

City Council

Notice of Motion

MM9.7	ACTION			Ward:32
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Permission for the Installation and Maintenance of a Basketball Net Fronting 7 Brookside Drive - by Councillor Mary-Margaret McMahon, seconded by Councillor Stephen Holyday

** 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 Mary-Margaret McMahon, seconded by Councillor Stephen Holyday, recommends that:

1. City Council direct the General Manager, Transportation Services to grant permission for the installation and maintenance of the basketball net fronting 7 Brookside Drive located behind the public sidewalk.
2. City Council authorize the General Manager, Transportation Services to enter into an encroachment agreement with the owners of 7 Brookside Drive, 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 and providing of an insurance policy for such liability for the lifetime of the agreement;
 - b. maintain the encroachment at their own expense in good repair and a condition satisfactory to the General Manager, Transportation Services without any additions and/or modifications and if deemed necessary, the General Manager, Transportation Services;
 - c. remove the encroachment upon receiving 90 days written notice to do so; and
 - d. waive any fees associated with cost of preparing the Agreement and the registration of the Agreement on title.
3. City Council direct the City Solicitor, Legal Services to prepare and execute the Encroachment Agreement.

Summary

It has been over a year that a basketball net has been installed fronting 7 Brookside Drive which slightly overhangs the public right of way (sidewalk).

Under Municipal Code Chapter 743 "Use of Streets and Sidewalks" a basketball net is not a permitted encroachment. However, in this particular case, the installation and maintenance of this encroachment does not impact negatively on the public right of way and in fact, the basketball net serves as a positive influence for the children of 7 Brookside Drive as well as those in the general neighbourhood.

In view of the above and given that there are no provisions in the Municipal Code to approve such an encroachment, I make the recommendations above.

Background Information (City Council)

Member Motion MM9.7