



STAFF REPORT ACTION REQUIRED

Encroachment Agreement Request 24 Dallas Road

Date:	June 3, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23- Willowdale
Reference Number:	IBMS No. 10-119754

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 application for 24 Dallas Rd, 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 ten (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) agent in February 2010 and was circulated to Transportation Services and the applicable utilities for comment.

ISSUE BACKGROUND

This two-storey, single family detached home is located in a single family fourth density (R4) zone located in the former City of North York (*Attachment 1*). The property is located on the North West corner of Dallas Rd and Pennard Court (*Attachment 1*).

The existing encroachments consist of eight stone pillars on the East side of the property, decorative wrought iron fencing, two vehicular wrought iron gates and a retaining wall used for supporting the wrought iron fence. The driveway consists of interlock brick and a cement curb. (*Attachment 2*)

The South side of the property has a smaller wrought iron fence with three pillars and a retaining wall used for supporting the wrought iron fence. The South side also has a driveway that is encroaching onto City property.

The pillars are 2.0 m in height and .40 m in width and length. The wrought iron fencing is 1.65 m in height (*Attachment 3*). The total length of the East fence that is encroaching onto City property is 23.4 m (*Attachment 4*) and 10.2 on the East side of the property (*Attachment 5*). The East side of the property encroaches onto City property by 3.69 m. The South side of the property encroaches onto City property by 0.67 m. (*Attachment 6*).

COMMENTS

Utilities have provided clearance letters indicating they have no objections to the application. Transportation Services, Road Operations, North York District staff, as part of their review, have indicated that they have no objection.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. Photo 24 Dallas Rd
3. Photograph – East View Elevation
4. Photograph – East View
5. Photograph – South View
6. Survey Map