

Encroachment Appeal - 525 Richmond Street West - Proposed Decorative Fencing

Date: January 31, 2025

To: Toronto and East York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: 10, Spadina Fort York

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 525 Richmond Street West regarding their encroachment application. The proposed encroachment consists of decorative privacy fencing that includes metal posts, gates, and panels at a height of 1.8m and with zero setback from the sidewalk which contravenes City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, since no solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall over 1.0m in height are permitted within 70m of two intersecting streets and no encroachments other than soft landscaping are permitted within 0.50 metres of the edge of sidewalk located closest to the street line.

Transportation Services is recommending that Toronto and East York Community Council authorize the construction and maintenance of the decorative privacy fencing within the public right-of-way on Richmond Street West as staff are of the opinion that it will not have a negative impact on the public right-of-way for pedestrians or for traffic on the adjacent streets.

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 owners of 525 Richmond Street West to permit the decorative privacy fencing made up of metal posts, gates, and panels at a height of

1.8m with no setback from the sidewalk, 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 steel bollards and other delegated encroachments 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 encroachments upon receiving written notice to do so;
- 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 encroachments;
- 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.

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 June 7, 2024, from the agent of the owners of 525 Richmond Street West requesting permission to construct and maintain a decorative privacy fencing that consists of metal posts, gates, and panels at a height of 1.8m within the public right-of-way on Richmond Street West along the subject premises. The applicant has indicated that the decorative fencing is being requested to enhance privacy and create additional separation for ground floor residents, given the close proximity of the sidewalk to the ground-level unit entrances at 525 Richmond Street.

Transportation Services has reviewed the application and the property located at 525 Richmond Street West. The proposed encroachment contravenes Municipal Code Chapter 743 as follows:

- The decorative privacy fencing is proposed to be 1.8 metres height measured from grade level which will result in an encroachment 0.8 metres higher than what is permitted in Municipal Code Chapter 743 article 743-34A (2)(a)(1) with a requirement that "No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road";
- The decorative privacy fencing is proposed to be installed immediately behind the sidewalk. This contravenes the Municipal Code Chapter 743 article 743-31.E.(2) requirement that "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 applicant was notified that the proposed 1.8m high decorative privacy fencing with no setback was not eligible for an encroachment agreement and an appeal was subsequently received from the property owner's consultant on behalf of the 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.

It should be noted that staff conducted a sightline analysis and that although the decorative privacy fencing contravenes Code Chapter 743, it does not constitute a sightline impediment affecting traffic or pedestrians.

A site plan of the proposed encroachment is shown in Attachment 1 and photos of the proposed location for the installations are shown in Attachment 2.

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 of Proposed Encroachments - 525 Richmond Street West

Attachment 2: Photos of the Proposed Installation Locations - 525 Richmond Street West



Attachment 2: Photos of the Proposed Installations

Richmond Street West, looking East



Attachment 2: Photos of the Proposed Installations

Richmond Street West, looking West



Attachment 2: Photos of the Proposed Installations

Southwest corner of Richmond Street West and Maud Street

