

**Encroachment Agreement Request  
5350 Yonge Street**

<b>Date:</b>	January 21, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 23 - Willowdale
<b>Reference Number:</b>	IBMS No. 09-196561

**SUMMARY**

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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**

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**Municipal Licensing and Standards recommends that:**

- 1. The North York Community Council approve the encroachment agreement for 5350 Yonge Street, subject to the following conditions:**
  - a) That the parcel of land where the encroachment will be located be conveyed to the City;
  - 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**

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

## **DECISION HISTORY**

The application was received from the property owner(s) in December 2009 and was circulated to Transportation Services and the relevant utilities.

## **ISSUE BACKGROUND**

This construction project is a re-build of St. George's Anglican Church on the northwest corner of Yonge Street and Churchill Avenue. The property is zoned RM6(175) and it is in the former City of North York (*Attachment 1*).

The proposed encroachment consists of below grade sewer services along Churchill Avenue on land to be conveyed to the City (*Attachment 2*).

## **COMMENTS**

The location of the proposed encroachment is currently on private property. A parcel of land where the encroachment will be located is supposed to be conveyed to the City as a pre-condition to permit issuance (*Attachments 3 and 4*). As of the date of this report Municipal Licensing and Standards had not received notification that this conveyance has taken place.

Municipal Licensing and Standards has received one conflict from Bell Canada. They have an underground line and require hand digging within one metre of their installation.

Transportation Services, North York District staff, have advised that they have no objections to this proposal.

**CONTACT**

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**SIGNATURE**

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

**ATTACHMENTS**

1. Zoning map
2. Grading and Servicing plan
3. Site Plan – Phase 1
4. Storm and Sanitary sewer – connection profile