

Wheel Chair Lift and Access – 37 Perth Avenue

Date:	February 19, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Davenport - Ward 18
Reference Number:	Te10022te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the agent of the owner of 37 Perth Avenue to install and maintain a wheel chair lift that will encroach within the public right of way and be located adjacent to the existing disabled front yard parking pad fronting 37 Perth Avenue.

As the installation and maintenance of the wheel chair lift and access will not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation and maintenance of the wheel chair lift that will encroach within the public right of way fronting 37 Perth Avenue, subject to the owners entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission granted;

- b. maintain the wheel chair lift at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - c. obtain approval from Toronto Building;
 - d. remove the wheel chair lift upon receiving 90 days written notice to do so;
 - e. pay for the costs of preparing the Agreement and the registration of the Agreement on title; and
 - f. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services; and
3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The agent of the owner of 37 Perth Avenue has requested permission to install and maintain a wheel chair lift, a portion measuring approximately 1.2 m x 0.58 m of which will encroach within the public right of way fronting 37 Perth Avenue.

In order not to delay the project, the applicant requested that a construction permit be issued prematurely prior to Committee approval. Staff consulted with the Ward Councillor who concurred with the applicant's request. Accordingly, Construction Permit No. 48329401 was issued on February 2, 2010 authorizing the installation and maintenance of the wheel chair lift.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the installation and maintenance of a wheel chair lift within the public right of way, we are required to report to Community Council on this matter.

Reasons for approval

Transportation Services has reviewed the request and determined that the installation and maintenance of the wheel chair lift will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

A photo of the property is shown on Appendix 'A'.

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix 'A' – Photo

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