

## **Encroachment Agreement - 60 Mill Street**

**Date:** April 1, 2022

**To:** Toronto and East York Community Council

**From:** Director, Permits and Enforcement, Transportation Services

**Wards:** Ward 13, Toronto Centre

### **SUMMARY**

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This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has reviewed an application to construct an encroachment within the public right-of-way at 60 Mill Street. The encroachment consists of a private sanitary control manhole which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The purpose of this report is to request authority to enter into an encroachment agreement with the property owner to permit the construction of the private maintenance manhole within the City's right-of-way on Trinity Street, subject to conditions.

### **RECOMMENDATIONS**

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The Director Permits and Enforcement, Transportation Services recommends that:

1. Toronto and East York Community Council authorize the City to enter into an encroachment agreement (the "Agreement") with property owner of 60 Mill Street permitting a private sanitary control manhole (the "Encroachment") on the terms and conditions to be set out by the Director, Permits and Enforcement, Transportation Services and on any other or amended terms and conditions satisfactory to the General Manager of Transportation Services (the "GM"), and in a form satisfactory to the City Solicitor.

## FINANCIAL IMPACT

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There is no financial impact resulting from the adoption of the recommendations in this report, as the property owner will be responsible for the entire costs for the construction of the sanitary control manhole, as well as its maintenance, repair and operation.

## DECISION HISTORY

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Toronto Preservation Board, at its meeting on February 22, 2022, adopted Item PB31.4 entitled "Alterations to a Heritage Property and Authority to Amend a Heritage Easement Agreement - 60 Mill Street" which recommended City Council approve the alterations to the heritage property at 60 Mill Street in accordance with Section 33 of the Ontario Heritage Act, to allow for alterations substantially in accordance with the Interim Decision and Order issued on September 23, 2021 by the Ontario Land Tribunal and the plans and drawings.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PB31.4>

## COMMENTS

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An application has been received from 2575867 Ontario Incorporated, the owner of 60 Mill Street, requesting permission to construct a 1200 mm diameter private sanitary control manhole within the public right-of-way on Trinity Street flanking the subject premise. The heritage building that the property owner is retaining in situ extends to the property line, which restricts the proposed manhole from being constructed entirely on private property. The manhole will be required for sanitary control and maintenance.

A drawing of the proposed private control manhole is included in Attachment 1.

Under Code Chapter 743, the General Manager of Transportation Services does not have authority to enter into encroachment agreements for private sanitary control manholes, therefore Community Council approval is required. An encroachment agreement between the City and the property owner will set out the property owner's responsibilities for the maintenance, repair and operation of the private sanitary control manhole.

As there may be impacts to existing utility infrastructure, it will be the property owner's responsibility to undergo a public utility review and obtain clearances from the affected utility agencies including satisfying their requirements prior to issuance of a construction permit authorizing work within the public right of way.

Transportation Services has reviewed the application and determined that the construction and maintenance of the encroachment will not have a negative impact on the public right-of-way for pedestrians, for traffic on the affected streets, or the City's ability to properly maintain the right-of-way. Therefore, Transportation Services recommends that the City enter into an encroachment agreement with the property

owner to allow the private sanitary control manhole to encroach within the City's right-of-way.

The Ward Councillor has been advised of the recommendations in this report.

## **CONTACT**

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## **SIGNATURE**

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David J. Twaddle, CET  
Director, Permits and Enforcement, Transportation Services

## **ATTACHMENTS**

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Attachment 1: Drawing of Proposed Private Sanitary Control Manhole - 60 Mill Street

# Attachment 1: Drawing of Proposed Private Sanitary Control Manhole - 60 Mill Street

