



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 305 Sheppard Avenue East

Date:	May 19, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23, Willowdale
Reference Number:	IBMS No. 09-194480

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 305 Sheppard Avenue East, subject to the following conditions:**
 - a) 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;
 - b) That the appropriate City Officials be authorized to take the necessary action to give effect thereto;
 - c) 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;
 - d) 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;

- e) 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;
- f) 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;
- g) 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 December 2009 and was circulated to Transportation Services, and the applicable utilities.

ISSUE BACKGROUND

This premise is located in a commercial seventh density (C7) zone located in the former City of North York (*Attachment 1*). This is a corner lot on the south-east corner of Sheppard Ave East and Calvin Avenue. The parcel of land fronting 305 Sheppard Ave East was conveyed to the City of Toronto and, therefore, as part of the site plan agreement the owner was required to submit an encroachment application.

The existing encroachment consists of a concrete porch and concrete steps along Sheppard Ave East that is approximately 0.406 metres in height, 0.128 meters in width to 2.534 meters, and 3.739 meters in length. The concrete porch and stairs are located on Sheppard Ave East (*Attachments 3, 4, and 5*).

COMMENTS

Utilities have provided clearance letters indicating that they have no objections.

Transportation Services, Road Operations, North York District staff, as part of their review, have indicated that they have no objections as long as the bricks embedded in the road allowance are removed.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Survey
3. Survey – Elevation of front porch
4. Transportation photograph 305 Sheppard Ave. E – January 21, 2010 – view east
5. Transportation photograph 305 Sheppard Ave. E – January 21, 2010 – view south