

Glycol Heating System – 42 Cluny Drive

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:	Toronto Centre - Rosedale – Ward 27
Reference Number:	Te10023te.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 42 Cluny Drive to install and maintain a driveway glycol heating system that will encroach within the public boulevard fronting 42 Cluny Drive.

Transportation Services has reviewed the proposal and does not recommend approval as it does not meet the guidelines established for installations affecting the public right of way. Additionally, the operation of the glycol system has the potential to create road safety hazards.

The owner together with any other interested parties will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request to install a glycol heating system within the public right of way fronting 42 Cluny Drive.

Financial Impact

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

ISSUE BACKGROUND

The agent of the owner of 42 Cluny Drive, a single family dwelling, submitted an application requesting permission to install and maintain a glycol heating system that will encroach within the public right of way fronting 42 Cluny Drive.

The applicant was advised that all glycol heating system installations must be setback at least 0.46m from the rear edge of the sidewalk for safety reasons, namely to prevent causing icy conditions within the roadway. The applicant subsequently submitted an appeal requesting further consideration of this proposal.

COMMENTS

Applicable regulation

There are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the installation and maintenance of glycol heating systems within the public right of way. Transportation Services has applied the general requirements for all installations within the public right of way towards glycol systems which stipulate that:

- all installations shall be set back a minimum of 0.46m from the rear edge of the sidewalk or a minimum of 2.1m from the City curb where no sidewalk is present; and
- the proposed installation must not, in the opinion of the General Manager of Transportation Services, present a hazard to the public or interfere with any public utility use or proposed use.

Reasons for not approving

The proposed glycol heating system installation should be setback at least 0.46m from the rear edge of the sidewalk consistent with other glycol heating installation applications. The setback is required to maintain a clear public corridor for any future infrastructure and public utility installations or maintenance.

Additionally, there is concern that the installation of the glycol system within the public right of way has the potential to create road safety hazards. The melted snow would run down grade towards and into the roadway where it may refreeze creating icy conditions in the roadway. Since there is no setback from the sidewalk in this proposal, the additional public right of way area being heated, approximately 17.7m², would generate more snow being melted thereby increasing the likelihood of freezing water within the roadway.

Details of the proposal are on file with Transportation Services.

Alternate Recommendations

Should Community Council decide to grant the appeal for the installation and maintenance of the glycol heating system with a 0.46m setback from the rear edge of the sidewalk at 42 Cluny Drive, it could recommend that:

1. The owners of 42 Cluny Drive enter into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. maintain the glycol heating system 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;
 - b. indemnify the City and utility/telecommunication companies of any damage sustained to the glycol heating system in the event of a need to access the areas;
 - c. provide “as built” drawings upon completion of the installation;
 - d. remove the glycol heating system 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. In the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and
3. Legal Services be requested to prepare and execute the Encroachment Agreement.

Photos of the property are shown on Appendix ‘A’.

CONTACT

Elio Capizzano, Supervisor, Right of Way Management
Tel: 416-392-7878, Fax: 416-392-7465, E-mail: ecapizza@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – Photo

P:\\Cluster B\\TRA\\Toronto and East York\\row\\te10023te.row - sms