TORONTO

REPORT FOR ACTION

Encroachment Appeal – 72 Calvington Drive

Date: September 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 and maintain an encroachment within the city right-of-way at 72 Calvington Drive. The encroachment consists of approximately 24.7 metres of 2.0-metre-high aluminum fence, at Renshaw Street, which is within 70 metres of the intersection at Calvington Drive as well as Tavistock Road.

The indicated fence is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, Section 34A (2) (a) and 34A (2) (a) (1) which state the following:

743 – 34A (2) (a) - A fence located within a street can be built to a maximum height of 1.20 metres for that portion of the fence fronting the property, and 1.80 metres for any fence located in the flankage of the property, provided that to ensure unobstructed driver and pedestrian sight lines:

743 – 34A (2) (a) (1) - No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall not exceed a height of one metre with the height measured from the surface of the intersecting road.

Transportation Services is requesting authority to permit the installation of the aluminum fence and enter into an encroachment agreement with the property owner, subject to conditions based on the attached plans and applicable By-laws.

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 the property owner of 72 Calvington Drive, to permit the installation of 2.0 metre high aluminum fence on the flank of the subject premises within the public right-of-way at 72 Calvington Drive, 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 is not to be utilized as a primary enclosure fence for any pool located on the subject property.

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 on September 5th, 2023, from the owner of 72 Calvington Drive, requesting permission to construct a 2.0 metre high aluminum fence within the public right-of-way on the flanking street, Renshaw 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 provisions for the encroachment subject to this appeal are that a fence located within 70 metres of an intersection, of two or more roadways, shall not exceed 1.0 metre in height measured from the roadway grade nor should a fence, located at the flank of a property, exceed the height of 1.8 metres.

As the proposed height of the fence exceeds both the maximum 1.0 metre and 1.8 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 Calvington Drive and Renshaw Street as well as at Renshaw Street and Tavistock Road.

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

CONTACT

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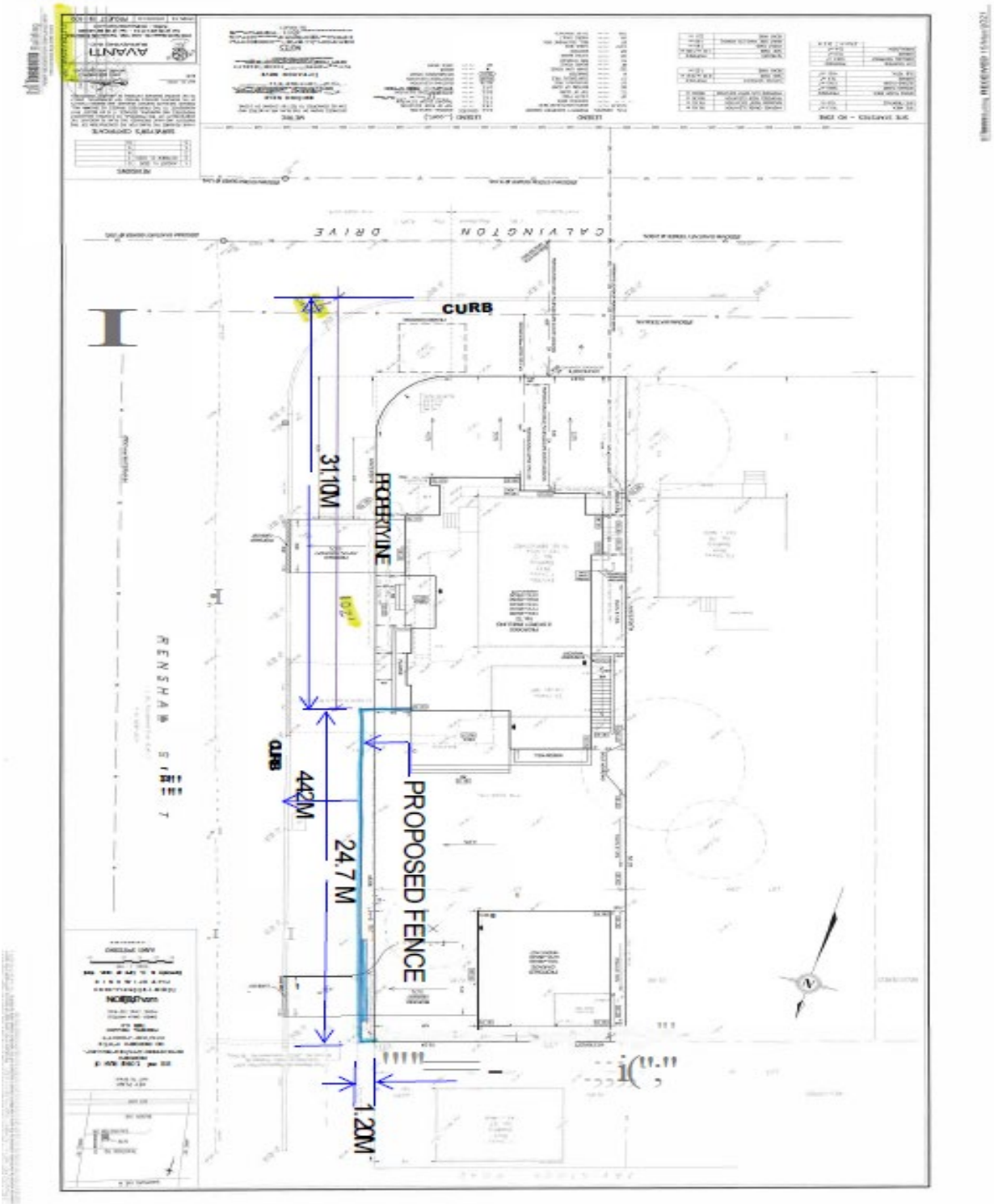
SIGNATURE

Antonia Markos
Director, Permits and Enforcement, Transportation Services

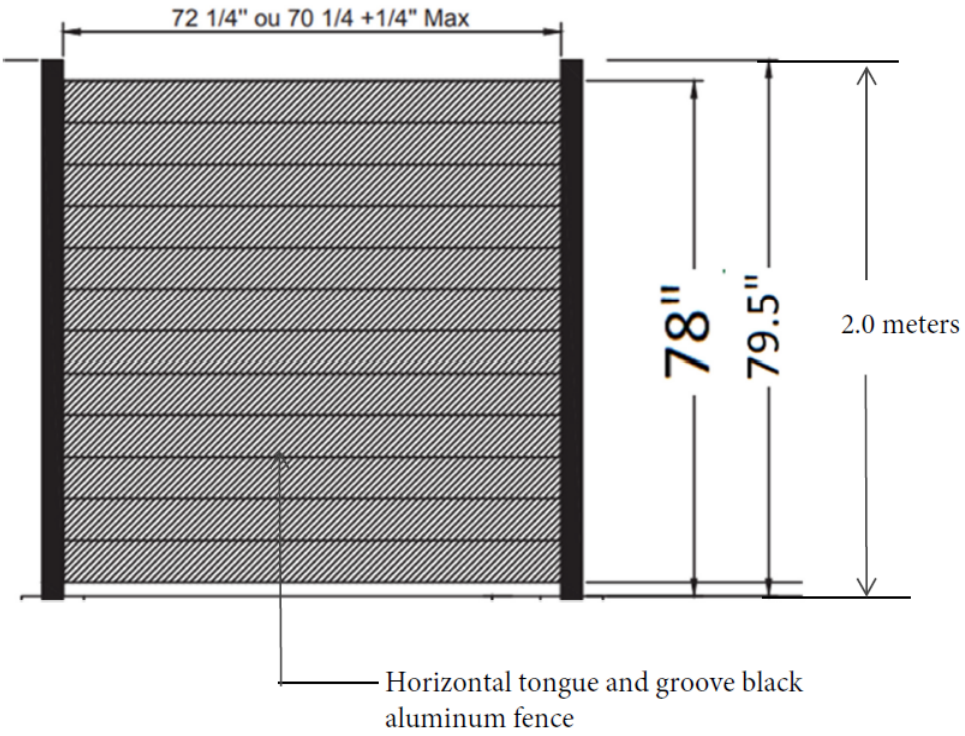
ATTACHMENTS

Attachment 1: Site Plan of the Proposed Fence
Attachment 2: Fence Elevation
Attachment 3: Site Photos

Attachment 1: Site Plan of the Proposed Fence



Attachment 2: Fence Elevation



Attachment 3: Site Photos