



**STAFF REPORT  
ACTION REQUIRED**

**Request for an Encroachment Agreement  
147 Courcelette Road**

<b>Date:</b>	April 29, 2010
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Transportation Services, Scarborough District
<b>Wards:</b>	Ward 36 – Scarborough Southwest
<b>Reference Number:</b>	P:\2010\Cluster B\TRA\Scarborough\sc1052

**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 purpose of this report is to consider a request by the owner(s) of 147 Courcelette Road, being a one-family detached dwelling, for an encroachment agreement. The proposed encroachment is for armour stone retaining walls, stairs and a walkway, all fronting the property and located within the public right-of-way.

**RECOMMENDATIONS**

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**Transportation Services, Scarborough District, recommends that Scarborough Community Council:**

1. Approve the application for an encroachment agreement for 147 Courcelette Road, 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 General Manager of Transportation Services;
  - b. 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;

- c. That indemnification be provided to the City for all liability relating in any way to the encroachment with the City of Toronto added as additional insured 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;
  - d. That 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 General Manager of Transportation Services; and
  - e. The owner(s) pay the following fees:
    - i. Application Fee of \$480.46.
    - ii. Legal Administration Cost and Registration on Title, plus disbursements including G.S.T.
    - iii. Encroachment rental fee of \$480.46.
2. Authorize the City Solicitor to prepare and execute the encroachment agreement.

### **Financial Impact**

There is no financial impact anticipated resulting from the adoption of this report.

### **DECISION HISTORY**

The application to encroach within the public right-of-way was received from the property owner(s) on January 18, 2010.

### **ISSUE BACKGROUND**

The subject property has a grade that increases from the boulevard to the rear of the lot, placing the entrance to the front of the house elevated from the street. The new retaining walls and stairs being installed are replacing old wooden 6x6 retaining walls with steps in poor condition. There are two sections divided by the walkway with steps and two separate levels of retaining walls that are required in order to meet the grade and to provide access to the house.

## **COMMENTS**

Transportation Services has no objections to the proposed encroachment as it meets the requirements including the necessary set back from the back edge of the sidewalk leaving space for snow storage.

We have received notification from the public utilities, that they have no objections to the encroachments.

## **CONTACT**

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## **SIGNATURE**

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Steven T. Kodama, P.Eng.  
Acting Director, Transportation Services, Scarborough District

DT/BT:lab

## **ATTACHMENTS**

1. Location Map – 147 Courcelette Road