

Encroachment Appeal – 353, 355, and 357 College Street

Date: June 18, 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 for which Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to provide Toronto and East York Community Council with an opportunity to consider an appeal submitted by the owner of 353, 355, and 357 College Street regarding a proposed encroachment within the public right-of-way on College Street. The proposed encroachment would consist of a privately constructed sanitary control maintenance hole, a stormwater control maintenance hole, and a groundwater sampling port. These elements do not comply with certain provisions of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of.

Transportation Services has reviewed the application and determined that the proposed encroachment will not adversely affect pedestrian movement, vehicular traffic, or the City's ability to access and maintain the public right-of-way. Accordingly, Transportation Services recommends that Toronto and East York Community Council authorize the proposed encroachment at 353, 355, and 357 College Street, subject to the conditions set out in this report.

RECOMMENDATIONS

The Acting Director Permits and Enforcement, Transportation Services recommends that:

1. Toronto East York Community Council authorize the City to enter into an encroachment agreement with the property owner of 353, 355, and 357 College Street permitting a sanitary control maintenance hole, stormwater control maintenance hole and groundwater sampling port, 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 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. Accept such additional or amended 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 the General Manager of 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; and
- f. The property owner shall agree that the City and/or utility companies may remove the encroachment at any time to install or maintain services or infrastructure within the affected public right of way with no obligation to replace them.

FINANCIAL IMPACT

There is no financial impact to the City resulting from the adoption of the recommendations in the report, as the property owner will be responsible for all costs associated with the construction of the encroachment as well as its maintenance, repair and operation.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was submitted on April 10, 2026, by the owner of 353, 355, and 357 College Street, requesting permission to install and maintain a sanitary control maintenance hole, a stormwater control maintenance hole, and a groundwater sampling port within the public right-of-way on College Street (the “encroachment”).

The proposed sanitary control maintenance hole, stormwater control maintenance hole, and groundwater sampling port are not permitted types of encroachments under the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of (“Chapter

743”), and do not fall within the categories of encroachments that the General Manager of Transportation Services is authorized to approve.

The applicant was advised that the encroachment was not eligible for authorization through the standard encroachment agreement process because it does not comply with the provisions of Chapter 743. An appeal was subsequently submitted by the property owner for Community Council consideration.

In accordance with Section 743-48 of the Toronto Municipal Code, Transportation Services has prepared this report in response to the appeal to provide Toronto and East York Community Council with an 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 sanitary control maintenance hole, stormwater control maintenance hole and groundwater sampling port will not adversely impact pedestrian movement, vehicular traffic, 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 encroachment in its proposed configuration, subject to the conditions outlined in the Recommendations section of this report.

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

A site plan showing the location of the proposed encroachment and a photo of the existing site condition are provided in Attachments 1 and 2.

CONTACT

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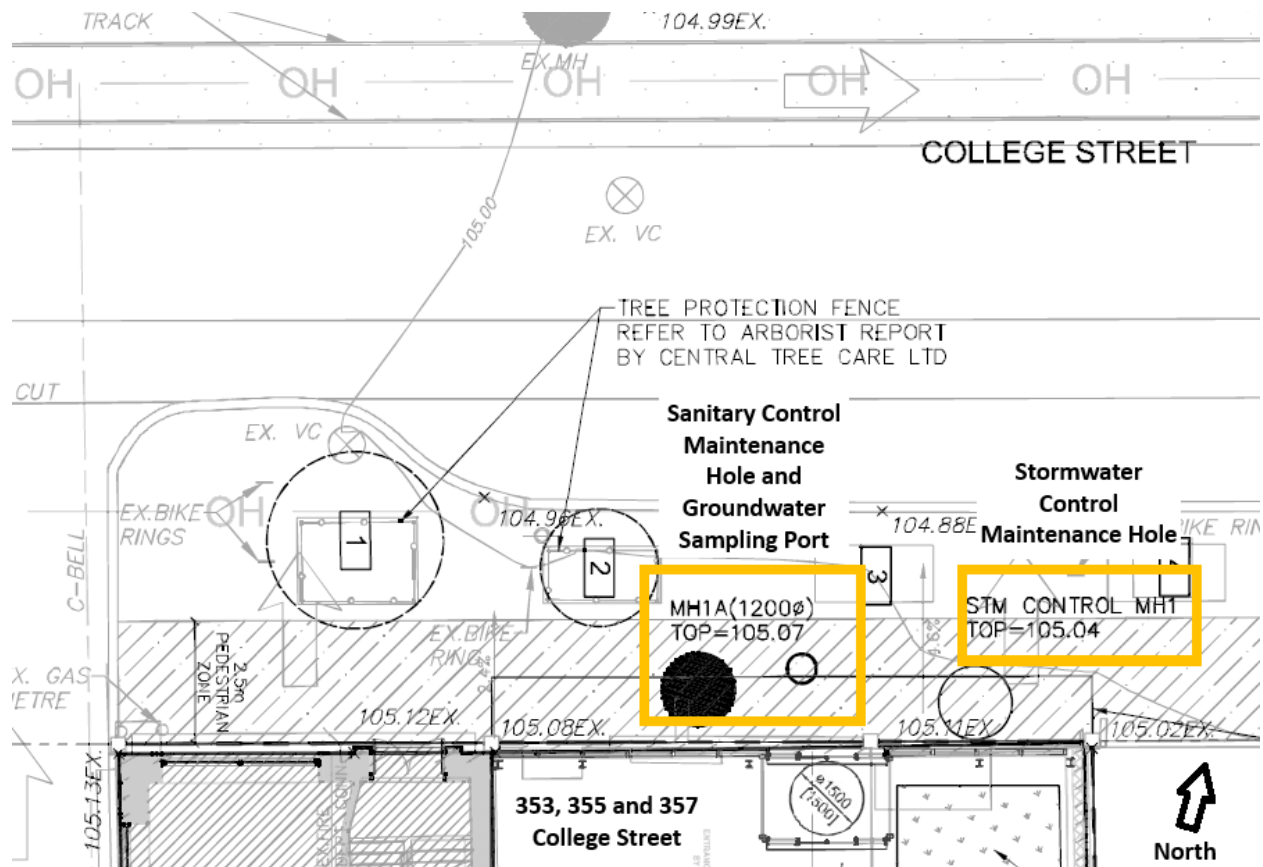
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan – 353, 355 and 357 College Street
Attachment 2: Photo of Existing Condition – 353, 355 and 357 College Street

Attachment 1: Site Plan – 353, 355 and 357 College Street



Attachment 2: Photo of Existing Condition – 353, 355 and 357 College Street

