

Encroachment Appeal - Existing Fence at 12 Dennis Avenue

Date: November 13, 2019
To: Etobicoke York Community Council
From: Director, Permits and Enforcement - Transportation Services
Wards: Ward 5 – York South-Weston

SUMMARY

This staff report is regarding a matter that the 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 with the owners of 12 Dennis Avenue for an existing fence that is located within the public road allowance. The fence has a maximum height of 2.032 metres, is made of wrought iron and causes no sight line issues. However, the minimum required 0.5 metre setback has not been provided from the edge of the sidewalk that is located closest to the street line, which may impede operational maintenance. It therefore requires delegated approval from Etobicoke-York Community Council.

RECOMMENDATIONS

The Director of Permits and Enforcement, Transportation Services recommends that the Etobicoke York Community Council give authority to the City of Toronto, Transportation Services to enter into an Encroachment Agreement and allow the existing wrought iron fence to be retained at a maximum height of 2.032 metres subject to the following conditions:

- a) The property owner(s) relocate the fence to provide a 0.5m setback from the edge of the sidewalk along Dennis Avenue that is located closest to the street line;
- b) The property owner(s) enter into an encroachment agreement with the City of Toronto, at their expense and assume all liability and damages related to the encroachment.
- c) The property owner(s) retain, as long as the encroachment is maintained, valid property insurance in case of any claims initiated due to the encroachment.

d) The property owner(s) accept that the City and/or utility companies may remove the encroachment in order to install or maintain services within the affected public right of way.

e) Any fence gates must swing inward towards private property.

f) The fence footings will not exceed a depth of 1.2 metres below the existing surface.

g) Any other conditions deemed necessary by the General Manager, Transportation Services.

FINANCIAL IMPACT

There is no financial impact.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

The fence encroachment does not meet the requirements of Chapter 743 of the City of Toronto Municipal Code, given that it exceeds the maximum allowable height of 1.2 metres for the portion of the fence fronting the property. The fence also does not meet the minimum required setback of 0.5 metres under Chapter 743, as measured from the edge of the sidewalk that is located closest to the street line.

There are no current sightline issues associated with the fence. Furthermore, given the specifications shown on the drawings, the fence meets all aspects of Chapter 743 other than the height and setback requirements.

Staff is of the opinion that the fence encroachment will not have a negative impact on the public right of way in terms of maintenance and safety, provided that the above-noted conditions are satisfied by the owner(s). As a result, staff have determined that the fence encroachment is acceptable provided that the property owner(s) enter into an encroachment agreement to the satisfaction of the City.

CONTACT

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SIGNATURE

David J. Twaddle, CET
Director, Permits and Enforcement
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ATTACHMENTS

Attachment 1 - Site Plan and Front Fence - 12 Dennis Avenue

