

Encroachment Appeal - 484 Eglinton Avenue West

Date: October 1, 2020
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.

Summerhill Market at 484 Eglinton Avenue West is a two story commercial building currently under renovation. The property owner is proposing to install and maintain a motorized retractable awning over the ground floor window and a bronze clad canopy over the entrance sliding door.

Transportation Services is requesting authority to enter into an encroachment agreement with the owner of 484 Eglinton Avenue West to install and maintain the above noted encroachments within the boulevard area of Eglinton Avenue West.

The proposed canopy and awning on the public right-of-way do not meet the setback 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.

RECOMMENDATIONS

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

1. North York Community Council approve the request to permit no setback from the rear edge of the sidewalk of canopy and awning at 484 Eglinton Avenue West subject to the following conditions:

- a) The property owner shall install and maintain the encroachments 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 enter into an encroachment agreement with the City of Toronto at the applicant's expense and assume all liabilities and damages related to the encroachments.
- 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 encroachments.
- d) The property owner agrees that City and/or utility companies may remove the canopy and awning in order to install or maintain service within the affected public right-of-way with no obligation to replace the encroachments.
- e) The property owner agrees that any discharge of water from the canopy and awning shall be oriented to direct water away from the road or sidewalk.
- 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 owner 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

The property owner applied to enter into an encroachment agreement for the proposed canopy and awning on the property at 484 Eglinton Avenue West.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743 Streets and Sidewalks, Use of. As the proposed canopy and awning does not comply with the required minimum 0.50 metres setback from the rear edge of the sidewalk, an appeal was requested from the property owner, for which this report has been prepared.

The awning measures approximately 5.33 metres in length, 1.07 metres in width and 2.67 metres high above the sidewalk. The canopy measures approximately 2.44 metres long, 1.07 metres wide, 0.41 metres thick and height of 2.50 metres above the sidewalk.

An encroachment plan, elevation, and section drawings showing the encroachments are included as attachments to this report.

Even though the proposed encroachments do not comply with the setback requirements stipulated in Chapter 743 of the City of Toronto Municipal Code, staff is of the opinion that this does not constitute a traffic sightline impediment affecting traffic or pedestrians. Furthermore, staff are also of the opinion that the proposed encroachments will not have a negative impact on the public right-of-way. Thus, staff have determined that the encroachments are acceptable, provided that the property owner enters into an encroachment agreement with the City.

The Ward Councillor is aware of the recommendations of this report.

The owner will be given an opportunity to make a deputation before Community Council.

CONTACT

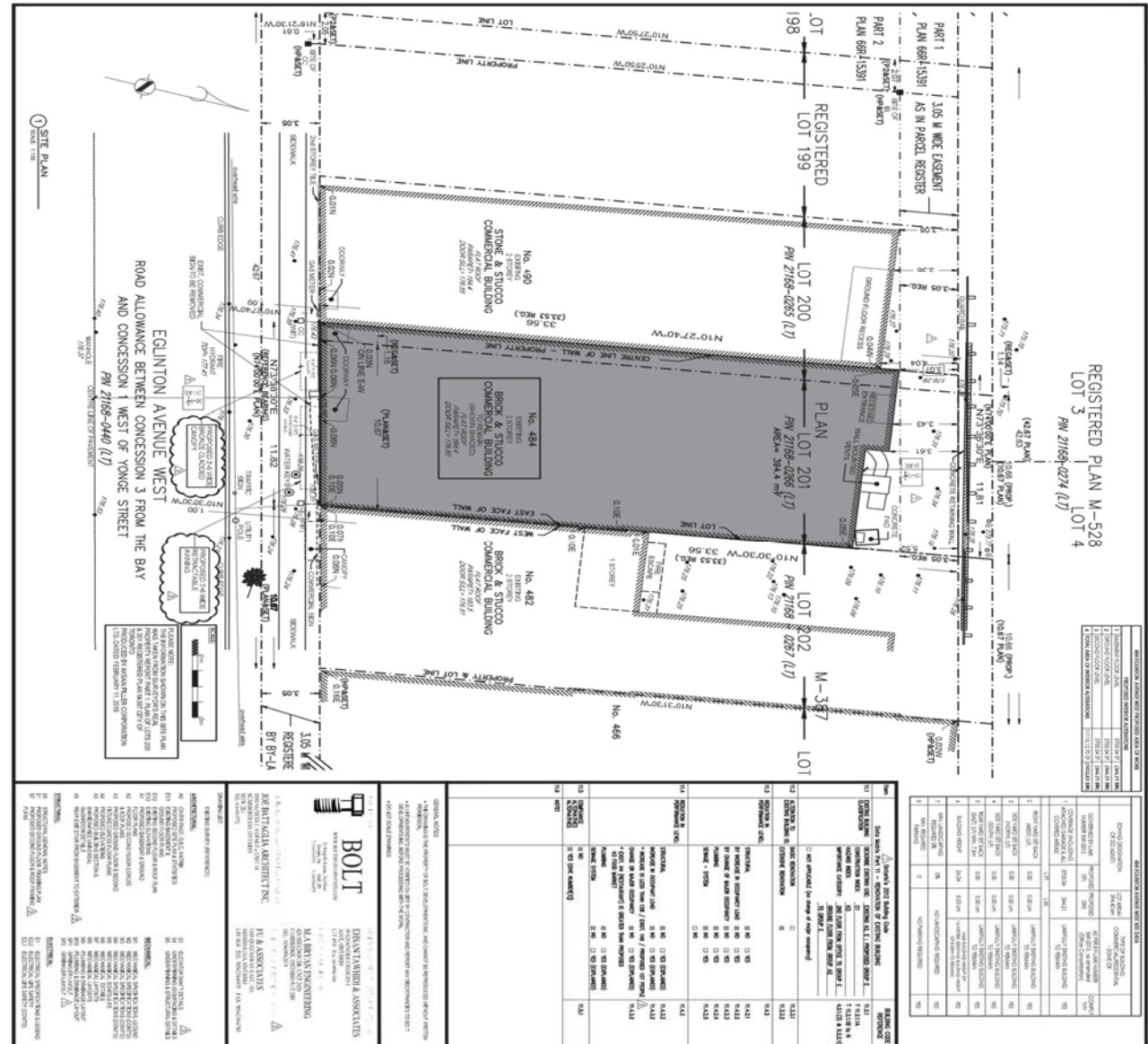
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SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1: Plan of Canopy and Awning
Attachment 2: Elevation showing Encroachments
Attachment 3: Wall sections showing Canopy and Awning



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Attachment 3: Walls Sections showing Canopy and Awning

