

Encroachment Appeal - 22 Vaughan Road

Date: April 3, 2024

To: Toronto and East York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 12, Toronto-St. Paul's

SUMMARY

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is for Toronto and East York Community Council to consider an appeal from the property owner of 22 Vaughan Road regarding their encroachment application. The encroachment consists of a poured concrete accessibility ramp with steel handrails, guard posts and panel, which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The property owner is seeking authority from Toronto and East York Community Council to permit the poured concrete accessibility ramp with steel handrails, guard posts and panel to be maintained within the public right-of-way at 22 Vaughan Road, which is in contravention of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

RECOMMENDATIONS

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

1. Toronto and East York Community Council not authorize the City to enter into an encroachment agreement with the owners of 22 Vaughan Road permitting the construction and maintenance of the poured concrete accessibility ramp with steel handrails, guard posts and panel as it contravenes City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

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 13, 2023, from the agent of the owners of 22 Vaughan Road requesting permission to construct and maintain a poured concrete accessibility ramp with steel handrails, guard posts and panel within the public right-of-way sidewalk on Vaughan Road fronting the subject premises.

Transportation Services has reviewed the application and the property located at 22 Vaughan Road. The encroachment contravenes Municipal Code Chapter 743. The contravention includes the following:

- The concrete and steel accessibility ramp is proposed to extend out a total of 1.25 metres from the exterior building wall, which will lead to an encroachment of 1.05 metres into the public right of way and will be poured directly within the City of Toronto sidewalk. This contravenes Municipal Code Chapter 743 article 743-31E.(2) provisions that requires a 0.5m setback from the rear edge of the sidewalk "E. Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted: ... (2) Within 0.50 metres of the edge of sidewalk located closest to the street line".
- The proposed encroachment of the concrete and steel accessibility ramp will be removing a section of City of Toronto sidewalk for its installation. It will be narrowing the travelled portion of the sidewalk from approximately 2.8 metres to 2.0 metres.

The applicant was notified the proposed poured concrete accessibility ramp with steel handrails, guard posts and panel is ineligible for an encroachment agreement, and an appeal was subsequently received from the property owner.

As required by Section 743-48 of the Toronto Municipal Code, Transportation Services has responded to the appeal by preparing this report for Toronto and East York Community Council consideration and to provide the applicant with an opportunity to be heard.

A site plan of the proposed encroachment is included as Attachment 1.

Alternate Recommendations

If, despite the above findings, Toronto and East York Community Council decides to authorize the General Manager, Transportation Services to enter into an encroachment agreement with the property owner of 22 Vaughan Road permitting the poured concrete accessibility ramp with steel handrails, guard posts and panel, it may approve the following:

1. Toronto and East York Community Council authorize the City to negotiate and enter into an encroachment agreement with the owners of 22 Vaughan Road permitting the construction and maintenance of the poured concrete accessibility ramp with steel handrails, guard posts and panel, 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;
 - b. Maintain the poured concrete accessibility ramp with steel handrails, guard posts and panel 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 poured concrete accessibility ramp with steel handrails, guard posts and panel upon receiving written notice to do so; and;
 - e. The property owner shall agree that the City and/or utility companies may remove the encroachments at any time in order to install or maintain services within the affected public right of way with no obligation to replace them;
 - f. 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.

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

CONTACT

Elio Capizzano, Manager, Permits and Enforcement - Transportation Services, 416-392-7878, Elio.Capizzano@toronto.ca

SIGNATURE

Antonia Markos
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan of Proposed Encroachment - Drawing A3.2 - 22 Vaughan Road

