

**City Council****Notice of Motion**

MM25.29	ACTION			Ward:20
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**Proposed Amendment to Encroachment Agreement between City of Toronto and Monarch Quay West Development Limited, dated December 16, 2008, at 90 Stadium Road - by Councillor Adam Vaughan, seconded by Councillor Mike Layton**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East York Community Council. A two thirds vote is required to waive referral.*

**Recommendations**

Councillor Adam Vaughan, seconded by Councillor Mike Layton, recommends that:

1. City Council authorize the execution of an agreement between Toronto Standard Condominium Corporation No. 2138 and the City of Toronto to amend an existing Encroachment Agreement, dated December 16, 2008, for the residential building at 90 Stadium Road, to increase the encroachment area by 0.5 metres to allow for the installation of a 3 foot high decorative fence to protect the landscaping features secured in the existing Encroachment Agreement.
2. City Council authorize the City Solicitor and other municipal officials to take such actions as necessary to have the Amending Agreement executed and registered on title to the subject lands.

**Summary**

In 2007, City Council approved the construction of a 22 storey condominium building at 90 Stadium Road, which was Phase 2 of the TipTop project. As part of the section 37 agreement, the City entered into a number of related agreements, including a Limiting Distance Agreement and an Encroachment Agreement with the developer, Monarch Quay West Development Limited. The Encroachment Agreement, dated December 16, 2008, allowed for landscaping and structural improvements, including grass cover, flower beds, interlocking bricks, curbs and steps, and balconies to encroach approximately 3 metres into the abutting City parkland to the south. This Encroachment Agreement was subsequently assigned to the Condominium Corporation (Toronto Standard Condominium Corporation No. 2138) who is responsible for the common elements of the condominium, including the encroachment.

Recently, the residents of the condominium have been experiencing problems and damage to the landscaped area by virtue of heavy pedestrian traffic, cyclists and dog walkers in the

abutting park. To rectify this situation, the Condominium Corporation has proposed to install a 3 foot high decorative fence along the north side of the sidewalk to keep visitors from trampling the landscaped area. To achieve this, the existing encroachment area of 3.0 metres needs to be expanded by approximately 0.5 metres. All other terms of the existing Encroachment Agreement will remain in force.

The Parks, Forestry and Recreation Division, and Community Planning have reviewed and approved of drawings showing the proposed fence layout and additional plantings.

(Submitted to City Council on July 11 and 12, 2012 as MM25.29)

**Background Information (City Council)**

Member Motion MM25.29