

Encroachment Appeal - 101-191 Ravel Road

Date: February 1, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 17- Don Valley North

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 owner of 101-191 Ravel Road to maintain concrete stairs with metal railings on either side within the public road allowance. The stairs and railings within the public road allowance are 9.03 metres long and have a combined height of 4.07 metres. No setback is provided from the city sidewalk at the north-east corner of Finch Avenue East and Leslie Street. The footings of the stairs and metal railings do not exceed a depth of 1.2 metres.

The stairs with metal railings on either side within the public right of way do not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of, for delegated approval as an encroachment by the General Manager, Transportation Services. 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 concrete stairs with metal railings on either side within the public road allowance that are 9.03 metres long and have a combined height of 4.07 metres with no setback from the city sidewalk at the north-east corner of Finch Avenue East and Leslie Street, as required to provide pedestrian access to 101-191 Ravel Road, subject to the following conditions:

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

b) The property owner shall assume all liability and damages related to the encroachments and release and indemnify the City with respect to any claims in relation thereto.

c) The property owner must retain valid property insurance for the duration of the encroachment installation on the right of way in an amount and with coverages satisfactory to the General Manager, Transportation Services.

d) The property owner shall agree that the City and/or utility companies may remove the stairs surmounted by metal railings, at any time in order to install or maintain services within the affected public right of way with no obligation to replace them.

e) The property owner shall remove the encroachments if required by the General Manager, Transportation Services, at any time and restore the street to the satisfaction of the General Manager, Transportation Services.

FINANCIAL IMPACT

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

DECISION HISTORY

On February 14, 2006, North York Community Council adopted Report 2, Clause 4, which approved an encroachment application at 101-191 Ravel Road for the installation of concrete steps and metal railings leading from the plaza parking lot to the city sidewalk following the slope of the land on the city road allowance on conditions including the payment of fees and that the owner enter into an encroachment agreement with the City for a term of 10 years.

[NYCC Report 2, Clause 4 Encroachment Agreement Request for 101-191 Ravel Road](#)

COMMENTS

A report to North York Community Council was prepared and adopted on February 14, 2006 to permit concrete stairs surmounted by metal railings on the City right of way at the north-east corner of Finch Avenue East and Leslie Street. The stairs and metal railings provide pedestrian access from the public sidewalk to 101-191 Ravel Road. Conditions placed on the approval of these encroachments included that the property owner enter into an encroachment agreement with the City for a term of 10 years.

An encroachment agreement was subsequently entered into with the property owner at 101-191 Ravel Road. The agreement expired on May 3, 2017. A new application was received from the property owner in May 2017 seeking permission for the maintenance of concrete stairs and metal railings on the City right of way. This report is with respect to the May 2017 application.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. Subsection 743-34A (2) states that railings located within 70 metres of an intersection of two or more streets cannot exceed one metre in height, as measured from the surface of the intersecting road and footings for the concrete stairs surmounted by metal railings cannot exceed a depth of 1.20 metres, as measured from the surface of the adjoining boulevard.

Chapter 743, Streets and Sidewalks, Use of, also permits the installation and maintenance of soft landscaping and other vegetation located in the boulevard at a height of not more than 0.85 metres measured from the travelled portion of the adjoining road without paying any permit or encroachment fee.

The height of the concrete stairs surmounted by metal railings does not comply with the maximum one metre height permitted under Chapter 743, Streets and Sidewalks, Use of. As a result, the General Manager is not authorized to issue a permit or enter into an agreement for these encroachments and an appeal was requested from the property owner, for which this report has been prepared.

Site plans showing the encroachments have been submitted which are included as attachments in this report.

Although the concrete stairs surmounted by metal railings exceed the permitted height, staff is of the opinion that there will not be a traffic sightline impediment or obstruction affecting vehicular traffic or pedestrians, and that the proposed encroachments will not have a negative impact on the public right of way. Thus, staff believe that the subject encroachments are acceptable provided that the property owner enters into an encroachment agreement with the City.

CONTACT

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SIGNATURE

David Twaddle
Director

ATTACHMENTS

Attachment 1: Legal Survey
Attachment 2: Site Plan
Attachment 3: Railing Detail