

Encroachment Appeal - 33 Lytton Boulevard

Date: May 30, 2019

To: North York Community Council

From: Director, Permits and Enforcement, North York District

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 33 Lytton Boulevard for a 1.8 metre high wooden fence setback a minimum of 2.1 metres from the City sidewalk on Duplex Avenue flanking 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, 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, Permits and Enforcement, North York District, recommends that North York Community Council:

1. Approve the request to install a 1.8 metre high wooden fence on the flankage of the subject premises within the public right of way at 33 Lytton Boulevard subject to the following conditions:

- a) The property owners enter into an encroachment agreement with the City of Toronto at their 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 encroachment 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 encroachment in order to install or maintain services within the affected public right of way with no obligation to replace the encroachment.
- d) The property owners agree to remove the existing overgrown hedges on the public right of way on the Duplex Avenue flankage.
- e) The property owners will comply with Urban Forestry's requirements with regard to the affected City tree including the submission of the Tree Protection Guarantee funds.

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 March 7, 2019, from the owners of 33 Lytton Boulevard requesting permission to install a 1.8 metre high wooden fence on the public right of way located on Duplex Avenue flanking the subject premises.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a fence within 70 metres of an intersection of two or more roadways cannot exceed 1.0 metre in height measured from the roadway grade. An appeal was subsequently received from the property owners for which this report has been prepared.

A site plan and cross-section plan showing the encroachment have been submitted and are included as attachments in this report.

The fence exceeds the permitted height of 1.0 metre for encroachments within 70 metres of an intersection of two or more roadways. 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. Therefore, the encroachment is acceptable provided that the property owners enter into an encroachment agreement with the City and comply with Urban Forestry's requirements.

The Ward Councillor has been advised that the applicants are requesting permission to install a 1.8 metre high wooden fence on the public right of way located on Duplex Avenue flanking the subject premises.

CONTACT

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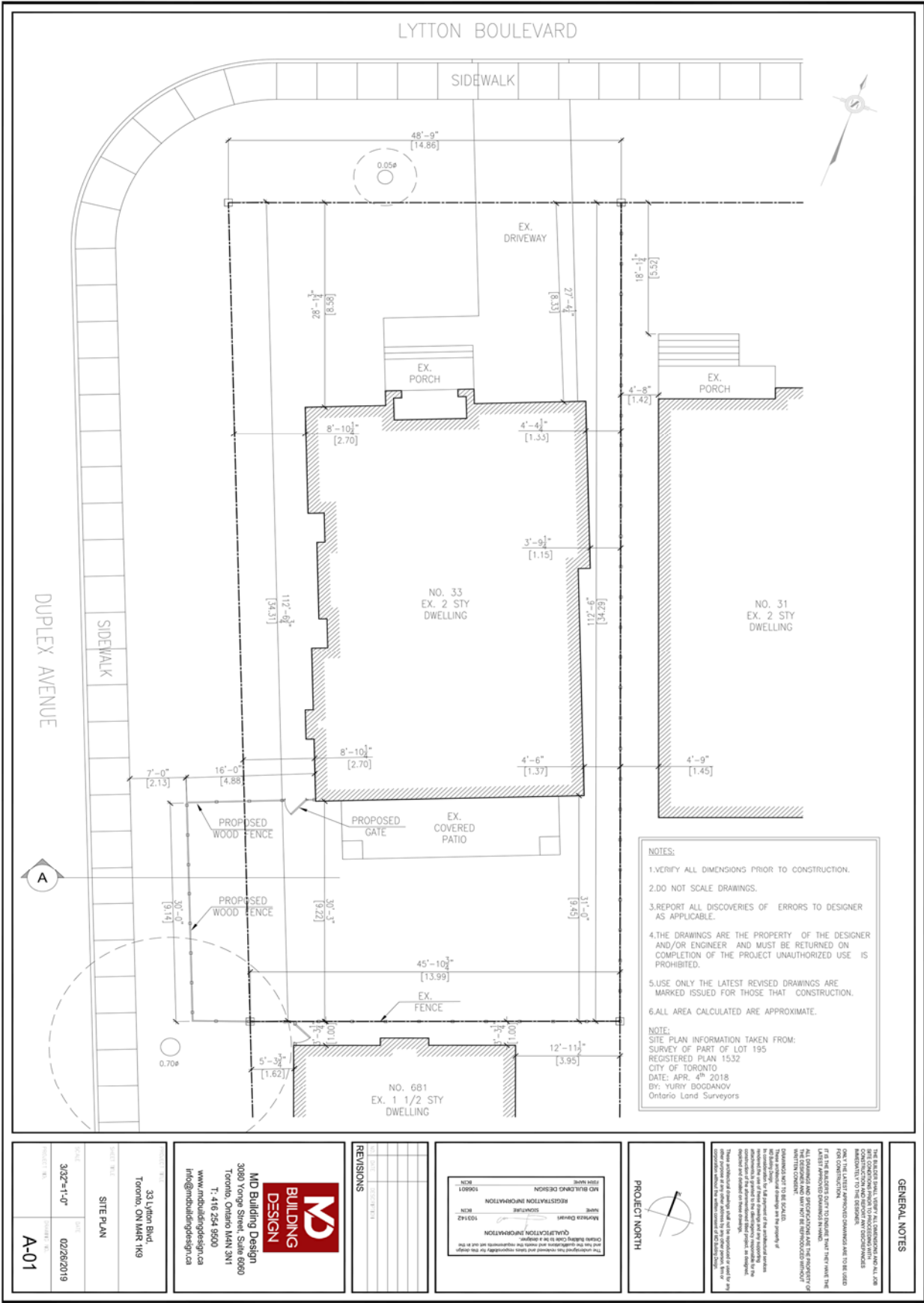
SIGNATURE

David J. Twaddle
Director

ATTACHMENTS

Attachment 1: Site Plan for 33 Lytton Boulevard
Attachment 2: Cross-section plan for 33 Lytton Boulevard

Attachment 1: Site Plan for 33 Lytton Boulevard



Attachment 2: Cross-Section plan for 33 Lytton Boulevard

