

## **Public Lane Flank of 772 Queen Street East – Door Swing Encroachments**

<b>Date:</b>	June 1, 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-Danforth – Ward 30
<b>Reference Number:</b>	Te10065te.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 received an application from the agent of the property owner of 772 Queen Street East for the maintenance of a set of double doors that when open, encroach approximately 0.8 m into the public lane flank of 772 Queen Street East.

As the door swing encroachments do not negatively impact on the public right of way, Transportation Services recommends approval of the encroachments.

### **RECOMMENDATIONS**

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

1. approve the maintenance of the existing doors that when open, encroach approximately 0.8 m into the public lane flank of 772 Queen Street East, 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 and providing of an insurance policy for such liability

- b. maintain the doors 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. remove the doors upon receiving 90 days written notice to do so;
  - d. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
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.

### **Financial Impact**

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

### **ISSUE BACKGROUND**

The agent of the property owner of 772 Queen Street East submitted an application requesting permission to maintain a set of double doors that when open, encroach approximately 0.8 m into the public lane flank of 772 Queen Street East. The applicant advises that the doors are used for servicing a delivery platform and are not used for regular access to the building. The applicant also advised that the doors will remain in a closed position, except to receive the occasional delivery and access to the rear of the building. Of note, the primary building access will be maintained at the Queen Street entrance.

Inspection of the encroachments has determined that the doors, when open, do not obstruct vehicular traffic. The laneway has no through traffic and is used to access parking at the rear of 772 Queen Street East.

### **COMMENTS**

#### **Applicable regulation**

The installation and maintenance of the encroaching doors can be considered under the criteria set out in Chapter 313, Streets and Sidewalks of the former City of Toronto Municipal Code, which provides for a minimum of 2.1 m of clear sidewalk or boulevard to be available adjacent to the proposed installation. The by-law does not provide for the installation of doors that encroach into a public lane. As such, we are required to report on the matter.

#### **Reasons for approval**

Transportation Services has reviewed the request and determined that the maintenance of the encroaching door swings do not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

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

## **CONTACT**

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## **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' – Photos of the Public Lane Flank of 772 Queen Street East

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