

## **114 Ossington Avenue - Encroachment Appeal**

**Date:** January 30, 2026

**To:** Toronto and East York Community Council

**From:** Director, Street Permits, Transportation Services

**Wards:** 10, Spadina - Fort York

### **SUMMARY**

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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 114 Ossington Avenue regarding an encroachment application for a natural gas-fuelled fire pit installed within the public right-of-way, 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 permit the continued maintenance of the natural gas-fuelled fire pit within the public right-of-way. Transportation Services does not recommend that authority be granted.

### **RECOMMENDATIONS**

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The Director, Street Permits, Transportation Services recommends that:

1. Toronto East York Community Council not authorize the General Manager of Transportation Services to enter into an encroachment agreement with the owners of 114 Ossington Avenue to permit the natural gas-fueled fire pit within the public right-of-way.
2. Toronto and East York Community Council require the owner of 114 Ossington Avenue to remove the natural gas-fuelled fire pit to the satisfaction of the General Manager of Transportation Services.

## FINANCIAL IMPACT

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There are no financial impacts resulting from the adoption of the recommendations in this report.

## DECISION HISTORY

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Toronto and East York Community Council, at its meeting of April 3, 2025, adopted item 2025.TE21.24 without amendment: <https://secure.toronto.ca/council/agenda-item.do?item=2025.TE21.24>

## COMMENTS

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An encroachment application was received on September 11, 2024, from the agent for the owner of 114 Ossington Avenue, requesting permission to construct and maintain an enclosed patio structure within the public right-of-way on Argyle Street adjacent to the subject property. The enclosed patio and permanent outdoor bench seating area was authorized by Toronto and East York Community Council at its meeting of April 3, 2025, and was subsequently constructed.

Following construction, Transportation Services staff conducted an inspection and identified a natural gas-fueled fire pit installed within the public right-of-way within the permanent outdoor seating area, adjacent to the enclosed patio. The fire pit was installed without authorization or a permit.

On October 8, 2025, Transportation Services issued a Notice of Violation to the property owner, advising that the fire pit installed within the Argyle Street boulevard adjacent to the property had been installed without the required Community Council authorization or Transportation Services permit.

The applicant was notified that the natural gas-fueled fire pit was not eligible for an encroachment agreement as it is in contravention of City of Toronto Municipal Code Chapter 743, Streets and sidewalks, Use of. An appeal was subsequently received from the property 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.

Transportation Services has reviewed the application and the property located at 114 Ossington Avenue. The proposed encroachments contravene Municipal Code Chapter 743 as follows:

- The natural gas-fueled fire pit is not a permitted encroachment under the delegated authority of the General Manager of Transportation Services pursuant to Municipal Code Chapter 743.

As a result, Transportation Services recommends Toronto East York Community Council not authorize the encroachment appeal application and direct the removal of the gas-fuelled fire pit to achieve compliance with Toronto Municipal Code Chapter 743.

Drawings of the encroachment and digital photos of the existing fire pit are included in Attachments 1 through 4.

### **Alternate Recommendations**

If, despite the findings above, Toronto and East York Community Council decides to authorize the General Manager of Transportation Services to enter into an encroachment agreement with the property owner of 114 Ossington Avenue permitting the natural gas-fueled fire pit, it may adopt the following alternate recommendations:

1. Toronto and East York Community Council authorize the General Manager of Transportation Services to enter into an encroachment agreement with the property owner of 114 Ossington Avenue, to permit the maintenance of the natural gas-fueled fire pit subject 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 natural gas-fueled firepit 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 encroachment upon receiving written notice from 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 encroachments; and
  - f. Obtain signoff/clearance from Toronto Fire Services.

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

## **CONTACT**

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## **SIGNATURE**

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Antonia Markos  
Director, Street Permits, Transportation Services

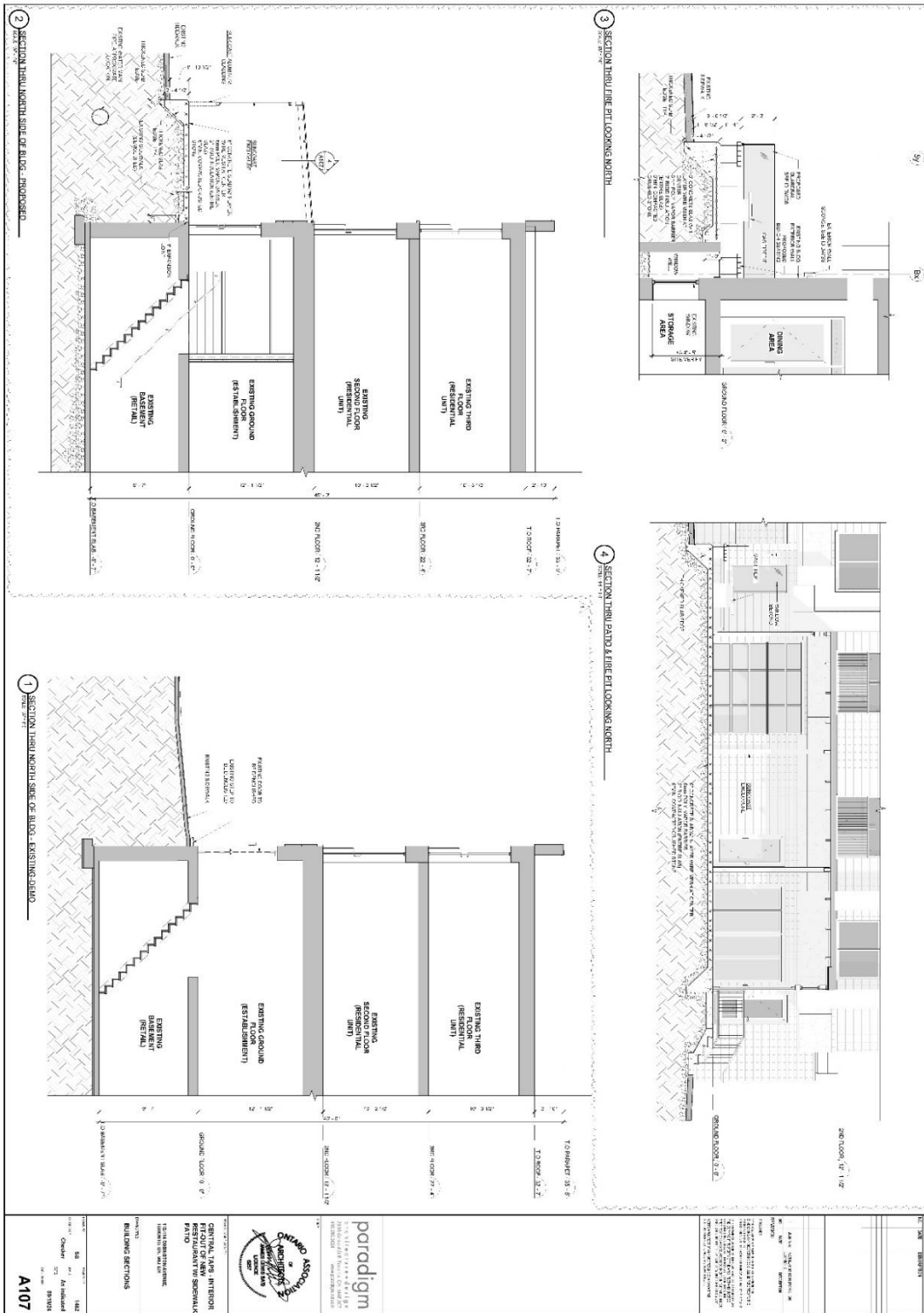
## **ATTACHMENTS**

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Attachment 1: Site Plan of Existing Encroachments - 114 Ossington Avenue  
Attachment 2: Cross Section Plan of Existing Encroachments - 114 Ossington Avenue  
Attachment 3: Photos of Permanent Outdoor Seating Area, Planters and Natural Gas-Fueled Fire Pit Located on Argyle Street Boulevard - 114 Ossington Avenue



Attachment 2: Cross Section 3 – Permanent outdoor seating area, planters and natural gas-fueled fire pit



Attachment 3: Photos of Permanent Outdoor Seating Area, Planters and Natural Gas-Fueled Fire Pit View from Ossington Avenue





View from Argyle Street

