

505 College Street - Encroachment Appeal - Enclosed Patio Structure with Storage Shed

Date: May 11, 2026

To: Toronto and East York Community Council

From: Acting Director, Street Permits, Transportation Services

Wards: Ward 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 for Toronto and East York Community Council to consider an appeal from the property owner of 505 College Street regarding their encroachment application. The encroachment consists of an existing enclosed patio structure and metal storage shed that does not comply with City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

The property owner is seeking authorization from Toronto and East York Community Council to allow the continued maintenance of the existing enclosed patio structure and metal storage shed within the public right-of-way at 505 College Street, which is in contravention of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of.

RECOMMENDATIONS

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 505 College Street to permit the enclosed patio structure and metal storage shed, 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 to reinstate them;
- h. The property owner shall pay:
 - (i) an annual licence fee as determined by Corporate Real Estate Management; and
 - (ii) any applicable real property taxes eligible for the storage shed. 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

If Toronto and East York Community Council adopt the staff recommendations the property owner will be responsible for the costs for the ongoing maintenance, repair and operation of the enclosed patio structure and metal storage shed.

The Owner shall pay an annual licence fee in an amount determined by Corporate Real Estate Management and any applicable real property taxes eligible for the storage shed. 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

This report addresses a new initiative.

COMMENTS

An encroachment application was received on June 25, 2025, from an agent acting on behalf of the owner of 505 College Street requesting permission to maintain an existing enclosed patio structure and metal storage shed within the public right-of-way along the Palmerston Avenue flankage of the subject property.

The enclosed patio structure and metal storage shed are not permitted types of encroachments under Chapter 743, Street and Sidewalks, Use of ("Chapter 743") and do not fall within the categories of encroachments that the General Manager, Transportation Services, is authorized to approve.

The applicant was notified that the encroachments were not eligible for approval through the standard encroachment agreement process because they contravene the City the provisions of the Toronto Municipal Code Chapter 743, including and the applicable setback requirements. An appeal was subsequently submitted by the property owner for Community Council consideration.

Transportation Services has reviewed the encroachment application and conducted a site assessment at 505 College Street. The encroachment does not comply with the provisions of Chapter 743 and are further detailed below:

- The enclosed patio structure and metal storage shed are not permitted encroachment types and do not fall within the categories that the General Manager of Transportation Services is authorized to approve.
- The enclosed patio structure was built directly abutting the sidewalk and does not maintain the minimum setback requirement of 0.50 metres from the edge of the sidewalk., Chapter 743, Section 743-31E.(2) states that "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";

In accordance with Section 743-48 of the Toronto Municipal Code, Transportation Services has prepared this report in response to the appeal in order to provide Toronto and East York Community Council with the opportunity to consider the matter and to provide the applicant with an opportunity to be heard.

Transportation Services has reviewed the application and is of the opinion that the enclosed patio structure and metal storage shed will not adversely impact pedestrian movement, vehicular, or the City's ability to access and maintain the right-of-way. Accordingly, Transportation Services recommends that Toronto and East York

Community Council authorize the proposed encroachments in their 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 encroachments at 505 College Street are provided in Attachments 1 through 3, appended to this report.

CONTACT

Elio Capizzano, Manager, Construction Activity
Street Permits Transportation Services
Phone: 416-392-7878
Email: Elio.Capizzano@toronto.ca

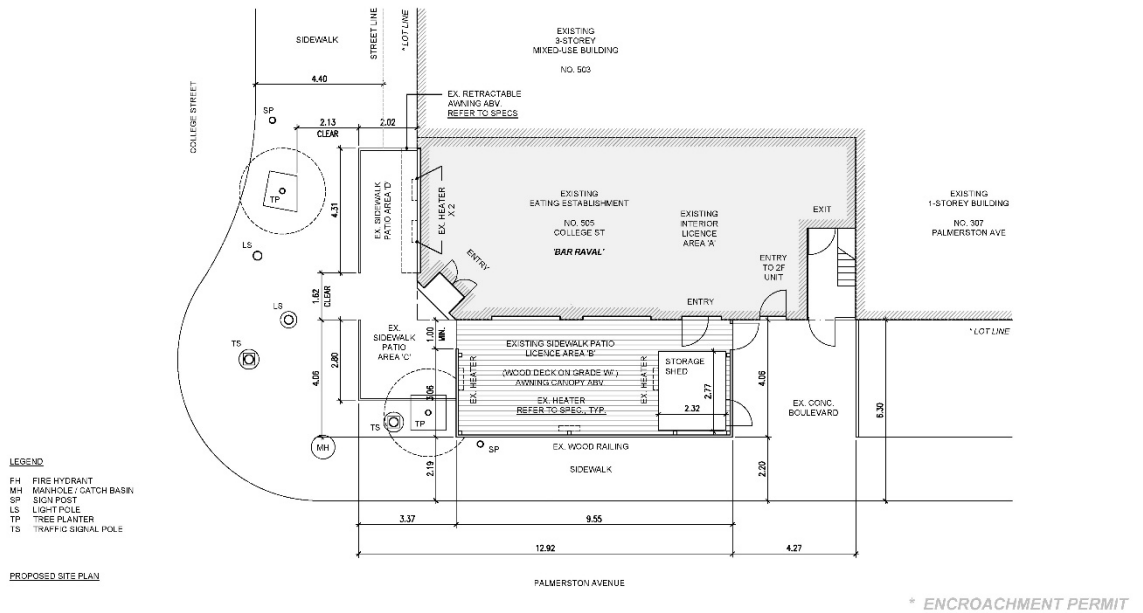
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan of Proposed Encroachment – 505 College Street
Attachment 2: Elevation Details of Proposed Encroachment – 505 College Street
Attachment 3: Photos of Existing Condition and Encroachment – 505 College Street

Attachment 1: Site Plan of Encroachment – 505 College Street



EDWARD LEE ARCHITECT

6 BARGYLE STREET
 TORONTO ONTARIO M5H 1N4
 E: info@edwardlee.ca T: 947.504.7172

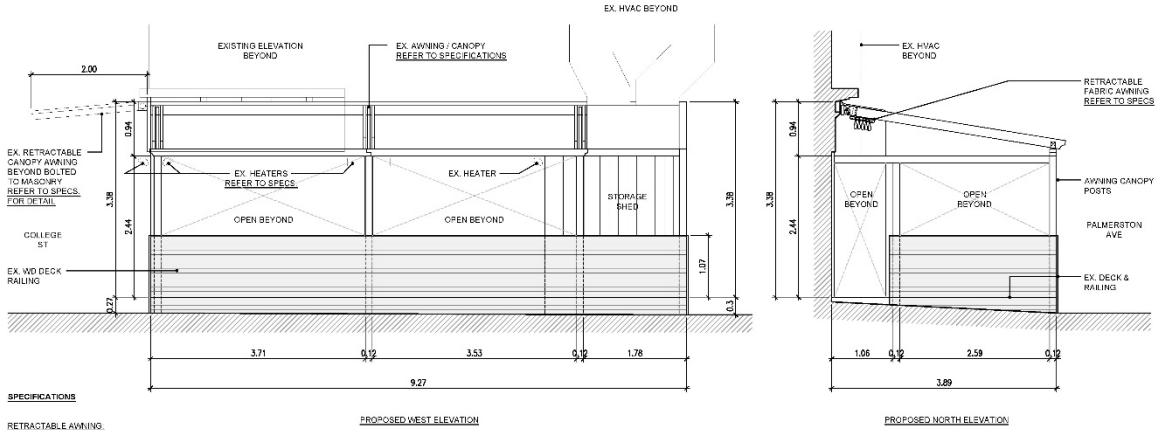
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505 COLLEGE STREET
 10-6210-0111-02

BAR RAVAL

PROPOSED PATIO SITE PLAN		SRH: ELC	SK-1
		DRWN: EY	
		DATE: 2025/04/11	

Attachment 2: Elevation Details of Encroachment – 505 College Street



- SPECIFICATIONS**
- RETRACTABLE AWNING:**
 COBRADI FERROSTENDA 46 SYSTEM AWNING W/ ELECTRIC MOTOR FABRIC - FIRE MASTER PLUS (CANULC-S100 FLAME RESISTANCE)
- PATIO HEATERS:**
 INTERTEK - MODEL CH151208 (CSA STD C22.2 NO. 46 FOR PERMANENTLY CONNECTED AND CORD-CONNECTED AIR HEATERS)
 SCHWANK - MODEL STW-JZ-45-N-X1 (CSA STD 2.37 & CSA B149.1 FOR GAS-FIRED OUTDOOR INFRARED PATIO HEATERS)
- LIGHTING:** CSA APPROVED OUTDOOR STRING LIGHTING (REFER TO LIGHTING DECLARATION SIGNED BY OWNER)

- GENERAL NOTES:**
- PLATFORM SURFACE TO BE LEVEL WITH THE SIDEWALK WITH A CROSS SLOPE OF NO GREATER THAN 2% AND A RUNNING SLOPE OF NO GREATER THAN 5%.
- PLATFORM TO BE STABLE, SLIP-RESISTANT, AND ACCESSIBLE WITH NO TRANSITIONS GREATER THAN 12 MM BETWEEN THE LEVEL OF THE SIDEWALK CURB AND PARKLET PLATFORM

* ENCROACHMENT PERMIT

EDWARD LEE ARCHITECT
 6 ARGYLE STREET
 TORONTO ONTARIO M5U 1H4
 E: info@edwardlee.ca T: 447.594.7172

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505 COLLEGE STREET
 TORONTO ONTARIO

BAR RAVAL

PROPOSED PATIO ELEVATIONS	REP: J	CHK: SK-3
	DRAWN BY: EL	
	DATE: 03/25/24/21	

Attachment 3: Photos of Existing Condition – 505 College Street



