

Encroachment Agreement - 37 Advance Road and 212-216 Norseman Street

Date: March 17, 2025

To: Etobicoke York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 3, Etobicoke-Lakeshore

SUMMARY

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

Transportation Services has reviewed an application for three existing maintenance holes within the public right-of-way at 212-216 Norseman Street. These maintenance holes were on private property however due to a land conveyance they will now be on the City's right-of-way. The encroachment consists of two storm control maintenance holes and one sanitary control maintenance hole; both are in breach of City of Toronto Municipal Code Chapter 743, Streets and Sidewalk, Use Of.

The purpose of this report is to request authority to enter into an encroachment agreement with the property owner to permit the existing private maintenance holes within the City's right-of-way on Norseman Street, subject to conditions.

RECOMMENDATIONS

The Director Permits and Enforcement, Transportation Services recommends that:

1. Etobicoke York Community Council authorize the City to enter into an encroachment agreement (the "Agreement") with the property owner of 37 Advance Road and 212-216 Norseman Street permitting two existing storm control maintenance holes and one existing sanitary control maintenance hole (the "Encroachment") on the terms and conditions to be set out by the Director, Permits and Enforcement, Transportation Services and on any other or amended terms and conditions satisfactory to the General Manager of Transportation Services and in a form satisfactory to the City Solicitor.

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 the entire costs of the maintenance, repair, and operation of the two storm control maintenance holes and one sanitary control maintenance hole. The applicant has already paid a fee of \$880.78 to enter into an encroachment agreement with Transportation Services and an additional fee of \$1,158.26 for the appeal of the encroachment under Article IX of Chapter 743.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An application has been received from Downing Street (Etobicoke Industrial) Inc, the registered owner of 37 Advance Road and 212-216 Norseman Street, requesting permission to enter into an encroachment agreement for three existing private maintenance holes on the frontage of 212-216 Norseman Street. The owner will be responsible for the entire costs of the maintenance, repair, and operation of the two storm control maintenance holes and one sanitary control maintenance hole.

A drawing of the existing private control maintenance holes is included in Attachment 1.

Under Code Chapter 743, the General Manager of Transportation Services does not have authority to enter into encroachment agreements for private control maintenance holes, therefore 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 private control maintenance holes.

Transportation Services has reviewed the application and determined that the maintenance of the encroachment does not impact negatively on the public right-of-way for pedestrians, or 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 two storm control maintenance holes and one sanitary control maintenance hole 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

Antonia Markos
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Drawing of Existing Private Storm and Sanitary Control Maintenance Holes - 212-216 Norseman Street

Attachment 2: Cross Sections of Existing Private Storm and Sanitary Maintenance Holes - 212-216 Norseman Street

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