



**STAFF REPORT
ACTION REQUIRED**

Garbage Bin Enclosures – 207 Beverley Street

Date:	July 14, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services
Wards:	Trinity- Spadina – Ward 20
Reference Number:	Te10077te.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 207 Beverley Street to install seven garbage bin enclosures which will encroach within the public right of way on the Cecil Street flank of 207 Beverley Street.

Given the installation and ongoing maintenance of the garbage bin enclosures will not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommend that Toronto and East York Community Council:

1. approve the request to install seven garbage bin enclosures within the public right of way, subject to the property 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, cost, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the life time of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than

\$2,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the installation of the garbage bin enclosures at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Service 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 the Toronto Building;
 - d. pay for the costs of preparing and registration of the agreement on 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 to the new owner, in the event of sale or transfer of the property abutting the encroachments, subject to the approval of the General Manager of Transportation Services; and
 3. request Legal Services to prepare, execute and arrange to register the Encroachment Agreement on title.

Financial Impact

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

ISSUE BACKGROUND

The agent on behalf of the owner has submitted an application requesting permission to install seven wood garbage bin enclosures within the public right of way on the Cecil Street flank of 207 Beverley Street.

The garbage bin enclosures will measure each approximately 1.72 m in width by 0.76 m in depth and 1.32 m in height. They will consist of cedar wood and be set up flush to south side of the building with a set back of 3.2 m from the back edge of the sidewalk, where the townhouse owners will store their garbage between pickups.

The property owner has stated that the garbage bin enclosures are necessary as a result of the narrow dimension of the site, and the configuration of the majority of the townhouse units fronting onto Cecil Street. The setback of the townhouses from the property line is approximately 0.5 m with no rear laneway or side walkways in between units. The only option for storing the bins in a private outdoor space is within the townhouse units'

backyards which are enclosed and inaccessible except via the interior living space of each unit. This would result in requiring owners to move their trash bins through their interior living space to the front yard for pick up.

The property owner believes that these garbage bin enclosures, produced by Bin Solutions and nominated for a Green Design Award, provide a proactive solution to the property constraints in this situation by concealing the bins in an attractive enclosure that will be incorporated into the landscaping design of the front yards.

COMMENTS

Applicable regulation

As there are no provisions within the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalk, to allow for the installation of garbage bin enclosures, 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 garbage bin enclosures will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Site plan of the proposed area is shown in Appendix A.
Photo of the garbage bin design is shown in Appendix B

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photos of enclosure

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