

## **Encroachment Appeal - Canopy and Terrace Addition - 60 Yorkville Avenue**

**Date:** March 23, 2023

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

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

**Wards:** Ward 11, University-Rosedale

### **SUMMARY**

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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 from the property owners at 60 Yorkville Avenue to construct and maintain an encroachment fronting Bay Street within the public right-of-way. The encroachment consists of a glass and steel canopy structure and a raised terrace which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of. Specifically, the stainless steel canopy support structure and terrace structure does not fall within the list of delegated permitted encroachments.

Although the glass and steel canopy and raised terrace is not on the list of permitted encroachments under Municipal Code Chapter 743, staff is of the opinion that it will not have a negative impact on the public right-of-way for pedestrians, vehicular traffic, or City maintenance on the affected streets. Therefore, Transportation Services is requesting authority to negotiate and enter into an encroachment agreement with the property owners, 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 General Manager of Transportation Services to negotiate and enter into an encroachment agreement with property owners of 60 Yorkville Avenue, to permit the glass and steel canopy structure and raised terrace, 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 encroachments 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 encroachments upon receiving 30 days written notice to do so, or by a time deemed appropriate by the General Manager of Transportation Services; and
- 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.

## **FINANCIAL IMPACT**

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There is no financial impact resulting from the adoption of the recommendations in this report.

## **DECISION HISTORY**

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This report addresses a new initiative.

## **COMMENTS**

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An encroachment application was submitted by Four Seasons Hotel on behalf of all the owners of 60 Yorkville Avenue requesting permission to construct and maintain a glass and steel canopy structure and raised terrace within the public right-of-way on Bay Street. The canopy structure will have its steel support frame encroaching into the City right-of-way along with the glass roof canopy extending a maximum of 2.167 m beyond the property line on Bay Street. The canopy structure will have a minimum vertical clearance of 2.5 m over the sidewalk. The raised terrace will be a steel deck system with stone flooring and glass and wood guard system. The guard system along with a portion of the deck will encroach a maximum of 0.968 m into the right-of-way and will maintain a minimum of 2.5 m unobstructed pedestrian clearway on Bay Street.

The applicant was notified that the canopy structure and raised terrace is not eligible for an encroachment agreement as the Municipal Code Chapter 743, Streets and

Sidewalks, does not delegate authority to permit steel structures within the public right-of-way. An appeal was subsequently received from the property owner.

Plans of the proposed encroachments are shown in Attachments 1 and 2.

Transportation Services has reviewed the application and staff is of the opinion that the proposed encroachments 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 owners to allow the proposed steel and glass canopy structure and the raised terrace 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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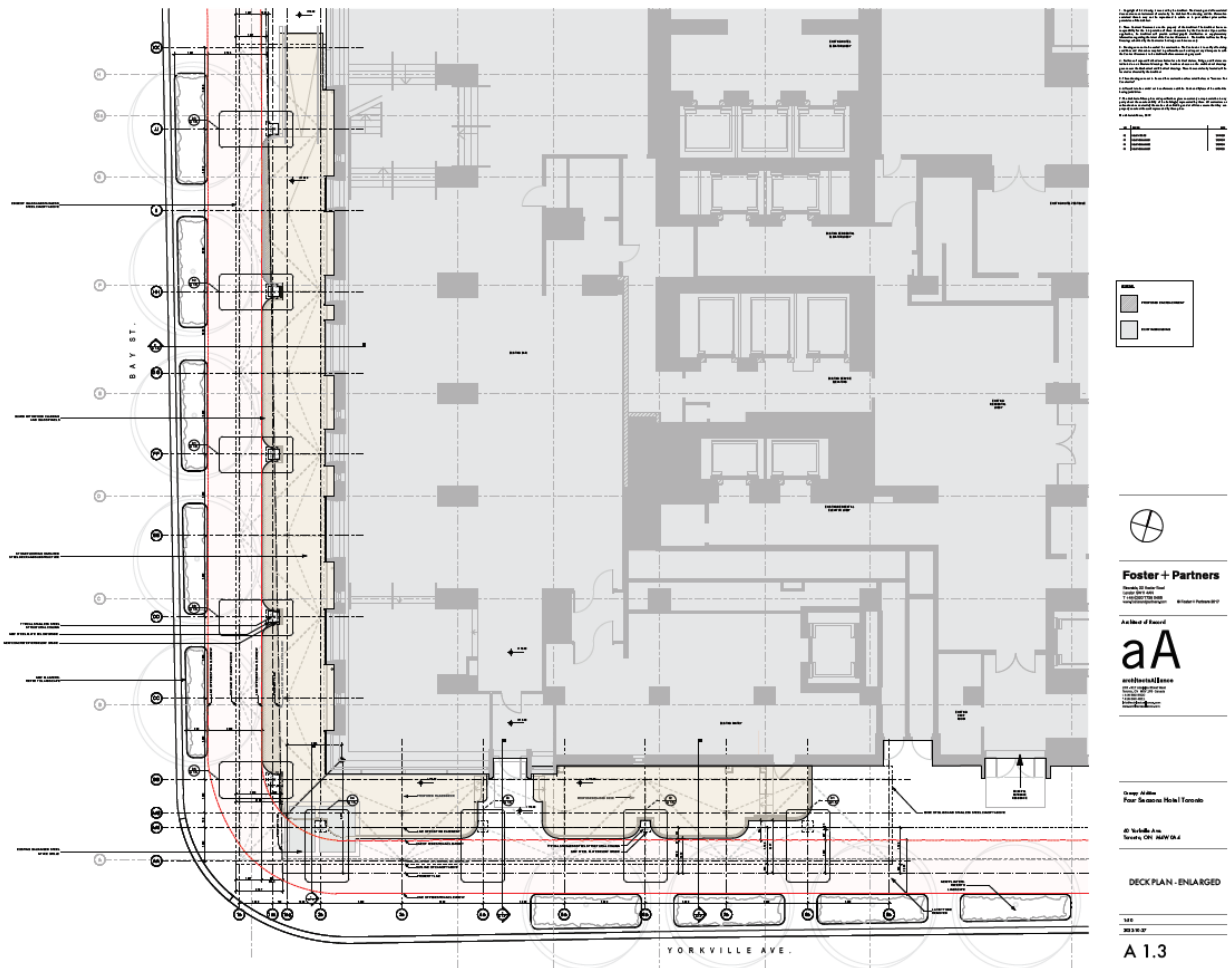
David J. Twaddle, CET  
Director, Permits and Enforcement, Transportation Services

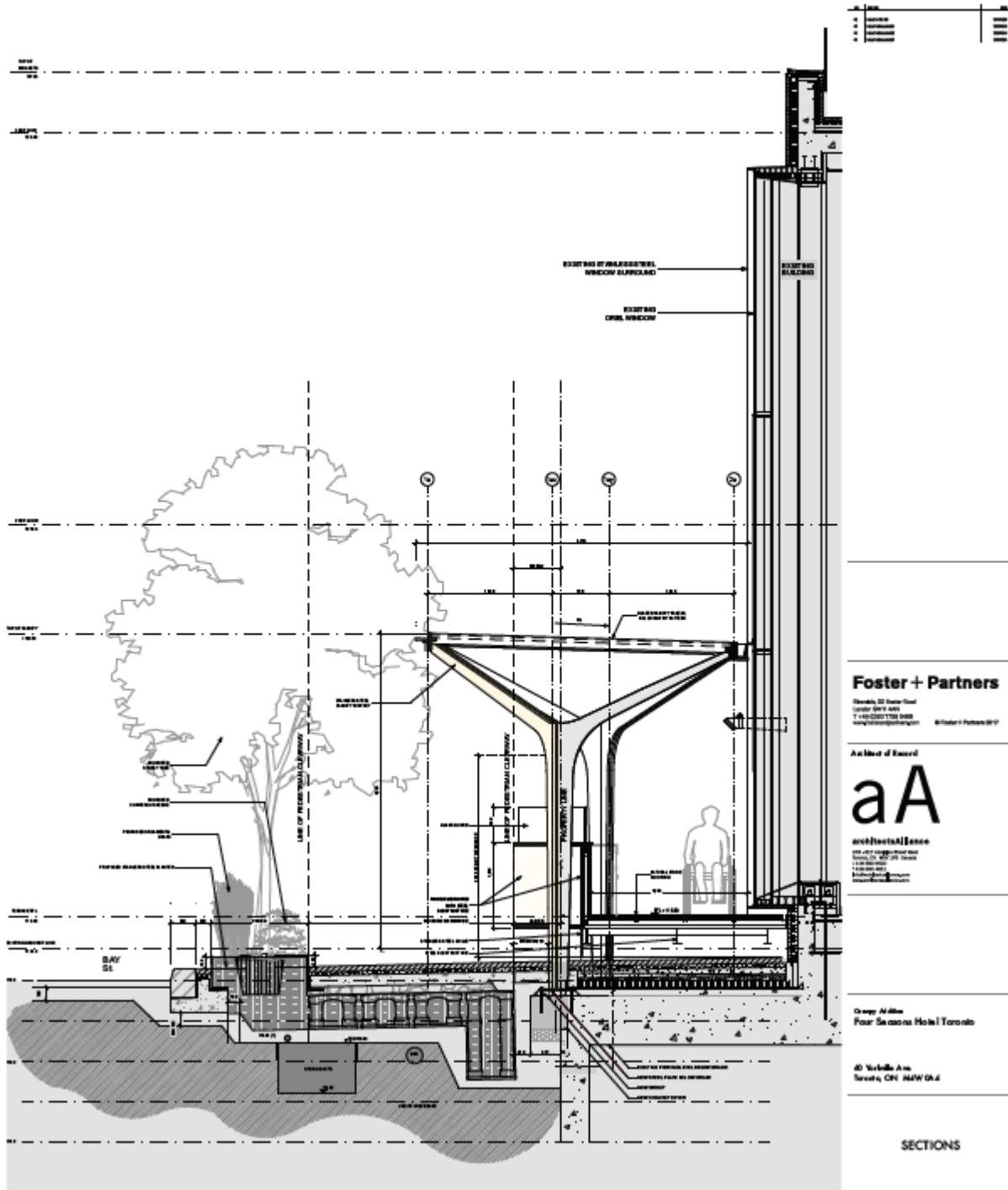
## **ATTACHMENTS**

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Attachment 1: Deck Plan - Enlarged - A 1.3 - 60 Yorkville Avenue  
Attachment 2: Sections - A 1.8

# Attachment 1: Deck Plan - Enlarged - A 1.3 - 60 Yorkville Avenue



[illegible]

2 Typical Section at Wall on Bay St.  
A.T.D. 10/10/10

A 1.8