



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 287 Armadale Avenue

Date:	May 21, 2010
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13 – Parkdale – High Park
Reference Number:	Municipal Licensing and Standards Folder Number 10-118688 RAW

SUMMARY

This report is in regard to an application submitted by David Brown Associates, Development and Land Use Consultants acting on behalf of the property owners, for an Encroachment Agreement to maintain the existing concrete block retaining wall located in front of 287 Armadale Avenue within the municipal road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that Etobicoke York Community Council approve the application for the existing retaining wall in front of 287 Armadale Avenue that is encroaching on the municipal road allowance subject to the following conditions:

1. The City Solicitor to be authorized to prepare the Encroachment Agreement.
2. The owners to obtain and maintain public liability (personal injury and property damage) insurance during the term of this Agreement in respect of the encroachments in the amount of at least one Million Dollars (\$1,000,000.00). The owners to supply the City of Toronto with a certificate confirming that such insurance is in force upon execution of this Agreement and from time to time as required by the City of Toronto.

3. The owners to pay the City of Toronto all fees associated with the preparation of this agreement and pay an annual fee, plus GST, or HST as applicable, for the use of the road allowance, should that be imposed in future. All fees are subject to change.
4. The owners to maintain in good condition and free from hazards at all times the retaining wall as well as the adjacent lawn and interlock driveway on Armadale Avenue road allowance.
5. The owners to comply with the regulations set out in Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks.

Financial Impact

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

ISSUE BACKGROUND

To comply with the condition to the minor variance granted by the Committee of Adjustment on January 21, 2010, the property owners have submitted, through their agent, David Brown Associates, an application for an encroachment agreement with the City of Toronto to maintain the portion of the existing concrete block retaining wall that is encroaching on the Armadale Avenue municipal road allowance.

The concrete block retaining wall, that varies from 40 centimetres to 50 centimetres in height, has extended beyond the front property line of 287 Armadale Avenue by approximately 3.7 metres and encroaches on the municipal road allowance (Attachments 1, 2 and 3).

COMMENTS

The application has been circulated to the relevant City Divisions and utility suppliers for comments, with no negative responses being received.

CONTACT

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SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Property Survey
Attachment 2: Site Plan and Retaining Wall Detail
Attachment 3: Photograph showing the Encroaching Retaining Wall

4

Attachment 2: Site Plan and Retaining Wall Detail



Attachment 3: Photograph showing the Encroaching Retaining Wall