



**STAFF REPORT  
ACTION REQUIRED**

**Silva Cells – 30 Regent Street**

<b>Date:</b>	June 13, 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 Center-Rosedale – Ward 28
<b>Reference Number:</b>	Te10072te.row

**SUMMARY**

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This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services is reviewing an application from the agent of the owners of 30 Regent Street, to install three silva cell systems, fronting 30 Regent Street.

As the installation and maintenance of the three silva cell systems do not impact negatively on the public right of way, Transportation Services recommends their approval.

**RECOMMENDATIONS**

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

1. approve the installation of three silva cell systems, within the public right of way, fronting 30 Regent Street, 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 loss, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime 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 three silva cell systems, 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 encroachments beyond what is allowed under the terms of the Agreement;
  - c. obtain clearances and/or sign offs from all effected public utilities within the proposed area of construction and satisfy any requirements they may have;
  - d. remove the encroachments upon receiving 90 days written notice to do so;
  - e. pay for the costs of preparing the Agreement and the registration of the Agreement on title;
  - f. 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. in the event of sale or transfer of the property abutting the encroachment, legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment agreement to the new owner, 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. The cost of construction and ongoing maintenance of the encroachments will be borne by the property owners.

### **ISSUE BACKGROUND**

The agent of the owners of 30 Regent Street, Regent Park Developments, submitted an application requesting permission to install three silva cell systems, within the public right of way, fronting 30 Regent Street.

The three silva cell systems will be installed underneath pavers fronting 30 Regent Street, to assist in providing a beneficial underground environment for the health of the proposed trees at this location.

The property owner will be required to enter into an encroachment agreement for the ongoing maintenance of the silva cells within the public right of way, to be registered on title of the property.

## **COMMENTS**

### **Applicable Regulation**

The former City of Toronto Municipal Code does not make provisions for these types of encroachments, thereby requiring Transportation Services to report on this matter.

### **Reasons for Approval**

Transportation Services has determined that the installation and maintenance of the three silva cell systems, will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the area are shown in Appendix “A”.

## **CONTACT**

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## **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix “A” – Photos of proposed area of construction

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