

Encroachment Appeal - 175 Haddington Avenue

Date: January 31, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 8 - Eglinton-Lawrence

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

Transportation Services is requesting authority to enter into an encroachment agreement with the owners of 175 Haddington Avenue to maintain an existing 1.8 metre high wooden fence on Clyde Avenue with a 3.5 metre setback from the roadway curb at the subject premises.

The fence on the public right of way does not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

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

1. North York Community Council approve the request to maintain a 1.8 metre high wooden fence on the flankage of 175 Haddington Avenue on the public right of way, subject to the following conditions:

- a) The property owners enter into an encroachment agreement with the City of Toronto at the applicant's expense and assume all liability and damages related to the encroachment.
- b) The property owners must retain valid property insurance for the duration of the encroachments in case there are any claims initiated due to the encroachment.

- c) The property owners agree that the City and/or utility companies may remove the fence in order to install or maintain services within the affected public right of way with no obligation to replace the encroachment.

FINANCIAL IMPACT

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

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on August 20, 2018, from the owners of 175 Haddington Avenue requesting permission to maintain an existing 1.8 metre high wooden fence on the Clyde Avenue flankage on the public right of way.

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 encroachments subject to this appeal are that a fence within 70 metres of an intersection of two or more roadways cannot exceed a 1.0 metre height, as measured from the roadway grade. An appeal was subsequently received from the property owners on August 20, 2018, for which this report has been prepared.

A site plan showing the encroachment has been submitted which is included as Attachment 1.

The fence exceeds the permitted height of 1.0 metre for encroachments within 70 metres of an intersection of two or more roadways but staff is of the opinion it will not have a negative impact on the public right of way for pedestrians or for traffic on the affected roadways.

The Ward Councillor has been advised that the applicants are requesting permission to maintain the existing fence on the Clyde Avenue flankage of the public right of way at 175 Haddington Avenue.

CONTACT

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SIGNATURE

Dave Twaddle
Director

ATTACHMENTS

Attachment 1: Site Plan