

## **482 and 488 Wellington Street West - Encroachment Appeal**

**Date:** May 11, 2026

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

**From:** Acting 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 submitted by the property owner of 482 and 488 Wellington Street West regarding their encroachment application. The encroachment consists of a wooden service bar enclosure with a canopy, occupying a total area of 11.9 square metres and a wooden privacy screen attached to a pergola. These structures do not comply with 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 allow the continued maintenance of the encroachment within the public right-of-way.

### **RECOMMENDATIONS**

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The Acting 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 the property owner of 482 and 488 Wellington Street West to permit the wooden service bar enclosure with a canopy and a wooden privacy screen attached to a pergola (“the encroachment”), subject but not limited to, the following conditions:

- a. The property owner will 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. The property owner will maintain the encroachment 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. The property owner will 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. The property owner will 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 encroachment;
- f. Authority granted by Toronto and East York Community Council shall be conditional upon the applicant obtaining all required clearances from affected City divisions, units, agencies, and the Public Utility Coordinating Committee (PUCC), including signoffs from all public utility companies, and satisfying all associated requirements;
- g. Transportation Services Division and/or utility companies may remove the encroachment at any time to install or maintain their assets within the affected public right-of-way with no obligation reinstate it;
- h. The property owner shall pay:
  - (i) an annual licence fee in the amount of \$3,008.00 as determined by Corporate Real Estate Management; and
  - (ii) any applicable property taxes eligible for the wooden service bar enclosure and canopy at 488 Wellington Street West. The licence fee shall be adjusted annually based on the Consumer Price Index (Toronto, all items) and be recalculated every five (5) years; and
- i. The property owner and/or occupant must obtain all necessary permissions from Toronto Building and Municipal Licensing and Standards, if required.

## **FINANCIAL IMPACT**

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If Toronto and East York Community Council adopt the staff recommendations, the property owner will be responsible for all costs for the ongoing maintenance, repair and operation of the service bar with canopy and privacy screen.

Transportation Services will receive annual revenues of approximately \$3,000.00 in licence fees paid by the property owner, as determined by Corporate Real Estate Services Management, and any applicable property taxes eligible for the wooden service bar enclosure and canopy at 488 Wellington Street West. The licence fee shall

be adjusted annually based on the Consumer Price Index (Toronto, all items) and be recalculated every five (5) years.

## **DECISION HISTORY**

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This report addresses a new initiative.

## **COMMENTS**

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An encroachment application was received on June 13, 2025, from an agent acting on behalf of the owner of 482 and 488 Wellington Street West. This application requests permission to maintain a wooden service bar enclosure with a canopy and a wooden privacy screen attached to a pergola within the public right-of-way along the Wellington Street West boulevard fronting the subject premises.

The applicant was notified that the encroachment is not eligible for an encroachment agreement as it contravenes the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of ("Chapter 743"). Specifically, the structures lack authorization and do not meet applicable height requirements. The property owner subsequently submitted an appeal.

Transportation Services has reviewed the encroachment application and conducted a site assessment at 482 and 488 Wellington Street West. The encroachment does not comply with the provisions of Chapter 743 and are further detailed below:

- The wooden service bar enclosure at with a canopy at 488 Wellington Street West is not a permitted type of encroachment and does not fall within the categories that the General Manager of Transportation Services is authorized to approve.
- The wooden privacy screen attached to the pergola at 482 Wellington Street West is approximately 2.74 metres in height, exceeding the limits set out in Chapter 743, Section 743-34A.(2)(a), which states, "A fence located within a street can be built to a maximum height of 1.20 metres for that portion of the fence fronting the property, and 1.80 metres for any fence located in the flankage of the property, provided that to ensure unobstructed driver and pedestrian sight lines."

In accordance with Section 743-48 of the Toronto Municipal Code, Transportation Services has responded to the appeal by preparing this report for consideration by the Toronto and East York Community Council and to provide the applicant with an opportunity to be heard.

482 and 488 Wellington Avenue West are contributing properties in the King-Spadina Heritage Conservation District. Heritage Planning staff have reviewed the existing encroachment and advised that they have no comments to the continued maintenance Encroachment Appeal – 482 and 488 Wellington Street West

of the encroachment within the public right-of-way, and that no additional heritage approvals are required.

Transportation Services is of the opinion that the encroachment will not adversely impact the public right-of-way, including pedestrian movements, vehicular traffic, or the City's ability to maintain the right-of-way. Accordingly, Transportation Services recommends that Toronto and East York Community Council authorize the encroachment in its current configuration, subject to the conditions outlined above.

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

Drawings and photos of the encroachment at 482 and 488 Wellington Street West are provided in Attachments 1 through 5, appended to this report.

## **CONTACT**

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Elio Capizzano, Manager, Construction Activity  
Street Permits, Transportation Services  
Tel: 416-392-7878  
Email: [Elio.Capizzano@toronto.ca](mailto:Elio.Capizzano@toronto.ca)

## **SIGNATURE**

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Nazzareno A. Capano, P.Eng.  
Acting Director, Street Permits  
Transportation Services

## **ATTACHMENTS**

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Attachment 1: Site plan of existing encroachment at 482 & 488 Wellington Street West  
Attachment 2: Elevation drawings of existing encroachment at 482 & 488 Wellington Street West  
Attachment 3: Photo looking west at 482 Wellington Street West  
Attachment 4: Photo looking north at 482 & 488 Wellington Street West  
Attachment 5: Photo looking west at 488 Wellington Street West

Attachment 1: Site plan of existing encroachment at 482 & 488 Wellington Street West

Encroachment Appeal – 482 and 488 Wellington Street West

**GENERAL NOTES**

- REFERENCE TO SIDEWALK CAFE PERMIT NO. R57-642348 (CONDITIONS W/DECK)
- REFERENCE TO BUSINESS LICENCE NO. B71-640838
- REFER TO STRUCTURAL DRAWINGS FOR PERGOLA CANOPY FRAMING AND FOOTINGS
- REFER TO GAS-FIRED HEATER SPECIFICATIONS
- REFER TO AWNING CANOPY SPECIFICATIONS

**CHERRY'S HIGH DIVE**  
 488 WELLINGTON ST W  
 TORONTO, ON M5V 1E3

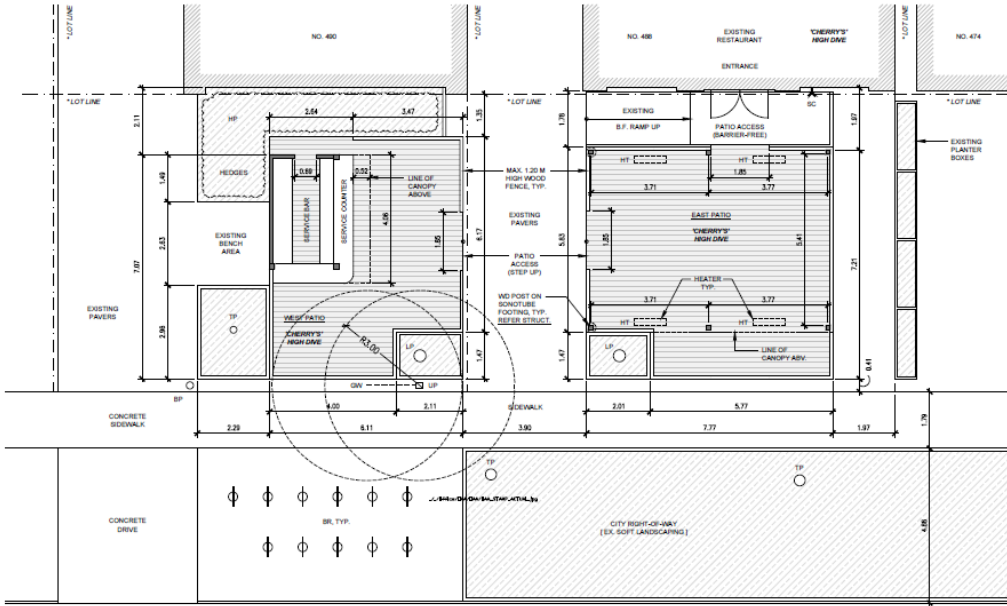
**\* TS ENCROACHMENT PERMIT**

**EDWARD LEE ARCHITECT**  
 8 ANDY'S STREET  
 TORONTO ONTARIO M5U 1M4  
 E: [info@edwardlee.ca](mailto:info@edwardlee.ca) T: 947.294.7172

**TS ENCROACHMENT PERMIT**

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NO.	ISSUED / REVISED	DATE
1	TS PERMIT	28.06.18
2	TS PERMIT	28.04.20



**LEGEND**

- LS LIGHT POLE
- TP TREE PLANTER
- HP HEDGE PLANTER
- BR BICYCLE RING
- UP UTILITY POLE
- GW GUY WIRE
- SC GANSESE CONNECTION
- BP BOLLARD POST
- HT HEATER (ABOVE)

WELLINGTON STREET WEST

\*NOTE: ALL DIMENSIONS ARE IN METERS

SCALE: 1/75  
 DRAWN BY: EL  
 DATE: 2028.04.20

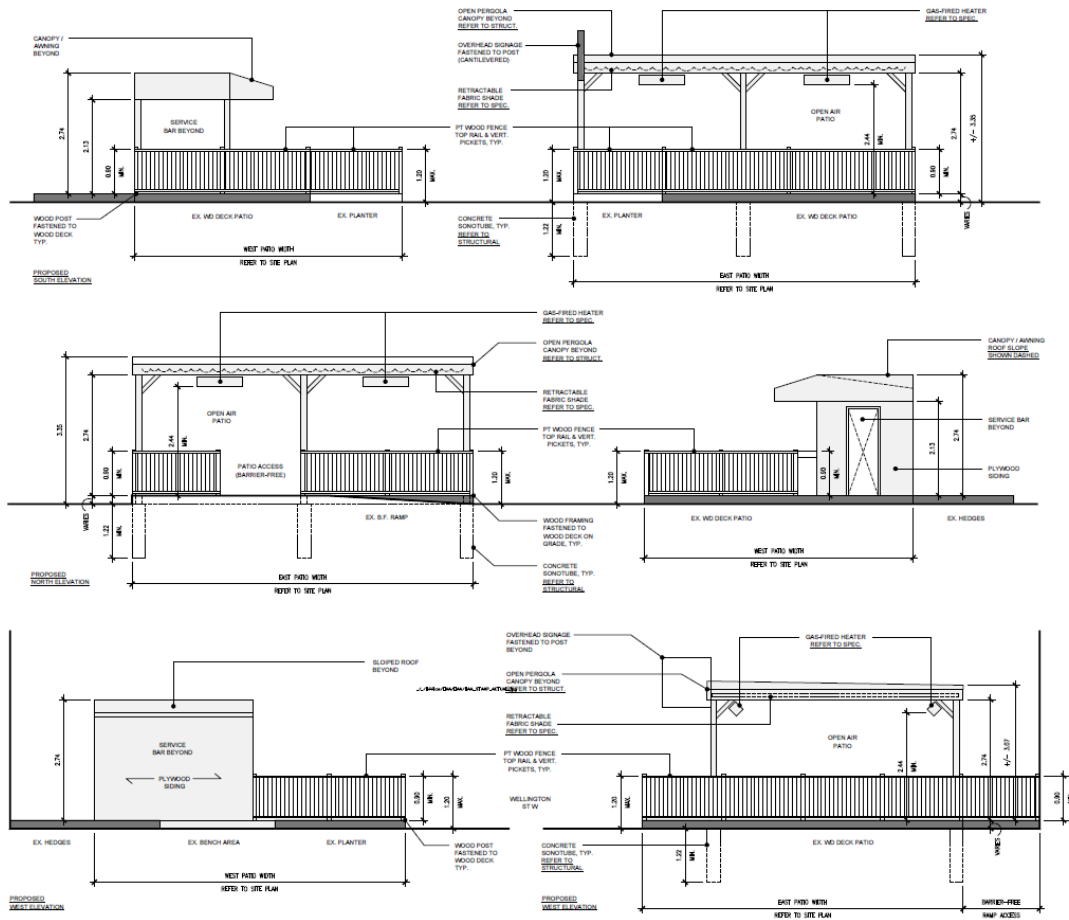
488 WELLINGTON ST W  
 TORONTO, ONTARIO



PROPOSED  
 SITE PLAN

**SK-1**

# Attachment 2: Elevation drawings of existing encroachment at 482 & 488 Wellington Street West



**EDWARD LEE ARCHITECT**  
 6 ANGLE STREET  
 TORONTO ONTARIO M5H 1M6  
 E: info@edwardlee.ca T: 905.944.1172

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NO.	ISSUED / REVISED	DATE
1	TS PERMIT	28.04.20
2	TS PERMIT	28.04.20

**488 WELLINGTON ST W**  
 TORONTO, ONTARIO

SCALE: 1/8"  
 DRAWN BY: EL  
 DATE: 2020.04.20

PROPOSED PATIO ELEVATIONS

SK-2

Attachment 3: Photo looking west at 482 Wellington Street West



Attachment 4: Photo looking north at 482 & 488 Wellington Street West



Attachment 5: Photo looking west at 488 Wellington Street West

