



James Pasternak
Councillor | York Centre - Downsview

Toronto City Hall
City Hall, 100 Queen St. West, 2nd Floor, A22
Toronto, Ontario M5H 2N2

June 28th, 2022

North York Community Council
North York Civic Centre
5100 Yonge Street
Toronto, ON M2N 5V7

Re: Basketball Net Fronting 49 Arlstan Drive – ROW Encroachment Permission

Several years ago, a basketball net was installed on 49 Arlstan Drive, fronting a residential cul-de-sac located in the Bathurst Manor neighbourhood. The net was installed in honour of a resident at 49 Arlstan Dr. who encouraged his children and grandchildren to engage in the sport of basketball.

This basketball net encroaches on the public boulevard and hangs slightly over the road. Basketball nets are not listed as a permitted encroachment under the Toronto Municipal Code, Chapter 743, Article IV. In this particular case, however, the installation and maintenance of the encroachment does not impact negatively on the public right of way, and is in fact a positive influence on the community. A publicly accessible basketball net provides recreational amenities for use by children, youth and adults living on Arlstan drive and the surrounding area. Since the net is located at the end of a cul-de-sac traffic volume is regularly very low.

It is in view of these circumstances, and given the lack of provisions in the Toronto Municipal Code to support such an encroachment, that I make the below recommendations.

Recommendations:

1. North York Community Council direct the General Manager, Transportation Services to grant permission for the installation and maintenance of the basketball net fronting 49 Arlstan Drive located behind the public right of way.
2. North York Community Council authorize the General Manager, Transportation Services to enter into an encroachment agreement with the owners of 49 Arlstan Drive, agreeing to but not limited to the following:
 - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission and providing of an insurance policy for such liability for the lifetime of the agreement;
 - b. maintain the encroachment at their own expense in good repair and a condition satisfactory to the General Manager, Transportation Services without any



additions and/or modifications and if deemed necessary, the General Manager, Transportation Services;

- c. remove the encroachment upon receiving 90 days written notice to do so; and
3. North York Community Council direct the City Solicitor, Legal Services to prepare and execute the Encroachment Agreement.

Sincerely,

James Pasternak
Councillor, Ward 6 York-Centre
Chair, North York Community Council