TORONTO

STAFF REPORT
ACTION REQUIRED

Glycol Heating System – 88 Lyndhurst Avenue

Date:	March 30, 2011
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul's– Ward 21
Reference Number:	Te11047te.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 owners of 88 Lyndhurst Avenue to install and maintain a glycol heating system that encroaches within the public right of way fronting 88 Lyndhurst Avenue.

As the installation of the glycol heating system does not impact negatively on the public right of way, Transportation Services recommends approval of this encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the installation and maintenance of a glycol heating system that will encroach within the public right of way fronting 88 Lyndhurst Avenue, 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 all loss, costs, damages, and expenses that may result from such permission granted;

b. maintain the glycol heating system at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any conditions 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;

d. pay for the costs of preparing the Agreement and the registration of the Agreement on title;

e. remove the glycol heating system upon receiving 90 days written notice to do so;

f. provide "as built" drawings that include the location of the glycol heating system installed within 90 days of completing construction; and

g. 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 Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, 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.

ISSUE BACKGROUND
The agent of the owners of 88 Lyndhurst Avenue has requested permission to install and maintain a glycol heating system that encroaches within the public right of way fronting 88 Lyndhurst Avenue.

COMMENTS

Applicable regulation
As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, for the installation and maintenance of glycol heating systems within the public right of way, 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 and maintenance of the glycol heating system does not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Photos of the property are shown on Appendix ‘A’.

CONTACT

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SIGNATURE

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Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix ‘A’ – Photo of property

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