

Encroachment Appeal – Mirvish Village Business Improvement Area

Date: January 30, 2026

To: Toronto and East York Community Council

From: Director, Street Permits, Transportation Services

Wards: 11, University – Rosedale

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 to request that Toronto and East York Community Council consider an encroachment application submitted by the City of Toronto's Economic Development and Culture's (EDC) Business Improvement Area (BIA) Office on behalf of the Mirvish Village Business Improvement Area (BIA). In partnership with the Mirvish Village BIA and EDC's BIA Office, the proposal included the installation of a new parkette and streetscape improvements.

Transportation Services recommends that Toronto and East York Community Council authorize the installation and maintenance of a 1.2 metre high decorative screen located within the Markham Street sidewalk, with zero setback from Poulter's Place lane and 2.4 metre deep footings, nine (9) decorative light poles with 2.4 metre deep footings, and the installation of a water bottle-filling station within the Markham Street boulevard between Bloor Street West and Poulter's Place lane. An approximately 2.5 metre pedestrian clearway will be maintained along Markham Street.

The decorative screen, the depth of the proposed footings, and the water bottle-filling station are 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 Mirvish Village BIA and EDC to install and maintain the proposed 1.2 metre high decorative screen

located within the Markham Street sidewalk, with zero setback from Poulter's Place lane and 2.4 metre deep footings, nine (9) decorative light poles with 2.4 metre deep footings, and the installation of a water bottle-filling station ("the encroachments") within the Markham Street boulevard between Bloor Street West and Poulter's Place lane, while maintaining an approximately 2.5 metre pedestrian clearway, which is to include the following conditions:

- a. The Mirvish Village BIA, EDC and the Transportation Services Division will enter into a memorandum of understanding regarding the encroachments to the satisfaction of the General Manager of Transportation Services;
- b. Mirvish Village BIA will maintain the encroachments at its own expense in good repair and a condition satisfactory and will not make any additions or modifications to the encroachments beyond what is allowed under the terms of the memorandum of understanding;
- c. The Mirvish Village BIA will remove the encroachments upon receiving written notice to do so from Transportation Services;
- d. Transportation Services Division and/or utility companies may remove the encroachments at any time to install or maintain their assets within the affected public right of way with no obligation to replace them;
- e. EDC and the Mirvish Village BIA will assume all responsibilities related to the authorization permitting the encroachments;
- f. EDC shall obtain all Public Utility Coordinating Committee clearances and/or signoffs from the public utility companies and satisfy any requirements they may have;
- g. EDC shall ensure any design of the proposed encroachments that impact Toronto Water's infrastructure shall meet Toronto Water's standards and approval conditions, as determined by Toronto Water in their sole discretion; and
- h. Authority granted by Toronto and East York Community Council shall be considered conditional upon receiving clearances from all affected City divisions, units and agencies.

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.

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COMMENTS

An encroachment application was received on June 19, 2025, from Economic Development and Culture Business Improvement Area Office on behalf of the Mirvish Village BIA requesting permission to install a 1.2 metre high decorative screen located within the Markham Street sidewalk, with zero setback from Poulter's Place lane and 2.4 metre deep footings, nine (9) decorative light poles with 2.4 metre deep footings, and the installation of a water bottle-filling station ("the encroachments") within the Markham Street boulevard between Bloor Street West and Poulter's Place lane. The proposal maintains an approximately 2.5 metre pedestrian clearway along Markham Street.

Transportation Services has reviewed the application and the Markham Street and Poulter's Place rights-of-way where the encroachments are proposed. The proposed encroachments contravene Municipal Code Chapter 743 as follows:

- The decorative screen is proposed to be installed within the public right-of-way, encroaching approximately 0.20 metres into the City of Toronto sidewalk. This installation contravenes Municipal Code Chapter 743, Article 743-31.E.(2), which states that, "Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted... (2) within 0.50 metres of the edge of a sidewalk located closest to the street line."
- The decorative screen is proposed to be 1.2 metres high measured from grade level which will result in an encroachment 0.2 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 screen is proposed to be installed immediately beside the Poulter's Place lane. This contravenes the Municipal Code Chapter 743 article 743-34 A. (2)[2] requirement that "No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within three metres of a driveway that is adjacent a sidewalk, or the travelled surface of any road without curbs, shall exceed a height of one metre, measured from the grade of the adjoining driveway."
- The footings for the decorative screen and decorative lights are proposed to extend 2.4 metres below grade which is 1.2 metres greater than what is permitted in Municipal Code Chapter 743-34-A(2) (b) requirement that "The footings, which are located within the street, shall not exceed a depth of 1.20 metres measured from the surface of the adjoining boulevard."
- The proposed bottle-filling station is not a permitted encroachment under the delegated authority of the General Manager, Transportation Services, pursuant to Municipal Code Chapter 743.

The applicant was notified that the encroachments are not permitted as encroachments in Municipal Code Chapter 743 and an appeal was subsequently received from EDC on behalf of Mirvish Village Business Improvement Area. 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.

Transportation Services recommends granting authority to install and maintain the proposed encroachments, as staff are of the opinion that the proposal, which maintains an approximately 2.5 metre pedestrian clearway, does not have a negative impact on the public right-of-way for pedestrians or for traffic on the adjacent laneway and street.

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

CONTACT

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Elio.Capizzano@toronto.ca

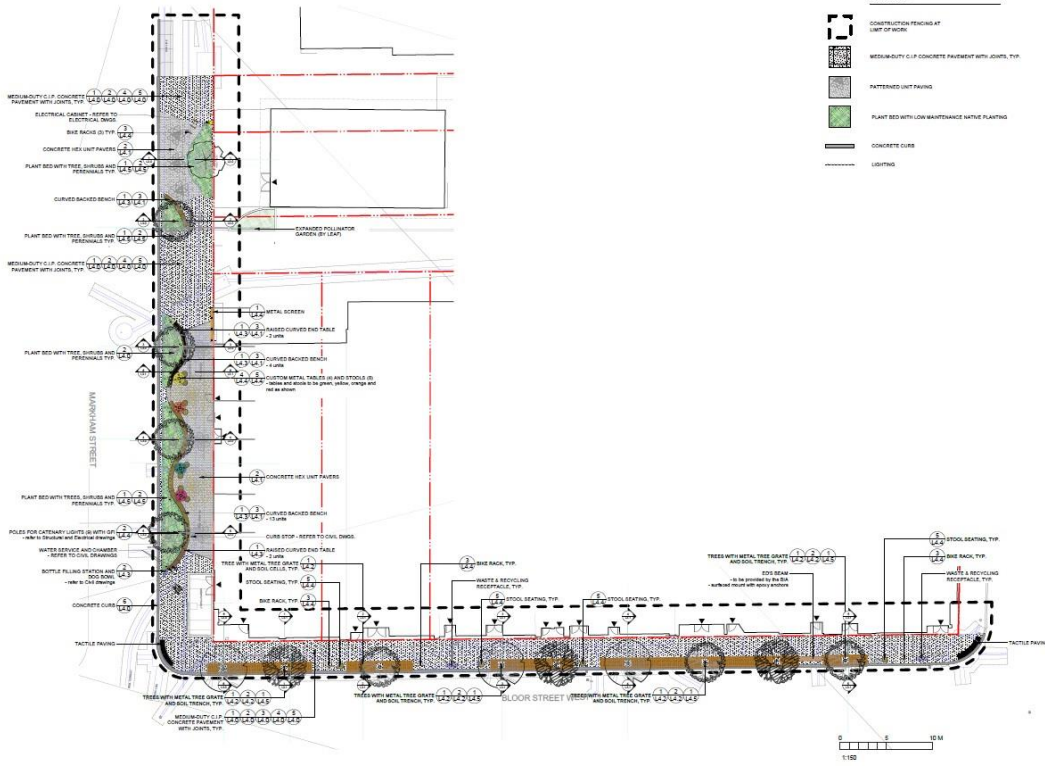
SIGNATURE

Antonia Markos
Director, Street Permits, Transportation Services

ATTACHMENTS

- Attachment 1: Site Plans of Proposed Parkette and Streetscape Improvements
- Attachment 2: Details of Proposed Decorative Screen, Decorative Lights and Water Bottle Filling Station
- Attachment 3: Sketch of Proposed Decorative Screen Location

Attachment 1: Site Plans of Proposed Parkette and Streetscape Improvements



FFLA
 Forest and Field Landscape
 Architecture Inc.
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 info@forestandfield.ca

MIRVISH VILLAGE BIA STREETScape & PARKETTE
 633-655 Markham St
 Toronto ON M6G 2M1
 558-580 Bloor St W
 Toronto ON M6G 1K1



Not For Construction



REVISIONS:

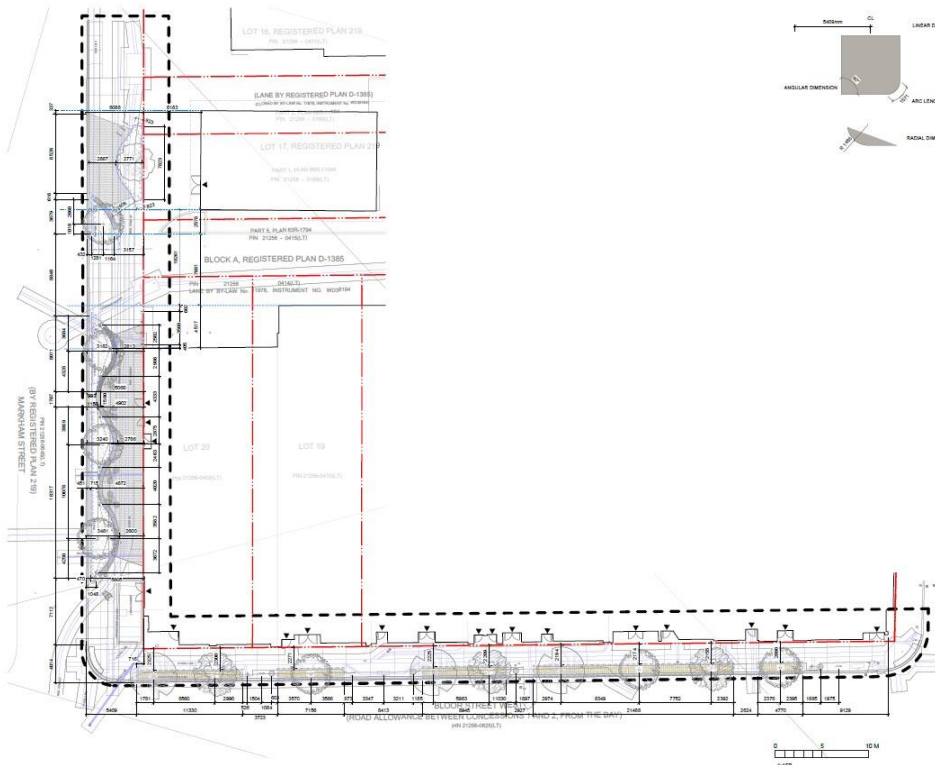
#	ISSUED DESCRIPTION	ISSUED FOR	DATE
4	Issued for Circulation	2023-04-22	
5	Issued for Permit	2023-05-09	
6	POCC Revisions	5/13/2023	
7	Issued for Permit	2023-05-15	
8	Re-issued for Permit	2023-01-22	

DRAWING NAME:

Materials Plan

DRAWING NUMBER:

L2.0



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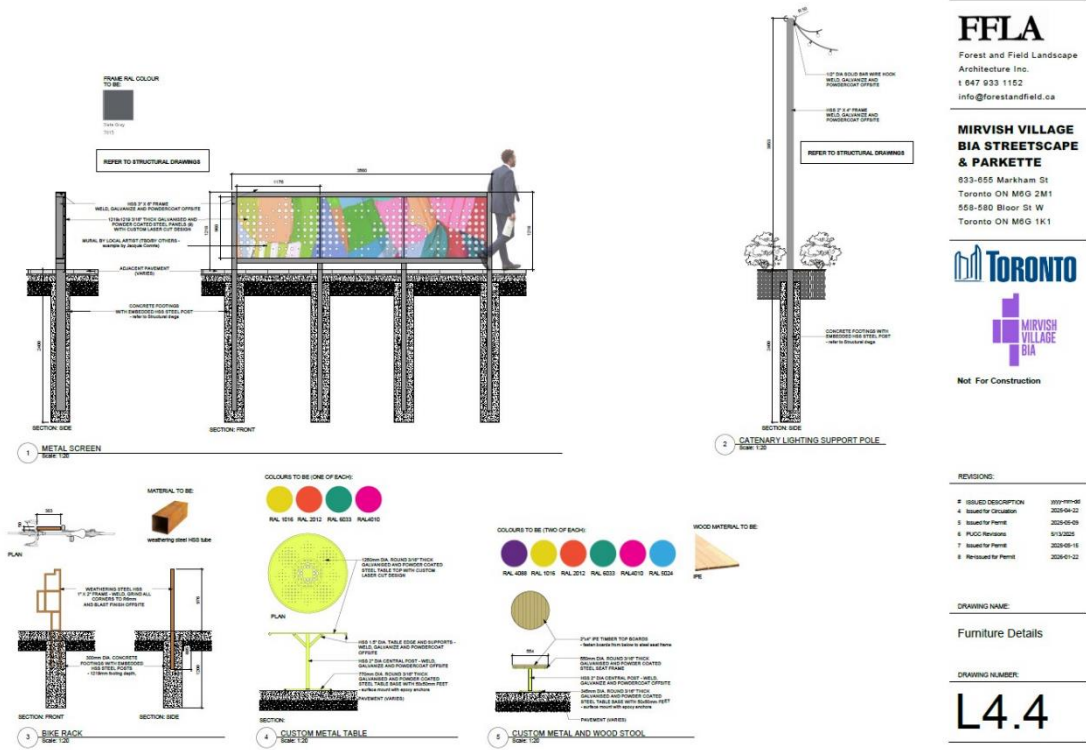
DRAWING NAME:

Layout Plan

DRAWING NUMBER:

L2.1

Attachment 2: Details of Proposed Decorative Screen, Decorative Lights and Water Bottle Filling Station

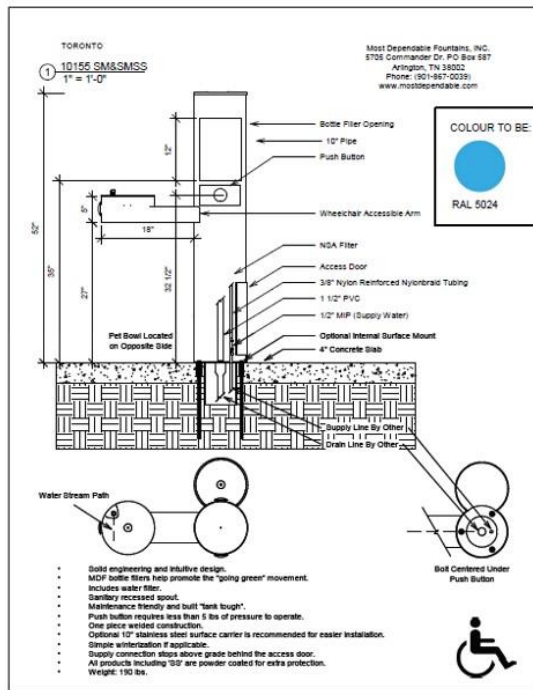


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Not For Construction



2 BOTTLE FILLING STATION WITH DOG BOWL
Scale: N.T.S.

Attachment 3: Sketch of Proposed Decorative Screen Location

