

Encroachment Agreement - Sunken Building Entrances and Garbage Storage Boxes Appeal - 225 Brunswick 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

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 225 Brunswick Avenue. The encroachments consist of two sunken building entrances and seven garbage storage boxes which contravenes City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

Although the proposed encroachment on the public right-of-way contravenes 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. 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. Toronto and East York Community Council authorize the General Manager of Transportation Services to negotiate and enter into an encroachment agreement (the "Agreement") with the owner of 225 Brunswick Avenue (the "Owner") for the purpose of permitting the owner to construct and maintain two garbage storage boxes fronting 225 Brunswick Avenue and two sunken building entrances and five garbage storages boxes on the Sussex Avenue flank of the subject address, subject, but not limited 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; and
- b. Maintain the sunken building entrances and garbage storage boxes 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; and
- 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; and
- d. Remove the sunken building entrances and/or garbage storage boxes upon receiving written notice to do; and
- e. Obtain clearances and/or sign-offs from all affected utilities and satisfy all conditions imposed by any utilities that may be affected by the installation and maintenance of the sunken building entrances; and
- f. To avoid obstructing pedestrian traffic, garbage storage boxes should be locked when not in use. However, they may be briefly unlocked on solid waste collection days to facilitate the removal and replacement of bins.

FINANCIAL IMPACT

There is no financial impact to the City as a result of this report.

DECISION HISTORY

This report addresses a new initiative

COMMENTS

The Owner of 225 Brunswick Avenue is requesting permission to construct sunken building entrances and garbage storage boxes within the public right-of-way on Brunswick Avenue and Sussex Avenue flanking the subject premises. The applicant was notified that the proposed encroachments are not eligible for an encroachment agreement as they contravene City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of. An appeal was subsequently received from the property owner.

Drawings showing the proposed sunken building entrances and garbage storage boxes are shown in Attachments 1 to 7.

Under Code Chapter 743, the General Manager of Transportation Services does not have authority to enter into encroachment agreement for garbage storage boxes, or for sunken building entrances with a depth greater than 1.20 metres within the right-of-way. As the proposed depth of the sunken building entrances exceed the maximum allowable depth, and the proposed garbage storage boxes are not permitted within the public right-of-way, Community Council authority is required. An encroachment agreement between the City and the Owner will set out the Owner's responsibilities for the maintenance, repair and operation of the sunken entries and garbage storages.

As there may be impacts to existing utility infrastructure, it will be the 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.

Prior to a permit being issued for the construction of the sunken building entrances and garbage storage boxes, the property owner is also required to obtain sign/off and/or clearance from Urban Forestry and satisfy any conditions they may have.

Transportation Services has reviewed the application and staff is of the opinion the proposed sunken building entrances and garbage storages 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 sunken entries and garbage storage 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

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

ATTACHMENTS

Attachment 1: Site Plan of Proposed sunken entries and garbage storages - 225 Brunswick Avenue

Attachment 2: Boulevard Excavation Plan Drawing No. SK-025 dated January 26, 2023

Attachment 3: Boulevard Section Plan Drawing No. SK-026 dated January 26, 2023

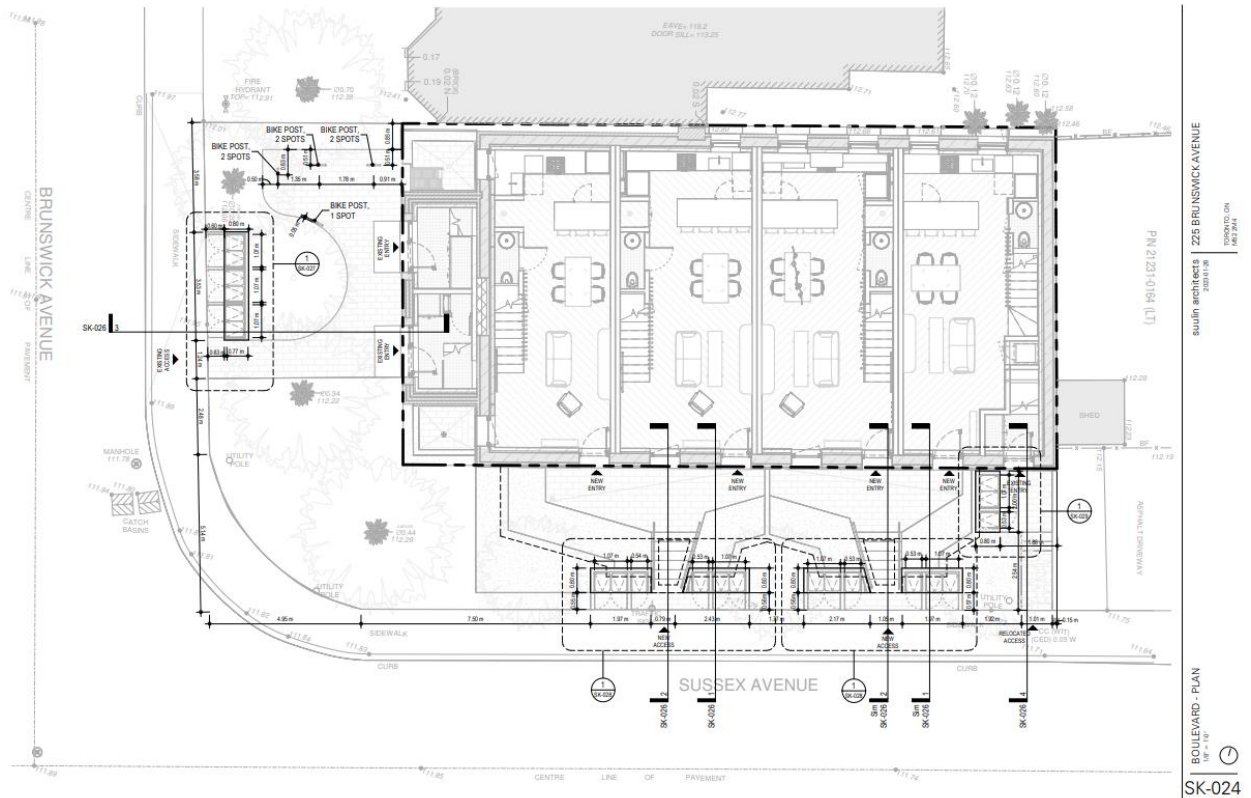
Attachment 4: Boulevard West Storage Details Drawing No. SK-027 dated January 26, 2023

Attachment 5: Boulevard South Storage Details Drawing No. SK-028 dated January 26, 2023

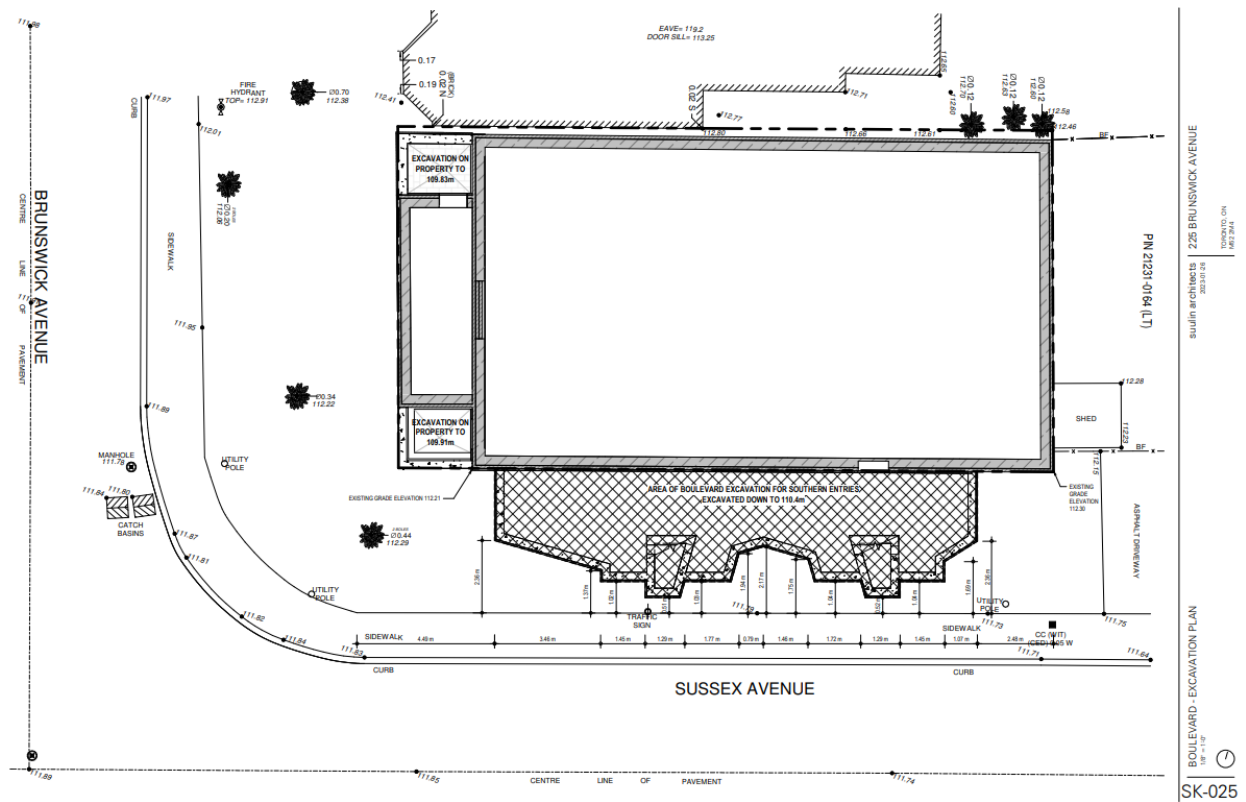
Attachment 6: Boulevard East Storage Details Drawing No. SK-029 dated January 26, 2023

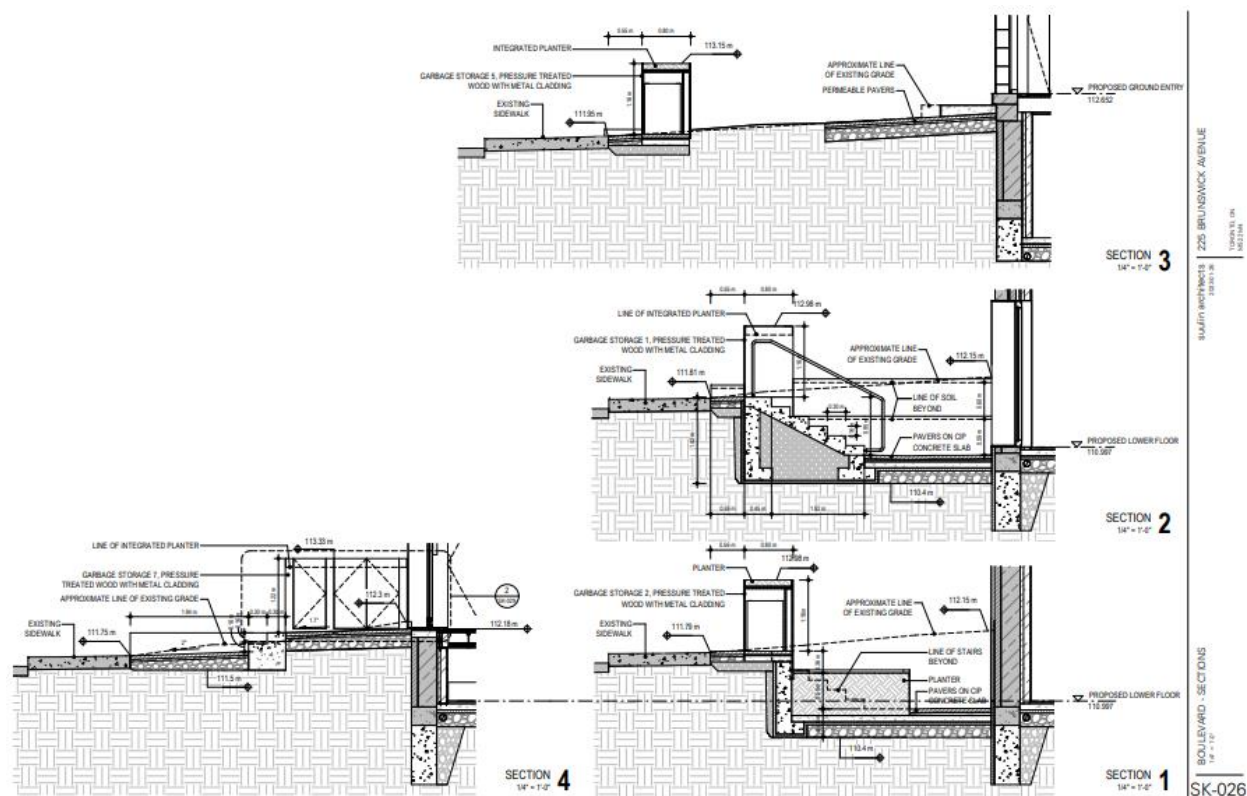
Attachment 7: Boulevard Plan Drawing No. SK-023 dated January 26, 2023

Attachment 1: Site Plan of Proposed sunken entries and garbage storages - 225 Brunswick Avenue

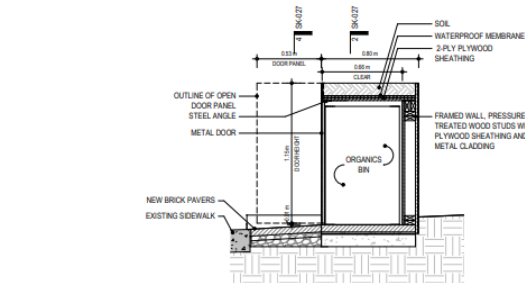


Attachment 2: Boulevard Excavation Plan Drawing No. SK-025 dated January 26, 2023

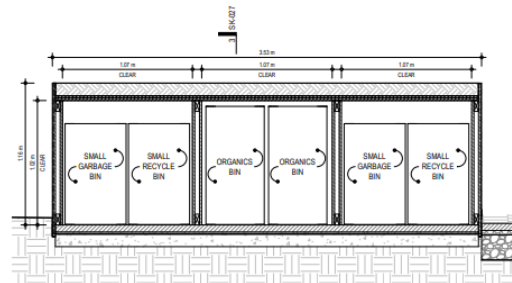




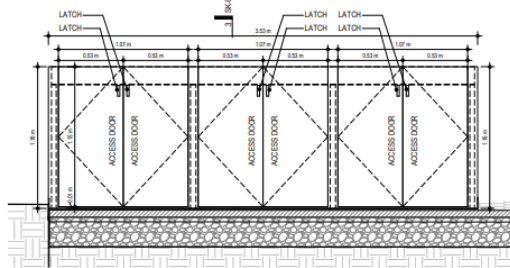
Attachment 4: Boulevard West Storage Details Drawing No. SK-027 dated January 26, 2023



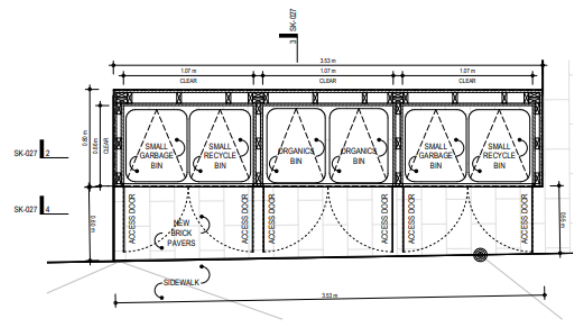
SECTION 3
1/2" = 1'-0"



SECTION 2
1/2" = 1'-0"



ELEVATION 4
1/2" = 1'-0"

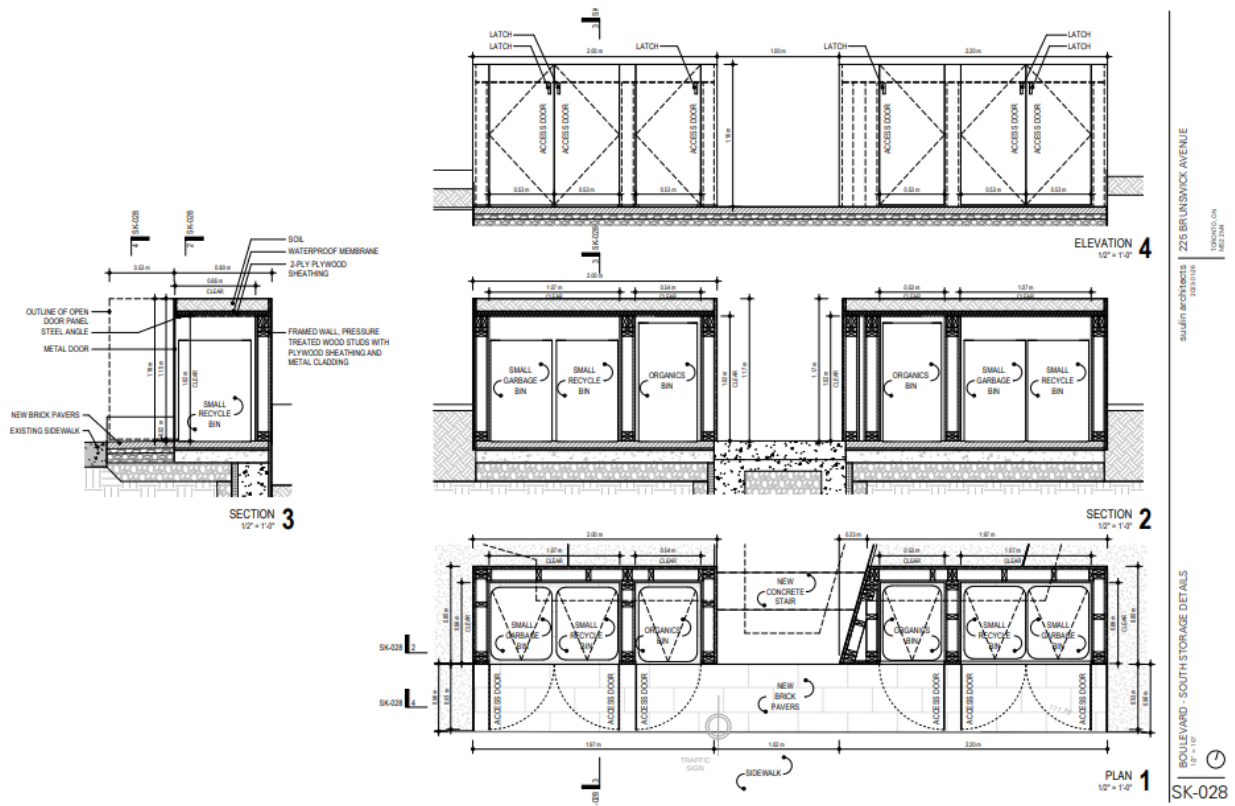


PLAN 1
1/2" = 1'-0"

sualin architects | 225 BRUNSWICK AVENUE
TORONTO, ON
M5T 2A4
2023-01-26

SK-027
BOULEVARD - WEST STORAGE DETAILS
1/2" = 1'-0"

Attachment 5: Boulevard South Storage Details Drawing No. SK-028 dated January 26, 2023



Attachment 6: Boulevard East Storage Details Drawing No. SK-029 dated January 26, 2023

