



Councillor Joe Mihevc

Toronto City Hall
St. Paul's West
Ward 21

May 12, 2015

To: Toronto East York Community Council
From: Councillor Joe Mihevc
Date: May 12, 2015
Re: Encroachment Agreement – 5 Minho Blvd.

SUMMARY:

Since last spring, there has been a basketball net affixed to the garage at the rear of 5 Minho Boulevard, which slightly overhangs the public right of way (public laneway) at the subject property.

Under 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 5 Minho Boulevard 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 recommend the following.

RECOMMENDATION:

That:

1. City Council request the General Manager of Transportation Services to grant permission for the installation and maintenance of the basketball net affixed to the garage at the rear of 5 Minho Boulevard, which backs onto to the public laneway.
2. City Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with the owners of 5 Minho Boulevard, agreeing to but not limited to the following:
 - a. indemnifying 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. maintaining the encroachment at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services without any additions and/or modifications unless deemed necessary by the General Manager of Transportation Services; and
 - c. removing the encroachment upon receiving 90 days' written notice to do so.
3. City Council direct the appropriate staff to waive any fees associated with cost of preparing the Agreement and the registration of the Agreement on title.
 4. City Council direct the City Solicitor, Legal Services to prepare and execute the Encroachment Agreement.

Sincerely yours

Councillor Joe Mihevc
Ward 21, St. Paul's West