

June 3, 2025

To: Toronto and East York Community Council
From: Director, Permits & Enforcement, Transportation Services
Re: 224 Hallam Street, Encroachment – Motion Memorandum
Wards: Ward 9, Davenport

Transportation Services has been requested by a local councillor to provide recommended wording for recommendations they plan to present in a motion to Toronto and East York Community Council. Staff request that this memorandum accompany the member's submission.

Summary

- ☐ Staff **support** the draft recommendations provided below
- ☒ Staff **do not support** the draft recommendations provided below
- ☒ Staff do not have sufficient data and/or time to determine if the draft recommendations provided below can be supported by staff, at this time.

Draft Recommendations

Lemonade stands are not permitted as encroachments under Municipal Code Chapter 743. Transportation Services investigated a sightline obstruction at 224 Hallam Street (northeast corner of Hallam Street and Bartlett Avenue) and found that a lemonade stand located in the public right-of-way is obstructing sightlines within the sight triangle. The structure impairs visibility for westbound motorists (right turn, through, and left turn movements) approaching the stop bar at the east leg of the intersection and obstructs the view of pedestrians travelling southbound on the east side sidewalk, north of Hallam Street.

1. Toronto and East York Community Council direct the General Manager of Transportation Services to negotiate and enter into an encroachment agreement with the property owner of the premises municipally known as 224 Hallam Street, which would allow for the use of a portion of the public right of way located within the boulevard adjacent to 224 Hallam Street, at the north east corner of Hallam Street and Bartlett Avenue, for one lemonade stand measuring 1.97m high, 2.48m long and 1.25m wide, as further shown in the photo attached hereto as **Attachment 1**, the encroachment agreement to contain all of the following conditions, and such other terms and conditions which the General Manager, Transportation Services or the City Solicitor may deem necessary in the interest of the City:

- a. The property owner of 224 Hallam Street 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 from the use of the public right of way for the erection or display of the lemonade stand;
- b. The property owner of 224 Hallam Street must maintain the lemonade stand at their own expense in a good state of repair and in a condition deemed satisfactory by the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is permitted under the terms of the encroachment agreement;
- c. The property owner of 224 Hallam Street must remove the lemonade stand upon receiving written notice from the General Manager, Transportation Services to do so;
- d. The encroachment must be maintained in such a manner so as to ensure that it does not interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice and/or interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities;
- e. The property owner of 224 Hallam Street shall agree that the City and/or utility companies may remove the encroachment 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 pay to the City such fee or fees for the privilege hereby granted to install and maintain the Encroachment as may from time to time be prescribed by the Council of the City to be paid by all owners of encroachments which project in whole or in part over any public highway, street or lane in the City of Toronto, including without limitation, the fees specified in City of Toronto Municipal Code, Chapter 441, "Fees and Charges", as amended from time to time, without any deduction or set-off whatsoever, plus Harmonized Sales Tax ("HST") and any other applicable taxes;
- g. The property owner obtain any and all other required licenses, permits, approvals, etc. for the use and/or operation of the lemonade stand;
- h. The property owner of 224 Hallam Street shall ensure that the encroachment agreement with the City of Toronto is registered on-title at the sole expense of the property owner of 224 Hallam Street; and
- i. The property owner of 224 Hallam Street pays all applicable fees related to the permitting and preparation of the encroachment agreement for the lemonade stand.

Cost

There is no cost to the City as a result of adopting this motion. The property owner(s) are responsible to pay all costs associated with the ongoing maintenance of the encroachment.

Contact

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