

Encroachment Appeal - 18 Erskine Avenue

Date: November 7, 2019
To: North York Community Council
From: Director, Transportation Services, Permits and Enforcement
Wards: Ward 15 - Don Valley West

SUMMARY

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

The property at 18 Erskine Avenue includes the properties at 18 to 30 Erskine Avenue. A residential building is currently under construction at the site. Upon completion, the building will contain approximately 315 rental dwelling units. Planning approvals for the building were obtained through Zoning By-law Amendment Application No. 12 267217 NNY 25 OZ and Site Plan Application No. 12 267211 NNY 25 SA.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 18 Erskine Avenue to install and maintain 64 soil cells under the boulevard of Erskine Avenue area that fronts the property. The soil cells will cover an area of 47.6 square metres and will be installed in three rows.

Soil cells are an expandable and low maintenance modular system that allow additional soil volume for proper tree growth. They are used in tight urban spaces, facilitate water infiltration, and given their completely open design, help with the horizontal and vertical spreading of root systems.

Urban Forestry, Toronto Water and the Toronto Public Utilities Coordinating Committee (TPUCC) granted approval of the proposal and location of soil cells.

Transportation Services does not have delegated authority to enter into an encroachment agreement for the soil cells in accordance with the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. However, approval of the soil cell encroachment is recommended given that it will comply with the Toronto Green Standard, will provide street trees with high quality soil volume and all TPUCC approvals were obtained.

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 install and maintain 64 soil cells underneath the boulevard area fronting 18 Erskine Avenue, which will extend over three rows and cover an area of 47.6 square metres, subject to the following conditions:

- a) The property owner shall install and maintain the encroachment to the satisfaction of the General Manager of Transportation Services and in a state of good repair, at no expense to the City.
- b) The property owner enters into an encroachment agreement with the City of Toronto at the applicant's expense and assumes all liability and damages related to the encroachment.
- c) The property owner must retain valid property insurance for the duration of the encroachment in case there are any claims initiated due to the encroachment.
- d) The property owner agrees that the City and/or utility companies may remove the soil cells in order to install or maintain services within the affected public right-of-way with no obligation to replace the encroachment.
- e) 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 or ice, or as a result of street repairs or reconstruction.
- f) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- g) The property owner agrees to register the encroachment on-title to the property, at the expense of the applicant and to the satisfaction of the City Solicitor.

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

A streetscape application was received on December 20, 2018 from the owner of 18 Erskine Avenue requesting permission to install and maintain 64 soil cells within the Erskine Avenue boulevard area fronting the property. The soil cells will be installed in three rows and will cover an area of 47.6 square metres.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743 Streets and Sidewalks, Use of. Transportation Services does not have delegated authority to enter into an encroachment agreement for the soil cells in accordance with the City of Toronto Municipal Code, Chapter 743. However, staff is of the opinion that the soil cell encroachment will not have a negative impact on the public right of way. As a result, an appeal was requested from the property owners for which this report has been prepared.

Soil cells are used to facilitate tree growth as they allow appropriate soil volumes for root systems. They are used in tight urban environments, are of low maintenance and their open design allow for the vertical and horizontal spreading of roots and water. In addition, the proposed soil cell encroachment is also supported by Urban Forestry, Toronto Water and the TPUCC. Thus, staff is of the opinion that the encroachment is acceptable provided that the property owners enter into an encroachment agreement with the City.

CONTACT

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SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1: Landscape Utilities and Layout Plan
Attachment 2: Sections

Attachment 1 Landscape Utilities and Layout Plan



