

**Encroachment Agreement Request
106 Northdale Road**

Date:	December 10, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 - Don Valley West
Reference Number:	IBMS No. 09-165162

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 106 Northdale Road, subject to the following conditions:**
 - a) That the owner(s) ensure that no current or future landscaping or fencing exceed 500 millimetres in depth if it is above any Toronto Hydro underground installation;
 - b) That the owner(s) cannot hold Toronto Hydro liable to return encroaching items to their ideal original state in the event that work must be undertaken to service or replace their underground infrastructure;
 - c) That the owner(s) may be required by Toronto Hydro to provide a locate for all of Hydro's underground infrastructure if it is less than 600 millimetres from the details as listed in the survey as attached to this report (*Attachment 2*) to satisfy itself that adequate PUCC clearances are in place;

- d) 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;
- e) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
- f) 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;
- g) 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;
- h) That the agreement be for life;
- i) 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;
- j) 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 September 2009 and was circulated to Transportation Services and the applicable utilities.

ISSUE BACKGROUND

This single family detached home is in a third density (R3) zone located in the former City of North York (*Attachments 1 and 2*). The lot is on the northeast corner of Silvergrove Road and Northdale Road.

The existing encroachments consist of several items. The major item is a metal picket fence that is approximately 1.5 meters in height with bushes running along the inside of the fence that are approximately 2.5 meters in height enclosing approximately 200 square metres of right-of-way. There are also brick lamp posts that are 1 metre in height

on each side of the driveway off Silvergrove Road. There is landscaping beside the lamppost on the west side of the Silvergrove Road driveway. There are brick lamp posts that are approximately 1 metre in height on both inside edges of the circular driveway off Northdale Road with landscaping between them (*Attachments 3, 4, 5, 6 and 7*).

COMMENTS

Utilities have provided clearance letters indicating that they have no objections, except Toronto Hydro, which gave a conditional approval, provided items 1(a), (b) and (c) of the recommendations listed above are met.

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
3. Transportation photograph 106 Northdale – Sept 17, 2009 – driveway off Silvergrove
4. Transportation photograph 106 Northdale – Sept 17, 2009 – fence along Silvergrove
5. Transportation photograph 106 Northdale – Sept 17, 2009 – intersection facing north
6. Transportation photograph 106 Northdale – Sept 17, 2009 – intersection facing east on Silvergrove
7. Transportation photograph 106 Northdale – Sept 17, 2009 – circular drive off Northdale