

1320 Queen Street East – Encroachment Appeal – Basement Entrance

Date: November 7, 2025

To: Toronto and East York Community Council

From: Director, Street Permits, Transportation Services

Wards: Ward 14, Toronto-Danforth

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 1320 Queen Street East regarding their encroachment application. The proposed encroachment consists of a basement entrance that extends 2.27m below grade with a 0.10m setback from the sidewalk, 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 construct and maintain a basement entrance within the public right-of-way at 1320 Queen Street East, which is in contravention of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

RECOMMENDATIONS

The Director, Street Permits, Transportation Services recommends that:

1. Toronto and East York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with property owner of 1320 Queen Street East, to permit the construction and maintenance of a basement entrance, 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 basement entrance 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 retaining wall upon receiving written notice from the General Manager, Transportation Services to do so;
- e. 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 encroachment;
- f. the property owner 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;
- g. No spikes or pointed tops permitted on the railings;
- h. obtain all Public Utility Coordinating Committee clearances and/or signoffs from the public utility companies and satisfy any requirements they may have; and
- i. the property owner shall obtain all necessary permits for the encroachment from Toronto Building, if required.

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 August 8, 2025, from the owners of 1320 Queen Street East requesting permission to construct and maintain a basement entrance with retaining wall and handrails within the boulevard portion of the public right-of-way on Queen Street East of the subject premises. The applicant was notified that the proposed encroachment is not eligible for an encroachment agreement as it does

provide the required 0.50 metre setback from the sidewalk and exceeds a depth beyond 1.2 metres below grade. An appeal was subsequently received from the property owner.

Transportation Services has reviewed the application, and the property located at 1320 Queen Street East. The proposed encroachment contravenes Code Chapter 743 as follows:

- The proposed basement entrance extends 2.27 metres below grade. This contravenes 743-34.A.(4)(a): "When constructing verandas, balconies, building entrances, porches, access ramps for persons with physical disabilities and fire escapes, or any other means of pedestrian entrance to a building; (a) Footings within the street shall not have a depth greater than 1.20 metres measured from the surface of the adjoining boulevard, and shall not include the use of reinforcing steel or wire mesh;"
- The proposed basement entrance will provide a 0.10 metre setback from the sidewalk. This contravenes Municipal Code Chapter 743-31.E.(2) provision 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".

It is also important to note that although the proposed basement entrance will provide a reduced setback from the sidewalk, the existing sidewalk width will remain unchanged in the area adjacent to the encroachment.

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.

Transportation Services have reviewed the application, and staff is of the opinion that the proposed basement entrance with retaining wall and handrails will not have a negative impact on the public right-of-way for pedestrians, for traffic on the affected streets, or the City's ability to properly maintain the right-of-way. Therefore, Transportation Services recommends Toronto and East York authorize the encroachment in its proposed configuration.

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

Site plan and elevation drawings of the proposed basement entrance encroachment are shown in Attachment 1; location photos are shown in Attachment 2 and existing site conditions are shown in Attachment 3.

CONTACT

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SIGNATURE

Antonia Markos
Director, Street Permits, Transportation Services

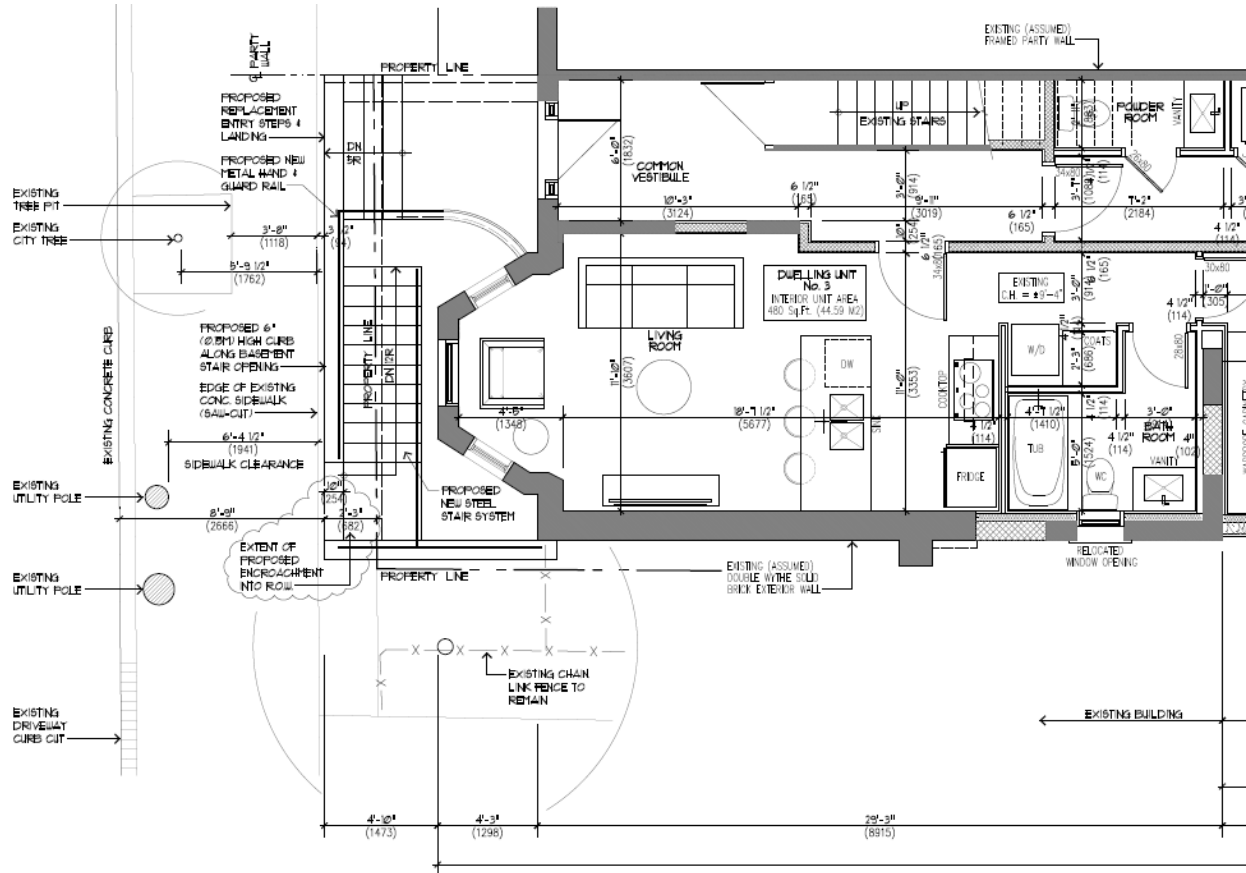
ATTACHMENTS

Attachment 1: Site Plan and Elevation Drawings of the Proposed Basement Entrance Encroachment – 1320 Queen Street East

Attachment 2: Location Photos – 1320 Queen Street East

Attachment 3: Site Plan of Existing Conditions – 1320 Queen Street East

Attachment 1: Site Plan and Elevation Drawings of the Proposed Basement Entrance Encroachment – 1320 Queen Street East

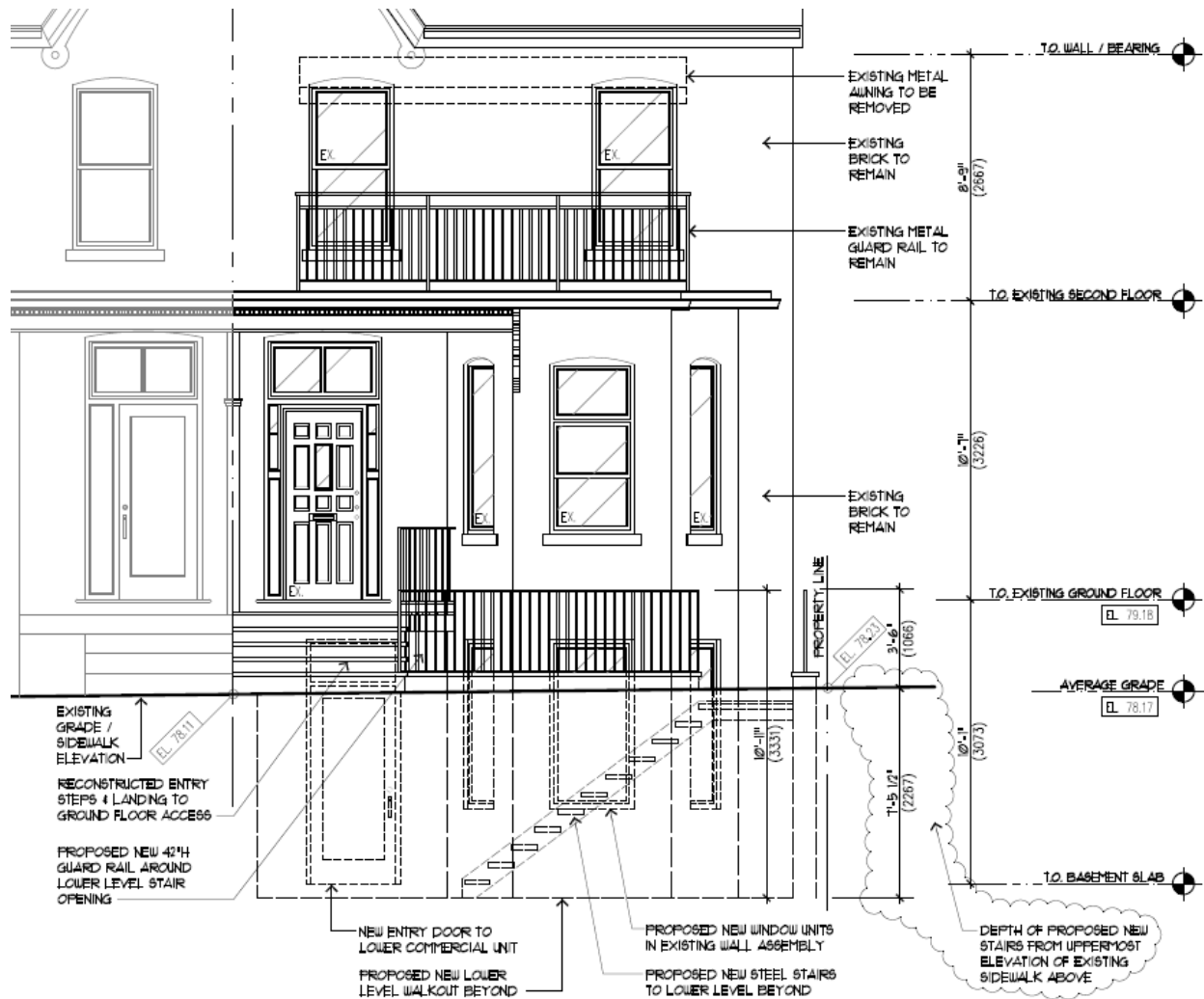


PROPOSED GROUND FLOOR PLAN (RESIDENTIAL)

SCALE

(METRIC DIMENSIONS SHOWN IN BRACKETS)

1/4" = 1'-0"



PROPOSED SOUTH (FRONT) ELEVATION

SCALE

1/4" = 1'-0"

(METRIC DIMENSIONS SHOWN IN BRACKETS)

Attachment 2: Location Photos – 1320 Queen Street East

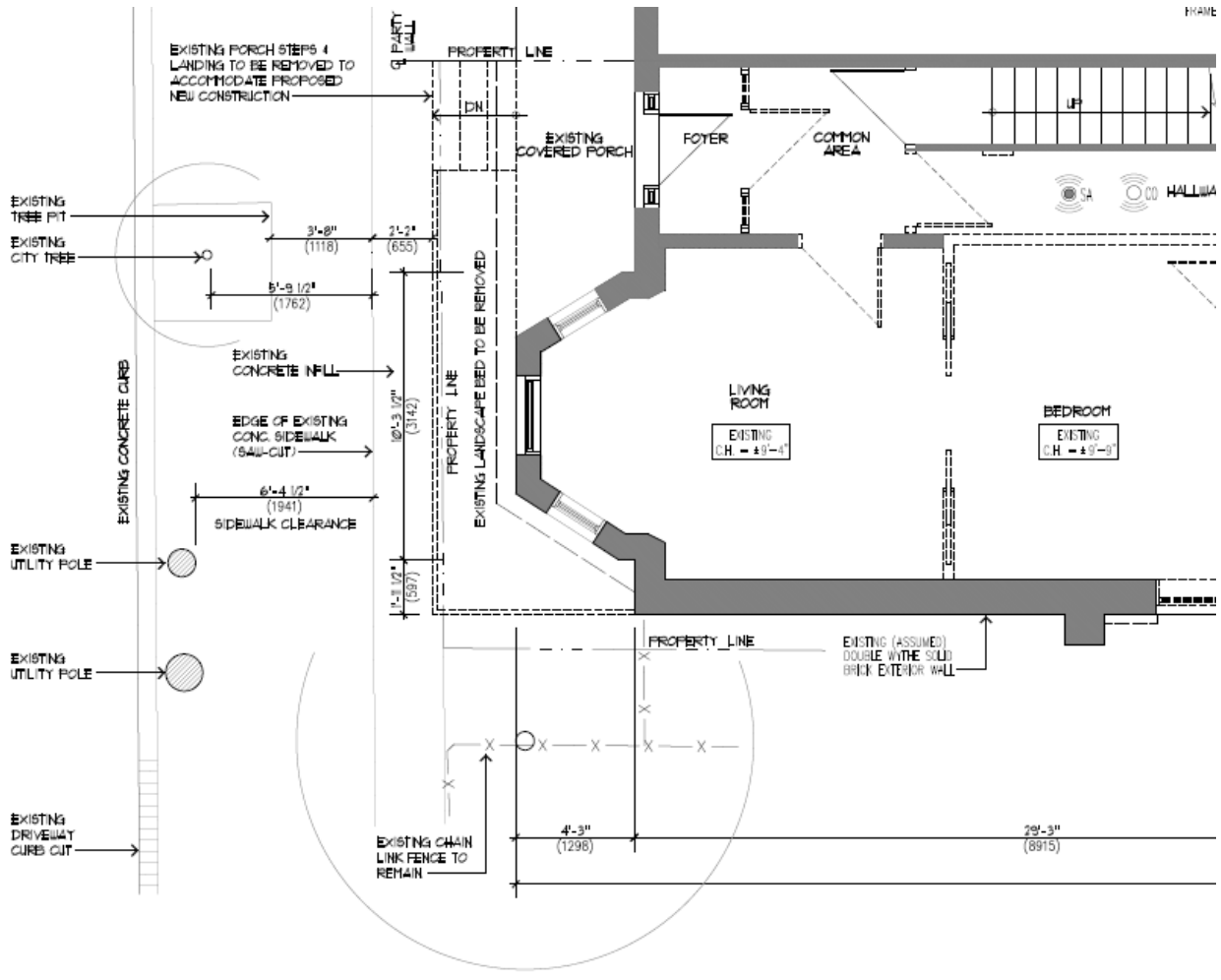


Looking north at 1320 Queen Street East



Looking west along Queen Street East

Attachment 3: Site Plan of Existing Conditions – 1320 Queen Street East



EXISTING GROUND FLOOR PLAN

SCALE 1/4" = 1'-0"
 (METRIC DIMENSIONS SHOWN IN BRACKETS)