Encroachment Appeal: 84 Latimer Avenue

Date: December 4, 2014
To: North York Community Council
From: Director, Transportation Services, North York District
Wards: Ward 16 – Eglinton-Lawrence
Reference Number: p:\2015\ClusterB\TRA\NorthYorkDistrict\ny15013

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

Transportation Services is requesting approval to permit a 1.8 metre high fence located within the public right-of-way at 84 Latimer Avenue that was installed prior to the implementation of Chapter 743, Streets and Sidewalks, Use of.

Although it does not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of, our review of the fence installation indicates that it does not negatively impact the public right-of-way and does not create a sightline obstruction. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that North York Community Council:

1. Approve the request to authorize the existing 1.8 metre high fence enclosing the backyard subject to the following conditions:
   a. The property owner enters into an encroachment agreement with the City of Toronto at the applicant’s expense and assume all liability and damages related to the maintenance of the encroachment;
b. The property owner must maintain, as long as the encroachments are maintained, valid property insurance in case there are any claims initiated due to the encroachments; and

c. The property owner accepts that the City and/or utility companies may remove the encroachments in order to install or maintain services within the affected public right-of-way.

Financial Impact

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

ISSUE BACKGROUND

On July 28, 2014, an application was received to install permitted encroachments within the public right-of-way at which time the client also requested permission for an existing 1.8 metre high wooden fence enclosing the backyard on the Crestview Road flankage of the residence.

A review of the application found that the fence height and location does not comply with the requirements of Article IV (Encroachment in Streets) of the Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of.

Staff denied the application as Article IV prohibits any solid screen or privacy fence taller than 1.0 metre installed within 70 metres of an intersection.

COMMENTS

The existing fence at 84 Latimer Avenue does not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. Our assessment has indicated that the fence does not negatively impact the public right-of-way and does not create sightline obstructions for vehicular traffic or pedestrians within 70 metres of the intersection.

Applicable Regulations

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of. The relevant provisions for the encroachment subject to this appeal include:

- The maximum permitted height for fencing on a residence within 70 metres of the intersection of two or more roadways is 1.0 metre measured from the roadway grade.
Reasons for Approval

The existing fence on the Crestview Road flankage of 84 Latimer Avenue does not impede pedestrian movements or create sightline obstructions for vehicle or pedestrian movements.

The Ward Councillor has been advised of the recommendations of this report.

Details regarding the application are on file with Transportation Services.

CONTACT

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SIGNATURE

Jacqueline White, P. Eng.
Director

ATTACHMENTS

Attachment 1: Site Plan