



STAFF REPORT ACTION REQUIRED

Request for an Encroachment Agreement 100 Hollis Avenue

Date:	July 27, 2010
To:	Scarborough Community Council
From:	Director, Transportation Services, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	P:\2010\Cluster B\TRA\Scarborough\sc1084

SUMMARY

This staff report is about a matter for which 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 100 Hollis Avenue, being a one-family detached dwelling, for an encroachment agreement. The proposed encroachments are in regard to a board on board fence with a gate, metal fence with a gate, hedges, river rocks, patio stones, connecting walkway, lights and a portion of an in-ground swimming pool, that are all located within the public right-of-way.

RECOMMENDATIONS

Transportation Services recommends that Scarborough Community Council:

1. Approve the application for an encroachment agreement in part for 100 Hollis Avenue as submitted, subject to the following conditions:
 - a. The encroachment of the hedge and wood fence at the rear of the yard be approved, subject to sections of the fence and hedge being removed 2.4 metres to the east and 3.4 metres to the south, to provide adequate sight lines at the driveway entrance that leads to the rear garage;
 - b. That the owners are required to trim the hedges that surround the property on the City of Toronto Municipal Right of Way and maintain them at a height of not greater than 1.0 metre from ground level;

- c. The metal fence and gate, river rocks, patio stones and lights are only permitted inside and enclosed by the subject wood fence;
 - d. The remaining sections of the fence located off the west wall of the house that leads from the rear wall to the front wall of the house be removed. This section of fence includes a gate and connecting walkway access to Birchcliff Avenue and encloses a City tree and a Toronto Hydro pole with street lighting attached and restricts access by staff and the Utility Company;
 - e. The agreement does not include the existing in-ground pool, whereas the top step leading into the pool has been installed within the public right-of- way;
 - f. The existing fence in the front yard be permitted to remain;
 - g. That the owner(s) enter into an encroachment agreement with the City of Toronto to the satisfaction of the City Solicitor and the General Manager of Transportation Services;
 - h. 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;
 - i. 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;
 - j. 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
 - k. The owner(s) pay the following fees:
 - a. Legal Administration Cost and Registration on Title, plus disbursements including H.S.T.
 - b. Encroachment rental fee of \$517.07 (HST incl.).
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 June 21, 2010.

ISSUE BACKGROUND

Transportation Services was notified by Municipal Licensing and Standards that an in-ground swimming pool had been constructed and that the Fences By-law could not be met as the fence would have to encroach within the public right-of-way.

COMMENTS

Transportation Services has objections to the proposed encroachments as they do not meet the requirements including the necessary set back from the back edge of the sidewalk for snow storage and sight lines.

Some sections of hedges and the board on board fence need to be removed, at the northwest corner of the property to create a vision splay to meet the sight line requirements for the driveway. In addition, any river rocks or patio stones that will be outside of the fence line will need to be removed and the boulevard area restored with soil and sod to the satisfaction of the General Manager of Transportation Services.

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

CONTACT

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SIGNATURE

Peter Noehammer, P.Eng.
Director, Transportation Services, Scarborough District

DT/BT:lab

ATTACHMENTS

1. Site Plan –100 Hollis Avenue