

Encroachment Agreement - Basement Walkout Appeal – 98 Armstrong Avenue

Date: March 13, 2024

To: Toronto and East York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 9, Davenport

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 maintain an encroachment within the public right-of-way at 98 Armstrong Avenue. The encroachment consists of a basement walkout within the municipal boulevard of the Armstrong Avenue frontage of the property.

The purpose of this report is to seek authority to enter into an encroachment agreement with the property owner of 98 Armstrong Avenue, to permit the basement walkout and its ongoing maintenance within the City's right-of-way.

RECOMMENDATIONS

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 the owner of 98 Armstrong Avenue (the "Owner") for the purpose of permitting the owner to maintain a basement walkout fronting 98 Armstrong Avenue subject, but not limited to, the following conditions:
 - a. The property owner shall 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 basement walkout 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 basement walkout upon receiving written notice to do so; and
- e. The property owner will enter into an encroachment agreement with the City of Toronto, at the owner's expense, and assume all liability and damages related to the encroachments.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report, as the property owner will be responsible for all associated costs of constructing and maintaining the encroachment.

DECISION HISTORY

This report addresses a new issue.

COMMENTS

An encroachment application was received from the owner of 98 Armstrong Avenue requesting permission to maintain an existing basement walkout within the public right-of-way fronting the premises. Drawings of the basement walkout are shown in Attachments 1-3, and a photo of the basement walkout is shown in Attachment 4.

The proposed basement walkout ranges from a depth of 2.21 metres below grade, including footings, to a height of 1.07 metres above grade with steel railings, fronting the subject property on Armstrong Avenue.

Under Code Chapter 743, the General Manager of Transportation Services does not have authority to enter into encroachment agreements for basement walkouts with a depth greater than 1.20 metres, or with railings higher than 0.90 metres, measured from the surface of the adjoining boulevard. As the proposed depth of the basement walkout exceeds maximum allowable depth and proposed railings exceed the maximum allowable height, 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 basement walkout.

Transportation Services has reviewed the application and determined the proposed basement walkout fronting 98 Armstrong Avenue will not have a negative impact on the public right of way. Therefore, Transportation Services recommends the City enter into an encroachment agreement with the property owner to permit the basement walkout encroachment 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

Antonia Markos
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan Drawing No. AS, dated March 11, 2021
Attachment 2: Section Drawing No. A7, dated March 11, 2021
Attachment 3: Surveyor's Real Property Report, dated August 12, 2021
Attachment 4: Photo of 98 Armstrong Avenue, taken February 9, 2024

Attachment 1: Site Plan Drawing - 98 Armstrong Avenue



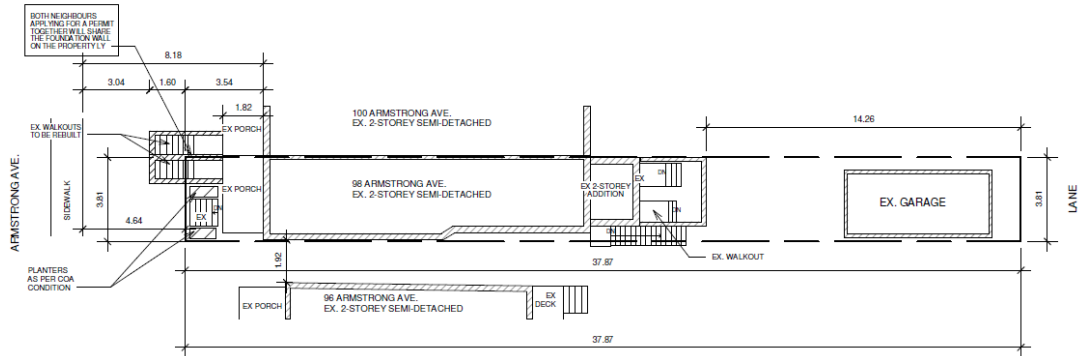
SITE PLAN DRAWN FROM PART OF LOT 21 PLAN 604 METROPOLITAN TORONTO

LOT AREA = 144.59m²

NEW SECONDARY SUITE BASEMENT = 57.21m²
WITH NEW BASEMENT WALKOUT FRONT OF HOUSE

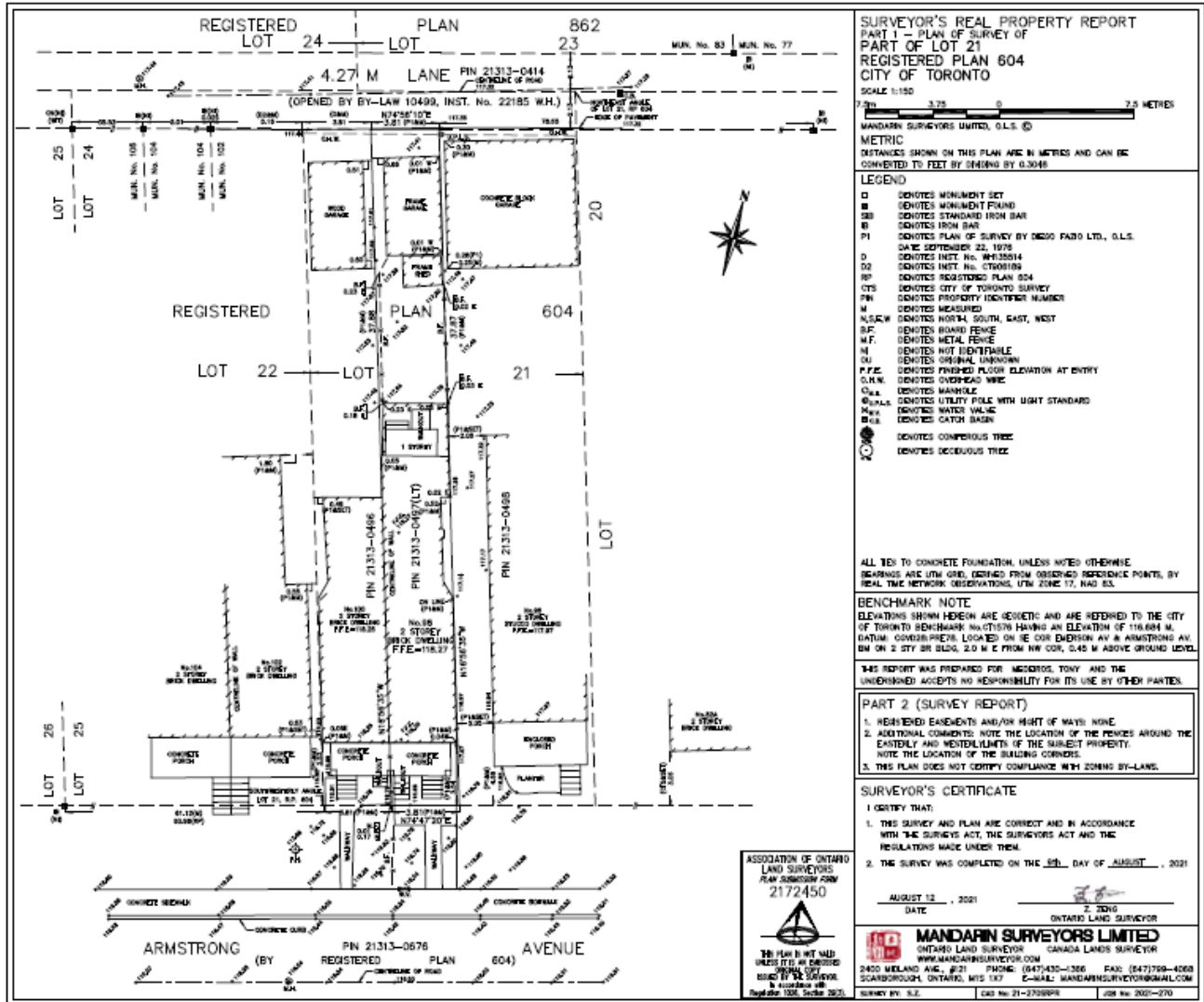
LEVEL 1 = 69.81m²
LEVEL 2 = 61.23m²

UNDERPINNING = 36 LINEAR METERS TOTAL



1 SITE PLAN
1 : 150

Attachment 3: Surveyor's Real Property Report - 98 Armstrong Avenue



Attachment 4: Photo of 98 Armstrong Avenue

