

Encroachment Appeal – 19 Reiner Road

Date: April 28, 2023

To: North York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 6 - York Centre

SUMMARY

This staff report is about a matter that 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 19 Reiner Road. The encroachment consists of a 1.8 metre high wooden fence, at the flank of the subject premises, which is in contravention of the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of. Specifically, the proposed 1.8m fence, is located within 70 metres of nearby intersections.

Although the proposed fence does not meet the requirements under Code Chapter 743, staff is of the opinion that it will not have a negative impact on the public right-of-way for pedestrians or for traffic on the affected streets and does not pose a sight line obstruction at the nearby intersections. Therefore, Transportation Services is requesting authority to enter into an encroachment agreement with the property owner, subject to conditions.

RECOMMENDATIONS

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

1. North York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with property owner of 19 Reiner Road, to permit the installation of 1.8 metre high wooden fence on the flank of the subject premises within the public right-of-way at 19 Reiner Road, subject to the following conditions:

- 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 granted;
- b. Maintain the fence at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement.
- c. Accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
- d. Remove the fence upon receiving written notice to do so.
- e. The property owner will enter into an encroachment agreement with the City of Toronto, at the applicant's expense, and assume all liability and damages related to the encroachments.
- f. The proposed fence includes a 3 metre by 3 metre vision splay, at the rear corner flank, to assist with mitigating any sightline concerns at the existing garage entrance.
- g. The proposed fence is not to be utilized as a primary enclosure fence for any pool located on the subject property; and
- h. The proposed fence is not permitted to enclose the utility box, at rear flank of the property, unless written permissions is received from the appropriate asset owner.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received from the owners of 19 Reiner Road requesting permission to construct a 1.8 metre high wooden fence within the public right-of-way on the flanking street, Hammell Street at 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, shall not exceed one metre in height measured from the roadway grade.

As the proposed height of the fence exceeds the maximum 1.0 metre height requirement under Chapter 743, Streets and Sidewalks, Use of, the General Manager of Transportation Services is not authorized to issue a permit or enter into an agreement for the encroachment. An appeal was subsequently received from the property owners, for which this report has been prepared.

A site plan of the proposed fence showing the encroachment has been submitted and is included as an attachment in this report. Transportation Services has determined that the proposed fence does not cause any sightline obstructions at the nearby intersections of Reiner Road and Hammell Street as well as at Verwood Avenue and Hammell Street. Transportation Services recommends the installation of a 3 metre by 3 metre vision splay, at the rear corner flank, to assist with mitigating any sightline concerns at the existing garage entrance.

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

CONTACT

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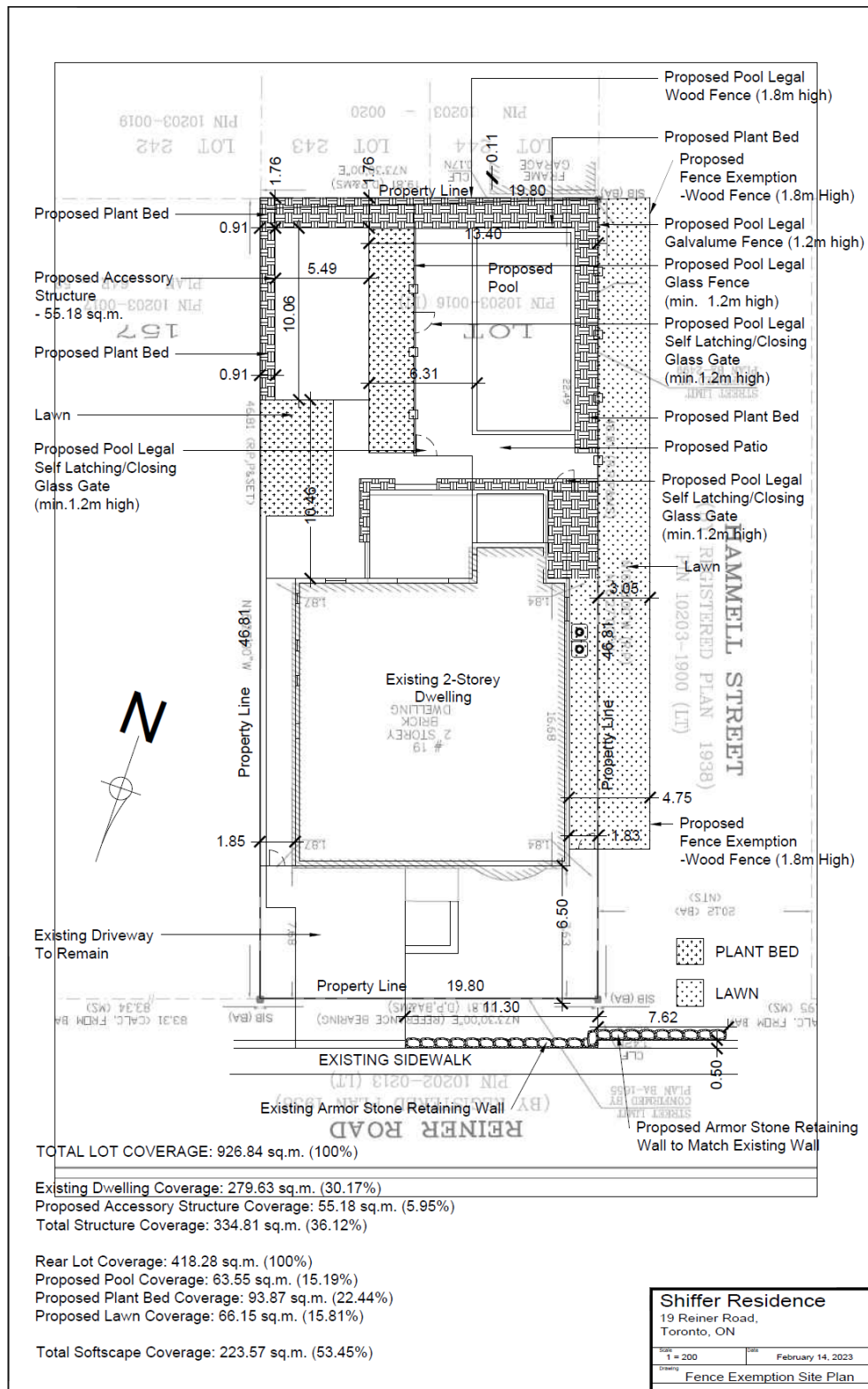
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan of the Proposed Fence
Attachment 2: Site Photos

Attachment 1: Site Plan of the Proposed Fence



Attachment 2: Site Photos



