

## **Glycol Heating System and Light Post – 36 Astley Avenue**

<b>Date:</b>	April 30, 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>	Te10052te.row

### **SUMMARY**

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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 36 Astley Avenue to install and maintain a glycol heating system and light post that encroaches within the public right of way fronting 36 Astley Avenue.

As the maintenance of the glycol heating system and light post does not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

### **RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. approve the maintenance of a glycol heating system and light post that will encroach within the public right of way fronting 36 Astley 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 glycol heating system and light post 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. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
  - d. remove the glycol heating system and/or light post upon receiving 90 days written notice to do so; 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 agent of the owner of 36 Astley Avenue has submitted an application to relocate the existing vehicle access and repave the driveway within the public right of way fronting 36 Astley Avenue. Accordingly, Construction Permit No. 44488701 was issued authorizing the installation of the new vehicle access, repaving of the driveway, and removal of the obsolete ramp.

Without the requisite permit, a glycol heating system was installed in the driveway and a light post was installed within the public right of way fronting 36 Astley Avenue. The agent of the owner is now requesting permission to maintain the glycol heating system and light post within the public right of way.

### **COMMENTS**

#### **Applicable regulation**

As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for glycol heating systems or light posts 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 maintenance of the glycol heating system and light post does 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**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Photo

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