

Garbage Storage Area – 1094 Bloor Street West

Date:	March 26, 2012
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services
Wards:	Davenport – Ward 18
Reference Number:	Te2012031te.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 property owner of 1094 Bloor Street West to construct a fenced in garbage storage area which will encroach within the public right of way on the Gladstone Avenue flank of 1094 Bloor Street West.

Transportation Services believes that the installation and maintenance of the fenced in garbage storage area will not impact negatively on the public right of way and recommends approval of this request.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the request to construct and maintain the fenced in garbage storage area 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 garbage enclosure 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 Toronto Building, if required;
 - d. ensure that the 1.41 m wide area between the existing building exit doors and the encroachment remain unencumbered;
 - e. pay the associated costs for preparing and registering the Agreement on title; and
 - 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. 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 construct a fenced in garbage storage area within the public right of way on the Gladstone Avenue flank of 1094 Bloor Street West. A photo of the proposed location of the fenced-in garbage storage area is shown on Appendix 'A'.

The proposed enclosed area measures approximately 3.44 m by 6.01 m and would be located 1.41 m from the building exit doors. The wood fence enclosing the space will be 1.8 m high with access doors located along the Gladstone Avenue flankage. The installation will have a setback from the sidewalk that varies from approximately 1.2 m to 2.1 m. A site plan showing the proposed garbage enclosure is shown on Appendix 'B'.

Complaints were received by the property owner and the Ward Councillor's office regarding the open storage of the garbage and recycling bins at this location. In response to the complaints, the applicant advised that they conducted their own investigation which revealed that passers-by and area residents were using the garbage and recycling storage bins to dispose of their own garbage, resulting in an uncontrolled and littered garbage and recycling storage area.

The applicant also met on site with the Ward Councillor and City staff to discuss potential solutions and it was determined that a fenced in garbage storage area could address the above-mentioned issues. The intent of the garbage storage area is to visually screen and control access to the garbage and recycling bins while still allowing the private disposal operators ready access to the bins for removal.

Further, the applicant feels that the encroachment is necessary as there is no space available within the property to accommodate a garbage storage area, there is no available laneway space for use and the proposed installation is the only way to store garbage in a clean and safe manner. Additionally, the building is bounded by the property line along Gladstone Avenue which is situated 0.83 m from the building wall.

COMMENTS

Applicable regulation

As there are no provisions within the City of Toronto Municipal Code Chapter 743, Streets, to allow for the construction and maintenance of the fenced in garbage storage area, 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 of the fenced in garbage storage area will not impact negatively on the public right of way, subject to the property owner entering into an encroachment agreement with the City of Toronto.

Details of the encroachment are on file with Transportation Services.

CONTACT

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SIGNATURE

Kyp Perikleous
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' – photo of proposed location of garbage storage area
Appendix 'B' – site plan showing proposed garbage enclosure

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