

Encroachment Appeal - 100 Queen's Park, Royal Ontario Museum - Proposed Manholes

Date: October 7, 2024

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.

The purpose of this report is for Toronto East York Community Council to consider an appeal from the agent of the property owner of 100 Queen's Park, the Royal Ontario Museum ("the ROM"), regarding their proposed encroachment application. The proposed encroachment consists of four manholes ("the manholes") within the Bloor Street West sidewalk, which is in contravention of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The agent on behalf of the ROM is seeking authority from Toronto and East York Community Council to permit the four manholes to be installed within the public right-of-way fronting 100 Queen's Park and enter into an encroachment agreement with the City.

The proposed manhole encroachments do not meet the requirements of the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, for delegated approval as an encroachment by the General Manager, Transportation Services.

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 with the Royal Ontario Museum permitting the construction and maintenance of the four manholes, subject to the following conditions:

a. Authorize the General Manager, Transportation Services to enter into the encroachment agreement on the terms and conditions set in Recommendations (b) - (g) and on any other terms and conditions satisfactory to the General Manager of Transportation Services may deem necessary in the interest of the City and in a form satisfactory to the City Solicitor;

b. 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 providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in the amount not less than \$5 million or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

c. Maintain the proposed manholes 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;

d. Remove the proposed manholes upon receiving written notice to do so;

e. The property owner will provide a financial security in the amount of \$67,139.79 to guarantee the work within the public right-of-way for a period of two years;

f. Obtain all Public Utility Coordinating Committee clearances and/or sign-offs from the public utility companies and satisfy any requirements they may have; and

g. Provide as-built drawings within 60 days of completing the construction of the manholes to Engineering & Construction Services, Attention: Engineering Support Services, Engineering Surveys Supervisor at engsvy@toronto.ca.

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 May 30, 2024, from the agent on behalf of The Royal Ontario Museum ("the ROM") requesting permission to relocate four manholes within the public right-of-way on the Bloor Street West flank of 100 Queen's Park. The applicant was notified that manholes are not eligible for an encroachment agreement as Municipal Code Chapter 743 does not provide for manhole installations. An appeal was subsequently received from the agent on behalf of the ROM.

A site plan of the proposed encroachments and a photo of the location is shown in Attachments 1 and 2.

Transportation Services has reviewed the application for the property at 100 Queen's Park. The proposed manhole encroachments contravene Municipal Code Chapter 743, as manholes are not considered a permitted encroachment under Section 31 of the City of Toronto Municipal Code, Chapter 743 (Streets and Sidewalks, Use of). Additionally, they are not listed under Section 33 as encroachments that the General Manager of Transportation Services is authorized to allow.

Toronto Water has provided sign-off for the manhole installations, as they will allow access to the ROM's planned relocation of storm and sanitary services beneath the Bloor Street West sidewalk. The applicant is responsible for obtaining sign-offs from other public utilities, pending the decision of the Toronto and East York Community Council on this encroachment appeal.

The ROM is currently undergoing renovations as part of the OpenROM project, which includes various interior upgrades, public realm improvements, and a redesign of the Bloor Street entrance. The entrance modifications will add a new vestibule, overhead canopy for weather protection, a stepped stairway, and a new accessible ramp.

If the existing manholes remain in their current positions, they will interfere with the proposed accessibility ramp. Any future maintenance work on the manholes would require closing off the ramp, which is the only barrier-free access to the ROM.

The proposal to move the manholes from the planned ramp location to the public sidewalk will maintain uninterrupted access for all visitors. As a result, Transportation Services has no objections to the proposed manhole relocations.

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

CONTACT

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

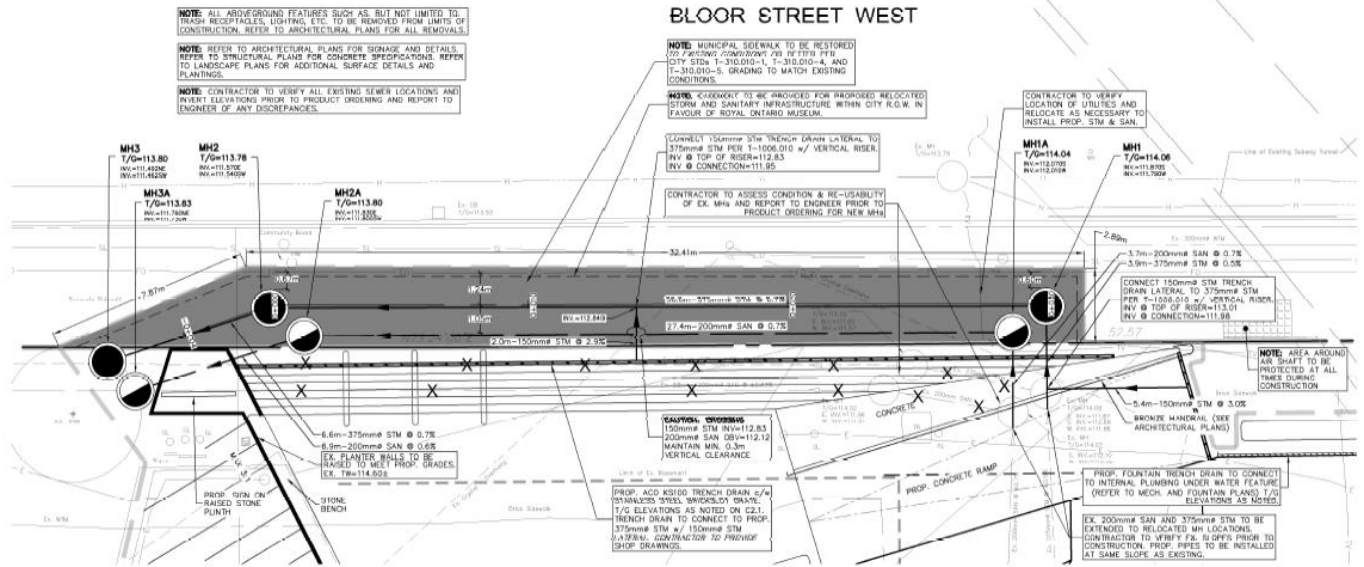
SIGNATURE

Antonia Markos
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Site Plan of Proposed Encroachments - Drawing no. PP1.1
Attachment 2: Photo looking south at the Bloor Street W entrance of 100 Queen's Park

Attachment 1: Site Plan of Proposed Encroachments - Drawing no. PP1.1



Attachment 2: Photo looking south at the Bloor Street West entrance of 100 Queen's Park

