Dedication of One-Foot Reserve: 755 Millwood Road

Date: January 27, 2011
To: North York Community Council
From: Director, Transportation Services Division, North York District
Wards: Ward 26 - Don Valley West
Reason for Confidential Information: This report concerns potential litigation that affects the City.
Reference Number: p:\2011\ClusterB\TRA\NorthYorkDistrict\ny11043

SUMMARY

This staff report concerns a request to dedicate a one-foot reserve in place between the rear of the 755 Millwood Road property and Berney Crescent in order to provide access to a recently constructed garage at the rear of 755 Millwood Road. A one foot reserve is generally created to restrict access to/from a property.

A garage was recently constructed at the rear of 755 Millwood Road with the garage doors facing Berney Crescent where there is the existence of the one foot reserve.

RECOMMENDATIONS

Transportation Services Division, North York District, recommends that City Council:

1. Deny the request to dedicate the one foot reserve between the 755 Millwood Road property and Berney Crescent.

2. Direct that the information contained in the Confidential Attachment not be released as it concerns potential litigation that affects the City.
Financial Impact

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

ISSUE BACKGROUND

Toronto Building received Application Number 10102243 for the proposed construction of a garage at the rear of 755 Millwood Road in January, 2010. The applicant was the authorized agent for the owner of the property. Accompanying the building permit application was a site plan which was based on a sketch of survey prepared on June 26, 1929. The plan shows the 755 Millwood Road property as being a through lot with frontage on Millwood Road to the north and abutting the north limit of Berney Crescent to the south. The site plan did not show a one foot reserve between the 755 Millwood Road property and Berney Crescent. Relying on the accuracy of the information submitted with the application, Toronto Building processed the application and issued a building permit for construction of the garage.

The owner has since constructed a garage at the rear of 755 Millwood Road with the garage doors facing Berney Crescent. The applicant did not formally apply to the Transportation Services Division for access to Berney Crescent from 755 Millwood Road as required under the relevant By-law. Transportation Services Division has received a request from the owners of 755 Millwood Road to dedicate the one foot reserve and grant interim access. The owners of 755 Millwood Road want the dedication of the one foot reserve to gain permanent access to the garage via Berney Crescent.

COMMENTS

Due to the presence of the one foot reserve between the 755 Millwood Road property and Berney Crescent, Transportation Services Division had issued a notice to the owner to discontinue the illegal crossing of City property at the rear of 755 Millwood Road. As there is the presence of the one foot reserve along the northerly terminus of Berney Crescent, the 755 Millwood Road property does not legally have the right to access Berney Crescent, the 755 Millwood Road property does not abut the public highway.

There are processes by which the one foot reserve may be removed either through conveyance by the City to the property owner or in a by-law dedicating the reserve as part of the highway. The Transportation Services Division has reviewed the request to dedicate the one foot reserve in question to allow for access to Berney Crescent. This Division has identified operational and safety concerns should access be given to Berney Crescent. Specifically, the sight lines for vehicles entering and exiting the garage are not adequate and there is an existing driveway immediately to the south that may be affected by permitting access to Berney Crescent.

It is also noted that 755 Millwood Road currently has access to parking on-site from Millwood Road which is similar to other properties along that section of Millwood Road.
CONCLUSION

The Transportation Services Division does not support the request to dedicate the one foot reserve at the northerly terminus of Berney Crescent in order to allow for legal access to Berney Crescent from the 755 Millwood Road property because of the operational and safety concerns that would result. In addition 755 Millwood Road currently has access to parking on-site from Millwood Road.

Comments from Legal Services have also been provided for the information of Community Council and are included in the Confidential Attachment to this report.

CONTACT

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SIGNATURE

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Myles Currie, B.A.
Director

ATTACHMENTS

Attachment 1: Property Data Map
Attachment 2: Confidential Attachment