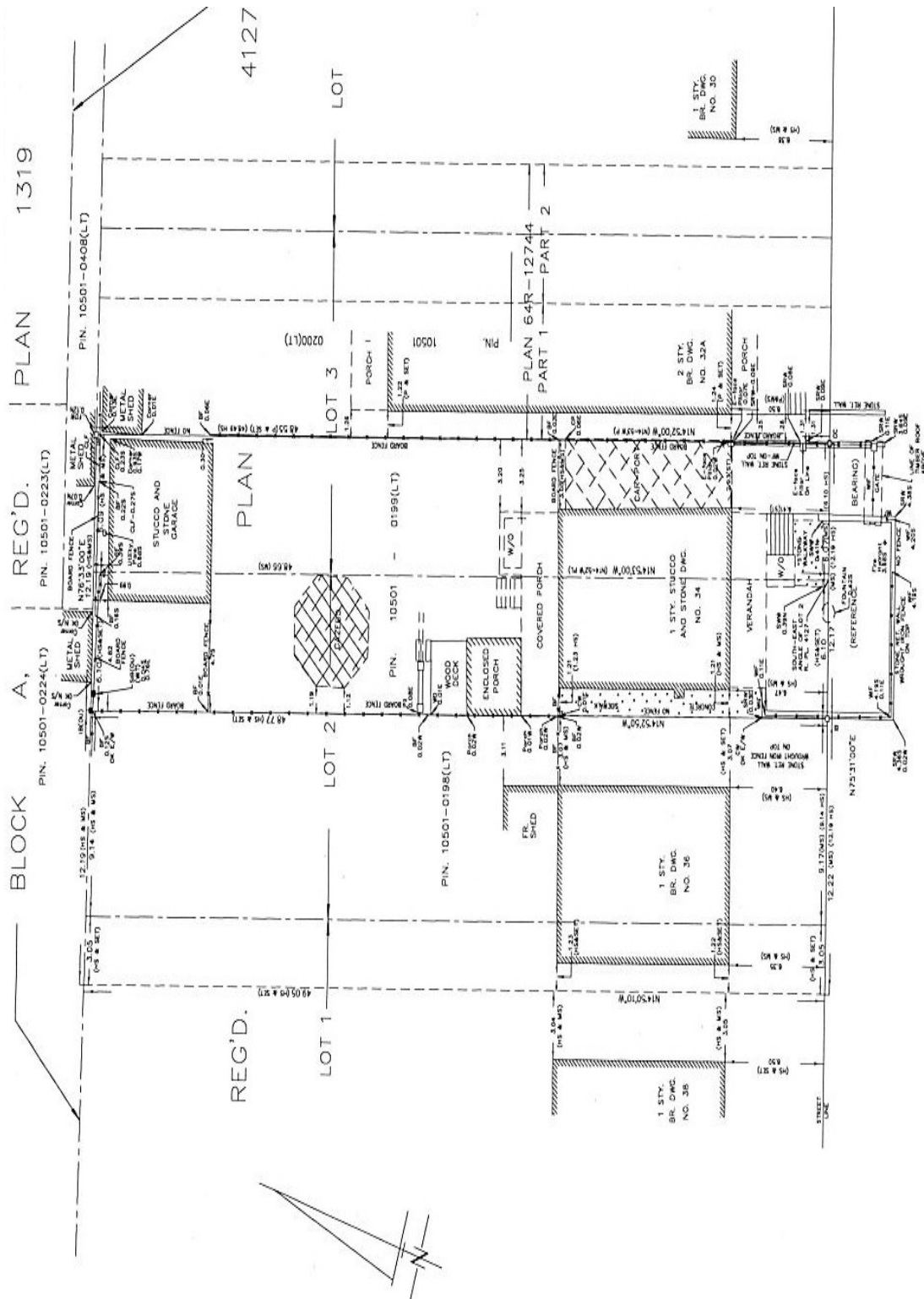
## **SIGNATURE**

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Curtis Sealock, District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

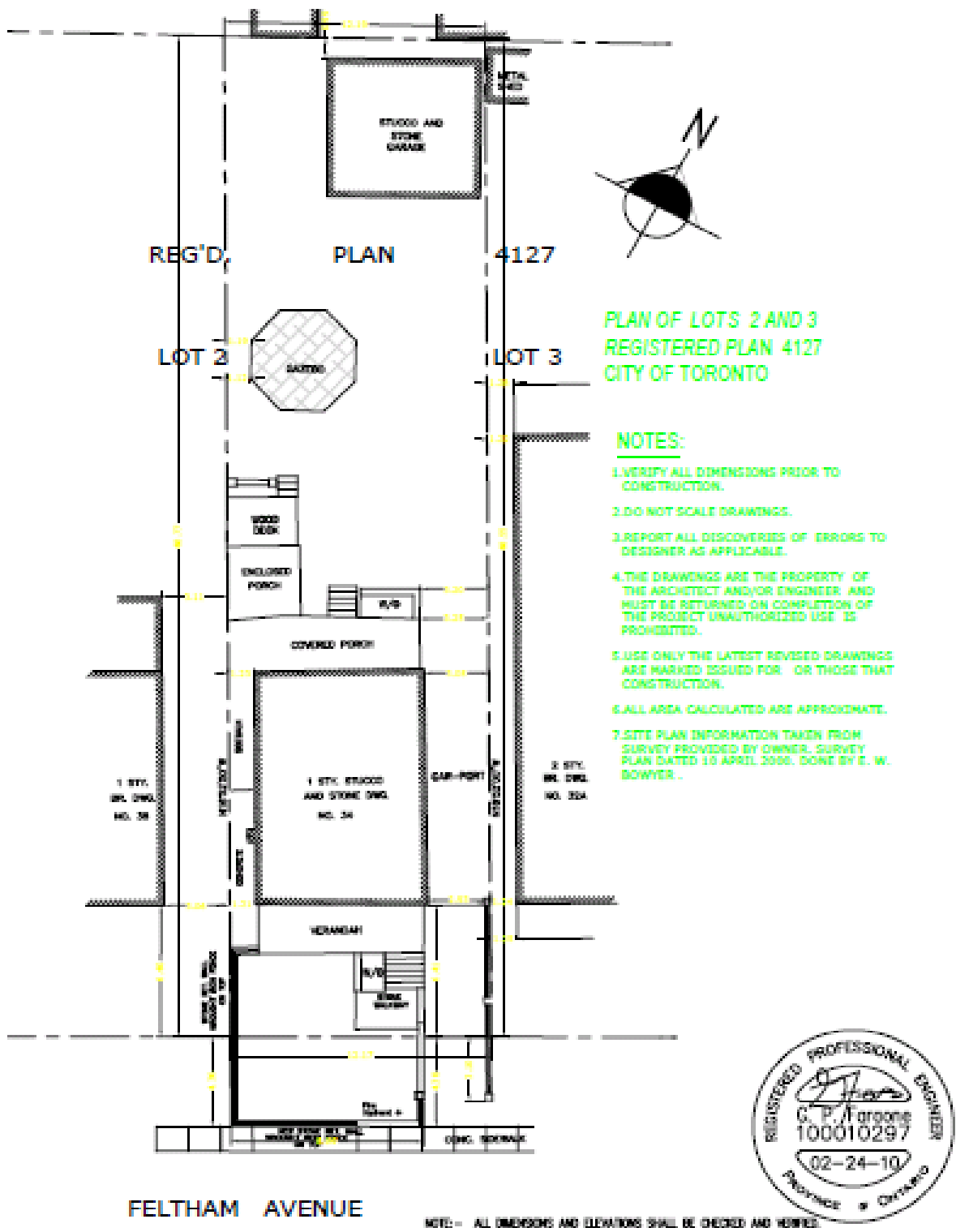
Attachment 1 – Survey of 34 Feltham Avenue  
Attachment 2 – Ground Floor Plan  
Attachment 3 – Site Plan  
Attachment 4 – Photos 1 and 2 of 34 Feltham Avenue



FELTHAM AVENUE (DEDICATED BY REGISTERED PLAN 4127)

**Attachment 1-Survey of 34 Feltham Avenue**





### Attachment 3- Site Plan





Photo1 – Front Elevation of 34 Feltham Avenue



Photo 2 – Road Allowance on Feltham Avenue

**Attachment 4 - Photos**