



## STAFF REPORT ACTION REQUIRED

### Encroachment Agreement Request 42 Mason Boulevard

<b>Date:</b>	April 26, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 16 - Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 10-118186

### 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 has received the necessary clearances to recommend that:**

- 1. The North York Community Council approve the encroachment application for 42 Mason Boulevard, 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 meter of any Bell Plant;
  - b) That the Freeman Maple and the Kentucky Coffee trees abutting Mason Boulevard maintain a clearance of 600mm horizontal and 300mm vertical from the Gas Main;
  - c) That all encroachments on the property maintain a minimum setback of 2.1 metres back from the curb;
  - d) That the existing walkway and stairs located on the west side of the property be removed to the satisfaction of Traffic Planning/Right-of-Way Management;

- e) That the proposed landscaping in the vicinity of the existing Hydro pole maintain a minimum separation distance of 1.0 metre edge to edge and a separation distance of 0.60 metre from the direct buried cable;
- f) 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;
- g) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
- h) 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;
- i) 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;
- j) 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;
- k) 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;
- l) 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 for the encroachment was received from the property owner(s) in February 2010 and was circulated to Transportation Services and the applicable utilities.

## **ISSUE BACKGROUND**

This single family detached home currently under construction is in a single-family third density (R3) zone located in the former City of North York (*Attachment 1*). It is located on the north-west corner of Mason Boulevard and Felbrigg Avenue (*Attachment 2*).

The proposed encroachments include retaining walls, 10cm stone curbs, interlocking paver driveway with glycol heating and a 70mm Caliber tree on the Mason Boulevard frontage. Encroachments proposed on the land abutting Felbrigg Road include trees; planting beds; a flagstone walkway including steps; seat walls, hedging and fencing.

## **COMMENTS**

In response to the circulation, a number of utilities registered cautions. Enbridge Gas raised a concern over the location of the proposed trees abutting Mason Boulevard and requested that the trees maintain a 0.6-metre horizontal and 0.3-metre vertical clearance from their line. Bell Canada has requested that hand digging be undertaken within 1.0 metre of their buried line running along Felbrigg Road. Toronto Hydro has requested that a minimum separation of 1.0 metre, between trees and their pole on Felbrigg as well as 0.60-metre separation from buried cable be observed.

Transportation Services has no objection to the proposal provided an existing walkway and stairs on Mason Boulevard be removed. Road Operations advises that all encroachments connected with the application maintain a 2.1-metre setback from the curb.

## **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. Survey and Landscape Plan.