



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 209 Dawlish Avenue

Date:	June 3, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing & Standards – North York District
Wards:	Ward 25 Don Valley West
Reference Number:	IBMS No. 10-131026

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council 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 application for 209 Dawlish Avenue, 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 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 are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The owner(s) submitted plans and received a building permit to construct a two storey single family home in July 2008. In March 2010, an application for an encroachment agreement was submitted by the owner(s) agent and was circulated to Transportation Services and the applicable utilities.

ISSUE BACKGROUND

The property is a detached single family dwelling located in a third density (R3) zone located in the former City of North York (*Attachment 1*). The property is located on the south side of Dawlish Avenue, west of the intersection of St. Leonards Crescent and Fidelia Avenue.

The encroachment consists of a gabion stone retaining wall approximately 2.5 metres in height and 5.5 metres in length (*Attachment 2*). The application indicates that the retaining wall is intended to provide for a level driveway to the property.

COMMENTS

Utilities and Transportation Services have provided clearance letters indicating that they have no objections to the application.

CONTACT

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7012, Fax: 416-395-7056, E-mail: mcarey@toronto.ca

SIGNATURE

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

ATTACHMENTS

1. Zoning Map
2. Retaining Wall Construction Details.
3. Photograph from Street
4. Photograph showing retaining wall