Application for Encroachment Agreement
36 Windermere Avenue

Date: December 31, 2012
To: Etobicoke York Community Council
From: Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards: Ward 13, Parkdale – High Park
Reference Number: ML& S Folder No. 12-177032 RAW 00 IR

SUMMARY

This staff report is in response to an application submitted by the owner of 36 Windermere Avenue to maintain an existing close board wooden fence with two gates as well as a concrete landing protected by a wooden guardrail that is encroaching on the Windermere Place municipal boulevard, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The total area of encroachment is approximately 28 square metres.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council approve the application submitted by the owner of 36 Windermere Avenue to maintain an existing close board wooden fence with two gates as well as a concrete landing protected by a wooden guardrail that is encroaching on the Windermere Place municipal boulevard, with an area of encroachment of approximately 28 square metres, subject to the following conditions:

1. The owner to enter into an encroachment agreement with the City of Toronto.

2. The owner to pay the City of Toronto all fees associated with the preparation of this agreement, and pay an annual fee, plus HST, for the use of the road allowance, should that be imposed in future. All fees are subject to change.
3. The owner to carry out the necessary work to ensure that the fence, encroaching on the Windermere Place municipal boulevard is maintained at a maximum height of 1.8 metres to the satisfaction of Transportation Services (Right of Way Management) and in accordance with the drawings submitted.

4. The owner to comply at all times with the regulations set out in the City of Toronto Municipal Code, Chapter 743, Use of Streets and Sidewalks, and ensure that all constructions and installations on the Windermere Place municipal boulevard are clean, maintained in good condition and free of hazards.

**Financial Impact**

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

**ISSUE BACKGROUND**

The property is located on a corner lot at the southwest corner of Windermere Avenue and Windermere Place (Attachment 1).

The owner has installed a 1.8 metres high close board wooden fence, on 2.3 metres high fence posts, that includes two gates of 4.0 metres and 1.0 metre width respectively supported by an overhead wooden beam, with a total length of 23.1 metres, on the Windermere Place municipal boulevard (Attachments 2, 3 and 4). The total area of encroachment is approximately 28 square metres.

**COMMENTS**

This application and supporting documents were circulated to various City Divisions and the relevant agencies, where no adverse comments were received, other than the comments made by Transportation Services (Right of Way Management) that the subject fence has to comply with the following conditions:

1. The fence cannot be higher than 1.8 metres

2. All work is to be in accordance to drawings submitted.
CONTACT

Chip Au, Supervisor
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

_____________________________
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Survey of Property
Attachment 2: Site Plan and Fence Elevation
Attachment 3: Fence Detail and Photograph of Encroaching Fence
Attachment 4: Photographs of the Encroaching Fence
Attachment 1: Survey of Property
Attachment 2: Site Plan and Fence Elevation
Attachment 3: Fence Detail and Photograph of Encroaching Fence
Attachment 4: Photographs of Encroaching Fence