

## **Glycol Heating System – 42 Cluny Drive – Supplementary Report**

<b>Date:</b>	April 21, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Toronto Centre – Rosedale – Ward 27
<b>Reference Number:</b>	Te10047te.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 owners of 42 Cluny Drive to install and maintain a glycol heating system that will encroach within the public right of way fronting 42 Cluny Drive.

As the installation of the glycol heating system 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 a glycol heating system that will encroach within the public right of way fronting 42 Cluny Drive, 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 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;
  - 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 on title;
  - e. construct the glycol heating system with a 0.46 m setback from the back edge of the curb;
  - f. remove the glycol heating system upon receiving 90 days written notice to do so;
  - g. provide “as-built” drawings within 90 days of completing the construction of the glycol heating system; and
  - h. 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 owners of 42 Cluny Drive has requested permission to install and maintain a glycol heating system that will encroach within the public right of way fronting 42 Cluny Drive. The glycol heating system would be installed with a 0.46 m set back from the back edge of the curb.

For the information of Council, a previous report entitled, “Glycol Heating System – 42 Cluny Drive”, TE32.43, where the owner requested the heating system be installed with no set back from the curb, was denied at the March 9, 2010 by the Toronto and East York Community Council.

The adjusted 0.46 m setback from the back edge of curb will satisfy any concerns Transportation Services has with regards to utility access and/or infrastructure maintenance.

## **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 glycol heating systems 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 glycol heating system with a 0.46 m setback from the back edge of the curb 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**

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

## **SIGNATURE**

---

Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Photo

P:\2010\Cluster B\TRA\Toronto and East York\row\te10047te.row - ss