STAFF REPORT
ACTION REQUIRED

Decorative Lights – 52 Sumach Street

<table>
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<tr>
<th>Date:</th>
<th>May 2, 2011</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Acting Manager, Right of Way Management, Transportation Services Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>Toronto Centre-Rosedale - Ward 28</td>
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<td>Reference Number:</td>
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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 52 Sumach Street to allow the maintenance of four decorative lights attached to the building wall at the first floor level that encroach over the public right of way along the frontage of 52 Sumach Street.

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 four decorative lights attached to the building wall at the first floor level that encroach 0.25 m over the public right of way along the frontage 52 Sumach Street, 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 on 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 52 Sumach Street has requested permission to maintain four decorative lights that are attached to the building wall at the first floor level. The lights encroach 0.25 m over the public right of way. They provide an underside clearance of 2.15 m above the grade of 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 ongoing maintenance
of the lights should be permitted subject to the owner entering into an encroachment agreement.

Details of the encroachments are on file with Transportation Services.

A photo of the property is 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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