



## STAFF REPORT ACTION REQUIRED

### Encroachment Agreement Request 5545 Yonge Street

<b>Date:</b>	June 3, 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. 10139037

### 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 agreement for 5545 Yonge St, 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**

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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) on January 8, 2010 and was circulated to Transportation Services and the applicable utilities.

## **ISSUE BACKGROUND**

This premise is located in the former City of North York on the South East corner of Yonge St and Olive Avenue. It is currently operating as a “Grocery Store” and is commercially zoned as C1 (*Attachment 1*)

The existing encroachment consists of removable fencing, wall and roof flanking the premises on Olive Ave. The structure is attached to the existing building on Olive Avenue. The roof is 2.1 meters in width and 20.0 meters in length. The roof is supported by six poles approximately 1.78 meters in height and secured by a metal fence around the perimeter ( *Attachment 2 & 3* ) .

Transportation Services, Road Operations, North York District staff, issued a Notice on March 16, 2010 indicating that the structure is located on City property.

## **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 they enter into an encroachment agreement with the City of Toronto.

## **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
3. Elevation Survey
4. Photograph 5545 Yonge Street – November 24, 2009 –( 4 photos from vantage points)