

Encroachment Appeal - 97 Roslin Avenue

Date: September 11, 2017

To: North York Community Council

From: Acting Director, Transportation Services, North York District

Wards: Ward 25 - Don Valley West

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

Transportation Services is requesting authority to enter into an encroachment agreement with the owners of 97 Roslin Avenue for a 1.5 metre high wooden fence, setback 0.5 metres from the City sidewalk and 3 metres from the adjacent driveway. Footings for the fence located within the right of way are a depth of 1.2 metres.

The fence on the public right of way does not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Director, Transportation Services, North York District, recommends that:

1. North York Community Council approve the request to install a 1.5 metres high wooden fence on the Mount Pleasant Road flankage of the subject premises on the public right of way at 97 Roslin Avenue, subject to the following conditions:

- a) The property owners will enter into an encroachment agreement with the City of Toronto at the applicant's expense and assume all liability and damages related to the encroachment.
- b) The property owners must retain valid property insurance for the duration of the encroachment in case there are any claims initiated due to the encroachment.
- c) The property owners agree that the City and/or utility companies may remove the fence encroachment in order to install or maintain services within the affected public right of way with no obligation to replace the fence.

FINANCIAL IMPACT

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

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on August 18, 2017, from the owners of 97 Roslin Avenue requesting permission to install a 1.5 metres high wooden fence on the Mount Pleasant Road flankage on the public right of way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a fence within 70 metres of an intersection of two or more roadways cannot exceed 1.0 metres height measured from the roadway grade.

As the proposed height of the fence does not comply with the maximum 1.0 metres height permitted, an appeal was subsequently received from the property owners on September 14, 2017, for which this report has been prepared.

A site plan showing the encroachment has been submitted which is attached as Attachment 1.

Even though the proposed fence exceeds the permitted height, staff is of the opinion that it will not be a traffic sightline impediment affecting traffic or pedestrians, and that the proposed encroachment will not have a negative impact on the public right of way. Thus staff believe it is acceptable provided that the property owners enter into an encroachment agreement with the City.

The Councillor has been advised that the encroachment is proposed on the flankage of the subject premises on the public right of way at 97 Roslin Avenue.

CONTACT

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SIGNATURE

Peter K. Hillier
Acting Director

ATTACHMENTS

Attachment 1: Site Plan