



REPORT FOR ACTION

Conduit Encroachment - 95 to 105 The Pond Road

Date: October 7, 2019
To: Etobicoke York Community Council
From: Director, Permits and Enforcement - Transportation Services
Wards: Ward 7 – Humber River/Black Creek

SUMMARY

This staff report is regarding a matter for which Etobicoke-York Community Council has delegated authority from City Council to make a final decision.

Transportation Services is requesting authority to enter into an encroachment agreement for the maintenance of an existing below-grade conduit that is currently located on private property. A portion of the conduit will be located within the future Haynes Avenue public road allowance once the subject lands are dedicated as public highway.

The conduit encroachment is associated with the York University Block 'C' development, which is located at the southeast corner of The Pond Road and Sentinel Road. The Block 'C' development proposes the construction of 437 student housing units, ancillary retail uses and the north-south extension of Haynes Avenue, from The Pond Road to Assiniboine Road.

This report recommends that Etobicoke-York Community Council approve the request to maintain the portion of the existing below-grade conduit that will be located within the future Haynes Avenue public right-of-way and enter into an encroachment agreement to the satisfaction of the General Manager, Transportation Services and the City Solicitor. Transportation Services has no concerns with the conduit encroachment as it will not negatively impact the public road system.

RECOMMENDATIONS

The Director of Permits and Enforcement, Transportation Services recommends that:

1. The Etobicoke-York Community Council approve the request to maintain the existing conduit that will be located beneath the future Haynes Avenue public road allowance, subject to the following terms and conditions:

a. The property owner(s) shall, at their own expense, enter into an encroachment agreement with the City of Toronto on terms and conditions satisfactory to the General Manager of Transportation Services and the City Solicitor, including the following:

i. The property owner(s) shall assume all liability and damages related to the encroachment and release and indemnify the City with respect to any claims in relation thereto;

ii. The property owner(s) must retain valid property insurance for the duration of the encroachment installation within the right-of-way in an amount and with coverages satisfactory to the General Manager, Transportation Services and must comply with all insurance and indemnity requirements of Chapter 743 of the City of Toronto Municipal Code, sub-section 23;

iii. The property owner(s) shall agree that the City and/or utility companies may remove the encroachment at any time in order to install or maintain services within the affected public right-of-way with no obligation to replace the encroachment;

vi. The property owner(s) shall remove the encroachment, if required by the General Manager, Transportation Services, at any time and restore the public road allowance to the satisfaction of the City and in accordance with Article VII of Chapter 743 of the City of Toronto Municipal Code;

v. The City shall not be responsible for repairing or replacing any portion of the encroachment that is damaged as a result of clearing or removing litter, graffiti, posters, snow, ice, or as a result of street repairs or reconstruction.

vi. The property owner(s) shall pay all applicable fees specified in Chapter 441, Fees and Charges of the City of Toronto Municipal Code;

vii. The property owner(s) shall pay all costs associated with preparing the Encroachment Agreement;

viii. If considered appropriate, the City may require that the property owner(s) register notice of the Encroachment Agreement on title to the property, at their own expense to the satisfaction of the City Solicitor; and

ix. The property owner(s) agree to comply with all other terms and conditions identified by the General Manager, Transportation Services in a form acceptable to the City Solicitor.

2. Etobicoke-York Community Council authorize the General Manager, Transportation Services to negotiate, enter into and execute the encroachment agreement with the property owner(s) as described under item 1.

FINANCIAL IMPACT

There is no financial impact to the City resulting from adoption of this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

Transportation Services received an encroachment application from McCarthy Tetrault LLP on behalf of York University, requesting permission to maintain an existing below-grade conduit that is currently located on private property. A portion of the conduit will be located within the future Haynes Avenue public road extension, near The Pond Road. While construction of the Haynes Avenue road extension has been completed, the lands have not been dedicated as public highway.

The existing conduit controls the gate access arm to a nearby parking lot. The gate access arm is located on the south side of The Pond Road, approximately 130 metres east of the Haynes Avenue public road extension. No new construction is required to maintain the existing conduit.

The conduit encroachment is associated with the Block 'C' development at York University, which considers the construction of two buildings that will contain 437 student housing units and approximately 1,175 square metres of at-grade ancillary retail uses. The proposal also entails the extension of the Haynes Avenue public road allowance from The Pond Road to Assiniboine Road. The Block 'C' development proposal is being reviewed under Zoning By-law Amendment Application No. 18 266532 NNY 07 OZ. The location and layout of the future Haynes Avenue public road extension was reviewed under Draft Plan of Subdivision Application No. 14 186422 NNY 08 SB.

The lands associated with the Haynes Avenue public road extension will be dedicated as public highway once the Plan of Subdivision is registered. Transportation Services has been advised by City Legal staff that approval of the conduit encroachment is required before the Plan of Subdivision for the development can be registered. City Legal staff also advised that approval of the encroachment is required from Etobicoke-York Community Council since the conduit is currently located on private property.

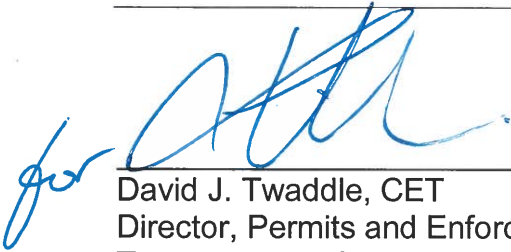
An Electrical Site Plan is attached as Appendix 'A' to this report which shows the future Haynes Avenue public road extension along with the location and extent of the conduit encroachment.

Subject to the conditions identified above, Transportation Services has no concerns with the conduit encroachment as it will not negatively impact the existing and future public road system.

CONTACT

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SIGNATURE



David J. Twaddle, CET
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1: Appendix "A" - Electrical Site Plan

Area of Conduit Encroachment

Future Haynes Avenue Right-of-Way

SECTION 1

SECTION 2

SECTION 3

LEGEND

FUTURE CONDUIT ENCRoACHMENT

FUTURE HAYNES AVENUE RIGHT-OF-WAY

THE QUAD STUDENT COMMUNITY
PHASE 1A - BUILDINGS C1 & C2
DRAWING NO. 100-000000-0000
DATE: 10/10/2010