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 owner of 549 King Street East Inc. to allow the maintenance of decorative lights which encroach within the public right of way. There are two decorative lights attached to the building wall at the first floor level on the Sumach Street flank and four decorative lights attached to the building wall at the first floor level fronting 549 King Street East.

As the decorative lights do not impact negatively on the public right of way, Transportation Services recommends approval of these encroachments.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of two decorative lights attached to the building wall at the first floor level on the Sumach Street flank and four decorative lights attached to the building wall at the first floor level fronting 549 King Street East, all of which encroach a maximum of 0.3 m over the public right of way, subject to the 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, costs, damages and expenses that may result from such permission granted and providing an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in the 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 decorative lights at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;

c. remove the decorative lights upon receiving 60 days written notice to do so;

d. limit the life of the Agreement to the removal of the decorative lights or the date of demolition of the building whichever is the less;

e. pay for the costs of preparing the Agreement and the registration of the Agreement of 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 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, execute and register the Agreement on title.

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

ISSUE BACKGROUND
The owner of 549 King Street East has requested permission to maintain two decorative lights that are attached to the building wall at the first floor level on Sumach Street and four decorative lights that are attached to the building wall at the first floor level fronting 549 King Street East, which encroach 0.30 m into the public right of way. All lights provide an underside clearance of 2.15 m over the grade of the City sidewalk.
Applicable regulation
As there are no provisions within the former City of Toronto Municipal Code, Chapter 313, Streets and Sidewalks, to allow for the ongoing maintenance of the decorative lights, we are required to report to Community Council on this matter.

Reasons for approval
Transportation Services has reviewed the request and determined that the decorative lights do not impact negatively on the public right of way and the maintenance of the encroachments should be permitted subject to the owner entering into an encroachment agreement.

Details of the encroachments 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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Joe Colafranceschi
Acting Manager, Right of Way Management

ATTACHMENTS
Appendix ‘A’ – Photo

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