

Various Encroachments – 248 Shuter Street

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| Date: | April 9, 2010 |
| To: | Toronto and East York Community Council |
| From: | Manager, Right of Way Management, Transportation Services Toronto and East York District |
| Wards: | Ward 28 – Toronto Centre - Rosedale |
| Reference Number: | Te10036te.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 on behalf of the owner of 248 Shuter Street to construct a 2nd floor addition aligned on an existing one storey building which encroaches 0.19 m within the public right of way fronting 248 Shuter Street with additional minor encroachments consisting of the roof, eaves trough, and decorative lights.

Transportation Services has reviewed the proposal and determined that the building encroachment together with roof and eavestrough and two decorative lights will not impact negatively on the public right of way and therefore, recommends their approval.

The owner together with any 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. approve the construction of the 2nd floor addition that will be aligned on the existing one storey building which encroaches 0.19 m, together with additional minor encroachments consisting of the roof and eaves trough and two decorative lights, one on either side of the entrance door will be attached to the existing first

floor building wall within the public right of way fronting 248 Shuter Street, subject to the owner 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 encroachments at his/her 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 for associated work on private property from Toronto Building;
 - d. pay for the costs of preparing the Agreement and the registration of the Agreement title; and
 - e. 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 owner of 248 Shuter Street has submitted an application requesting permission to construct a 2nd floor addition together with a roof and eaves trough. The second storey will be constructed directly on top of the existing one storey building which encroaches 0.19 m. The new portion of the building will not extend beyond the existing footprint of the first floor. Additional minor encroachments related to the second floor addition include two decorative lights, roof and eaves trough fronting 248 Shuter Street.

The new owner wishes to convert the existing one storey dwelling into a two storey dwelling and construct the second storey flush with the existing building. There is an existing encroachment agreement for the first floor of the brick building which encroaches 0.19 m within the public right of way fronting 248 Shuter Street.

The owner has received Committee of Adjustment approval for the construction of the second storey addition with the condition of it being constructed in accordance with the approved plan date stamped November 12, 2009 and that all matters relating to City and privately owned trees are in accordance with the requirements of the Supervisor of Urban Forestry, Tree Protection and Plan Review. A copy of clearance from Urban Forestry is on file with Transportation Services.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the encroachments related to the 2nd floor addition, the roof and eaves trough, along with decorative lights 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 application and determined that the proposed encroachment of the building wall, roof, eaves trough and lights will not impact negatively on the public right of way and should be permitted.

Details of the encroachments are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

Angie Antoniou
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ATTACHMENTS

Appendix 'A' – Photos

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