

1526 Davenport Road - Encroachment Appeal – Various Encroachments

Date: June 18, 2026

To: Toronto and East York Community Council

From: Acting Director, Street Permits, Transportation Services

Wards: Ward 9, Davenport

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 for Toronto and East York Community Council to consider an appeal from the property owner of 1526 Davenport Road regarding their encroachment application. The encroachment consists of an existing wooden privacy fence and a wooden shed, which do 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 encroachment within the public right-of-way at 1526 Davenport Road. Transportation Services recommends that authority be granted, subject to the conditions set out in this report.

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 1526 Davenport Road to permit the continued maintenance of the existing wooden privacy fence and wooden shed located on the Greenlaw Avenue flankage, located within the public right-of-way, subject to but not limited to the following conditions:
 - a. The property owner will indemnify the City of Toronto 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 or amended 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. The property owner shall agree that the City and/or utility companies may remove the encroachment at any time in order to install or maintain services or infrastructure within the affected public right-of-way, with no obligation to replace it; and
- g. No spikes or pointed tops are permitted on the encroachment; and
- h. The property owner will remove the asphalt paving, with the exception of a 1.5-metre-wide walkway, and restore the remaining area to soft landscaping, such as sod, groundcover, or planting beds.

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.

COMMENTS

An encroachment application was received on January 5, 2026, from the owner of 1526 Davenport Road seeking permission to maintain existing structures within the public right-of-way. These structures consist of a wooden privacy fence ranging in height from approximately 1.88 metres to 2.03 metres along Greenlaw Avenue and a wooden shed

measuring approximately 2.87 metres in height, 2.36 metres in width and 3.23 metres in length (collectively, the “encroachment”).

The applicant was advised 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”), due to the absence of authorization and non-compliance with applicable height and setback requirements. An appeal was subsequently submitted by the property owner.

Transportation Services reviewed the encroachment application for 1526 Davenport Road and determined that the encroachment does not comply with the provisions of Chapter 743, which are further detailed below:

- The wooden shed is not a permitted type of encroachment and does not fall within the categories that the General Manager of Transportation Services is authorized to permit under Chapter 743.
- The wooden privacy fence ranges in height from 1.88 metres to 2.03 metres, and the wooden shed measures approximately 2.87 metres in height. Collectively, these structures contravene Chapter 743, Section 743-34A.(2)(a), which states that, "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."
- The existing wooden privacy fence and wooden shed also do not comply with Chapter 743, Section 743-34A.(2)(a)[1] requirement that states 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."

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 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 wooden fence and wooden shed 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 their existing configuration, subject to the conditions set out in this report.

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

Photos of the existing encroachment are provided in Attachment 1.

CONTACT

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SIGNATURE

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Acting Director, Street Permits, Transportation Services

ATTACHMENTS

Attachment 1: Photos of Existing Condition - 1526 Davenport Road, Greenlaw Avenue flank

Attachment 1: Photos of Existing Condition - 1526 Davenport Road, Greenlaw Avenue flankage



