Application for Encroachment Agreement
21 Rochdale Avenue

<table>
<thead>
<tr>
<th>Date:</th>
<th>July 20, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Etobicoke York Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Curtis Sealock, District Manager, Municipal Licensing and Standards</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 17, Davenport</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>ML &amp; S Folder Number 05 186682 RAW 00 IR</td>
</tr>
</tbody>
</table>

SUMMARY

This Staff Report is in response to an application submitted by Marco Vieira acting on behalf of the property owner, to permit the existing concrete stairs and proposed alterations in the front-yard, including a walkway and retaining walls, both on the municipal road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends that the Etobicoke York Community Council approves the application, and the City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachments, including the interlocking stone walkway and retaining walls within the Rochdale Avenue road allowance, subject to the following conditions, for which the property owner is held responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement;

2. to return the signed agreement to the City along with the required Certificate of Insurance, evidencing a third party bodily and property damage insurance in the amount of $2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
3. to renew the said Certificate of Insurance and submit a copy thereof to Municipal Licensing and Standards on an annual basis for the life of the encroachments;

4. to maintain the encroaching walkways and retaining walls in a state of good repair to avoid damage and injury arising from the use thereof;

5. to comply with all regulations set out in Chapter 1004, of the Former City of York Municipal Code, Streets;

6. the owner to obtain all necessary construction/streets occupation permit(s) for any work on the road allowance; and

7. the owner to pay an annual fee to the City of Toronto for use of the road allowance in the amount of $25.00 plus $5.50 per square metre, plus GST (all fees are subject to change).

**FINANCIAL IMPACT**

There are no financial implications resulting from the adoption of this report.

**ISSUE BACKGROUND**

The property at 21 Rochdale Avenue is a two-storey semi-detached house with an elevated concrete deck at the front, approximately 1.0 metres above street level. The entrance to the house is accessible from the street via a flight of concrete stairs approximately 1.0 metres wide, which is encroaching on the municipal road allowance over a distance of approximately 5.20 metres.

The owner intends to lay permeable interlocking pavers from the front concrete deck to the sidewalk, plant a tree and other landscaping enhancements on the municipal road allowance at the front elevation. (See Attachments 1, 2) The approximate area of the encroachment is 5.96 metres parallel to the concrete sidewalk and 4.72 metres from the concrete sidewalk back to the street line where private property begins.

**COMMENTS**

This application has been forwarded to Transportation Services, Forestry and various utility companies for comments. No adverse comments were received. Urban Forestry has confirmed that funds had been received to remove an existing tree in the front yard and a replacement tree has been scheduled for planting, likely in the spring of 2008.
CONTACT

Italo Joe Luzi, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-8575 Fax: 416-394-2904
E-mail: jluzi@toronto.ca

SIGNATURE

_______________________________
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Plot Plan
Attachment 2: Photograph of the property
Attachment 1 – Plot Plan for 21 Rochdale Avenue
Photograph showing the proposed location of the encroachment(s) @ front elevation/yard

Attachment 2 – Photo of 21 Rochdale Avenue