



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 547 St. Germain Avenue

Date:	December 10, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton-Lawrence
Reference Number:	IBMS No. 09-183716

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an encroachment agreement.

RECOMMENDATIONS

Municipal Licensing and Standards has received the necessary clearances to recommend that:

- 1. The North York Community Council approve the encroachment agreement for 547 St. Germain Avenue, subject to the following conditions:**
 - a) That the owner(s) have a locate done for the Bell Canada line in the area for any proposed change and hand dig within 1 metre of any Bell plant;
 - b) That the owner(s) enter into an Encroachment Agreement with the City, to the satisfaction of the City Solicitor and the Executive Director of Municipal Licensing and Standards;
 - c) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
 - d) That no claims will be made against the City by the owner(s) for damages occurring to the area of the encroachment or its elements during snow removal;

- e) The indemnification to the City by the owner(s) of the encroachment for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor, in an amount no less than \$2,000,000.00 or such greater amount as the City Solicitor may require;
- f) That the life of the Agreement be limited to 10 years from the date of registration on title or to the date of removal of the encroachment at which time, the City may consider the Agreement for further extension, if requested by the applicant;
- g) In the event of sale or transfer of the property abutting the encroachment, Legal Services be authorized to extend the Encroachment Agreement to the new owner, subject to the approval of the Executive Director of Municipal Licensing and Standards;
- h) The owner(s) pay all applicable fees.

FINANCIAL IMPACT

There is no financial impact anticipated resulting from the adoption of this report.

DECISION HISTORY

The application for an existing encroachment was received from the property owner(s) in October 2009 and was circulated to Transportation Services and the applicable utilities.

ISSUE BACKGROUND

This single family detached home is in a single-family seventh density (R7) zone located in the former City of North York (*Attachment 1*). It is located on the southeast corner of St. Germain Avenue and Ledbury Street (*Attachment 2*).

The existing encroachment consists of a brick porch area with 2 brick pillars in front of the main entrance, a brick walkway out to the curb face, a brick walkway along the building wall to the rear yard, a fenced area that encloses the rear flankage yard along St. Germain Avenue and a wood frame shed in the rear yard. The fence is board-on-board, approximately 2 metres in height and it encloses approximately 40 square metres. The wood frame shed extends into the right-of-way 1.85 metres and it is approximately 4 metres in length (*Attachments 3, 4 and 5*).

COMMENTS

Utilities have provided clearance letters indicating that they have no objections except for the conditional approval from Bell Canada as indicated in recommendation 1(a) above.

Transportation Services, Road Operations, North York District staff, as part of their review, have indicated that they have no objection.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Zoning map
2. Survey excerpt
3. Transportation photograph - Nov 17, 2009 – 547 St. Germain – facing west from driveway on St. Germain
4. Transportation photograph – Nov 17, 2009 - 547 St. Germain – facing south to main entrance
5. Transportation photograph – Nov 17, 2009 - 547 St. Germain – facing west from side yard towards Ledbury