

12 Hickson Street - Encroachment Appeal

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 12 Hickson Street regarding a proposed encroachment within the public right-of-way. The proposal includes the reconstruction of a basement entrance and the installation of a catch basin within the public right-of-way. These elements do not comply with certain provisions of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of.

The property owner is requesting that Toronto and East York Community Council grant authorization for the construction and maintenance of the encroachment within the public right-of-way at 12 Hickson Street. Transportation Services recommends that this 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, Transportation Services to enter into an encroachment agreement with the property owner of 12 Hickson Street permitting the basement entrance and catch basin, 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 the 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.

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 submitted on March 13, 2026, by the owner of 12 Hickson Street requesting permission to construct a basement entrance and catch basin within the public right-of-way. The proposed work includes the removal of the existing basement entrance and construction of new a basement entrance with a catch basin floor drain connected to the existing weeping tile system, which will drain into the garden area located north of the reconstructed basement entrance.

The applicant was advised that the proposed encroachment is not eligible for authorization through an encroachment agreement, as it does not comply with the requirements of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of ("Chapter 743"). Specifically, the proposal lacks the necessary authorization and

does not satisfy the applicable depth and setback requirements. An appeal was subsequently submitted by the property owner.

Transportation Services reviewed the encroachment application for 12 Hickson Street and determined that the proposed encroachment does not comply with the provisions of Chapter 743, which are further detailed below:

- The proposed catch basin located within the basement landing entrance is not a permitted type of encroachment and does not fall within the categories of encroachments that the General Manager of Transportation Services is authorized to permit under Chapter 743.
- The proposed basement entrance footing will consist of reinforced concrete extending approximately 1.40 metres below grade, contrary to Chapter 743, Section 743-34A.(4)(a), which states: "Footings within the street shall not have a depth greater than 1.20 metres measured from the surface of the adjoining boulevard and shall not include the use of reinforcing steel or wire mesh."
- The proposed encroachment would provide a setback ranging from approximately 0.30 metres to 0.50 metres and would not maintain the minimum required setback of 0.50 metres from the rear edge of the sidewalk. Chapter 743, Section 743-31E(2), provides that "no encroachments other than soft landscaping are permitted 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 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 basement entrance and catch basin 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 proposed encroachments in their proposed configuration, subject to the conditions outlined in this report.

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

A survey of the property, drawings of the proposed encroachment and photos of the existing site condition are provided in Attachments 1 through 6, appended to this report.

CONTACT

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

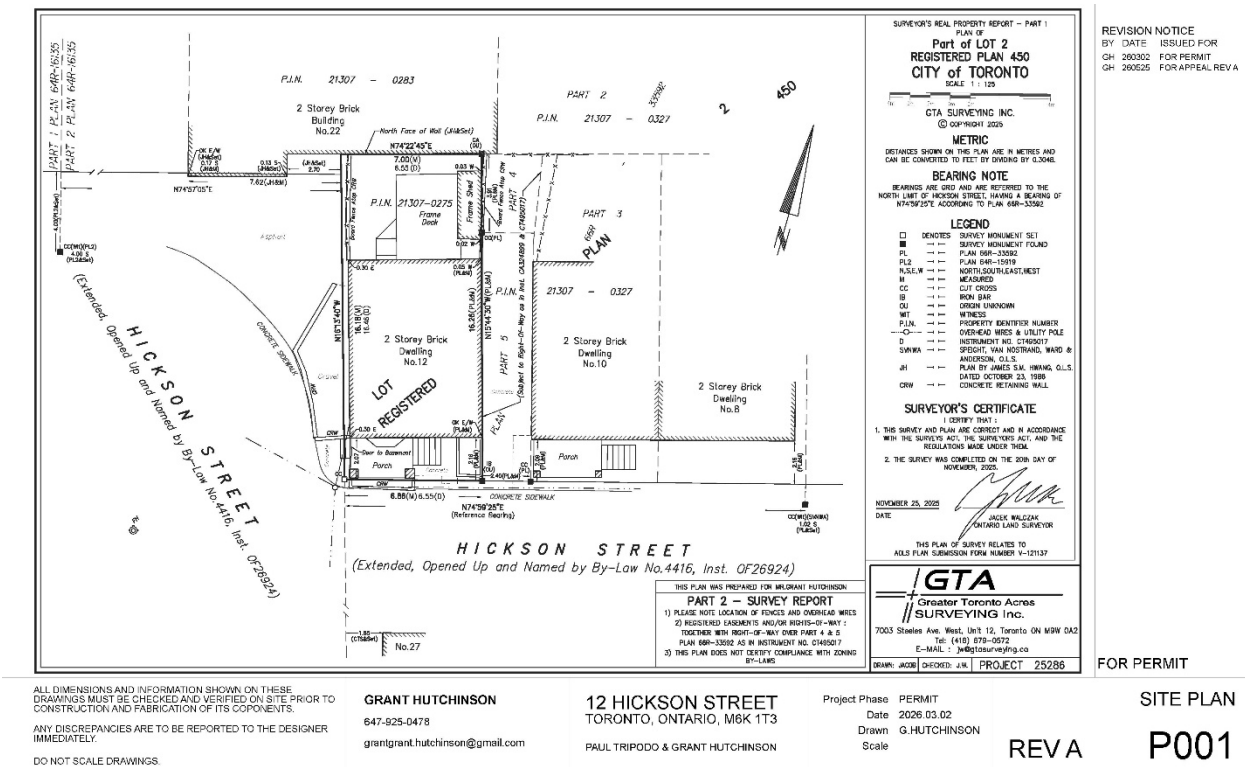
SIGNATURE

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

ATTACHMENTS

Attachment 1: P001 - 2026 Survey of 12 Hickson Street.
Attachment 2: P006 - Proposed South & West Elevation - 12 Hickson Street.
Attachment 3: P007 - Proposed Basement Entrance Plan - 12 Hickson Street.
Attachment 4: P008 - Proposed Basement Entrance Section A - 12 Hickson Street.
Attachment 5: P009 - Proposed Basement Entrance Section B - 12 Hickson Street
Attachment 6: Photos of Existing Condition – 12 Hickson Street

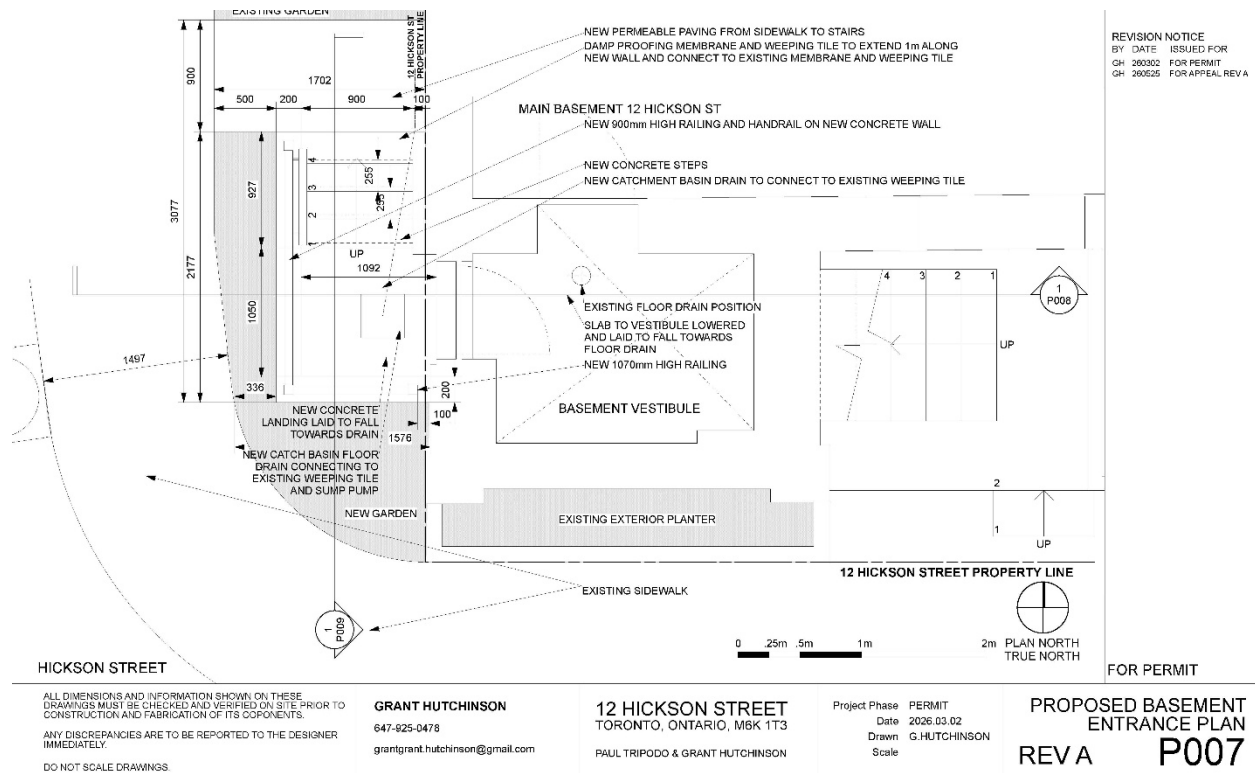
Attachment 1: 2026 Survey of 12 Hickson Street

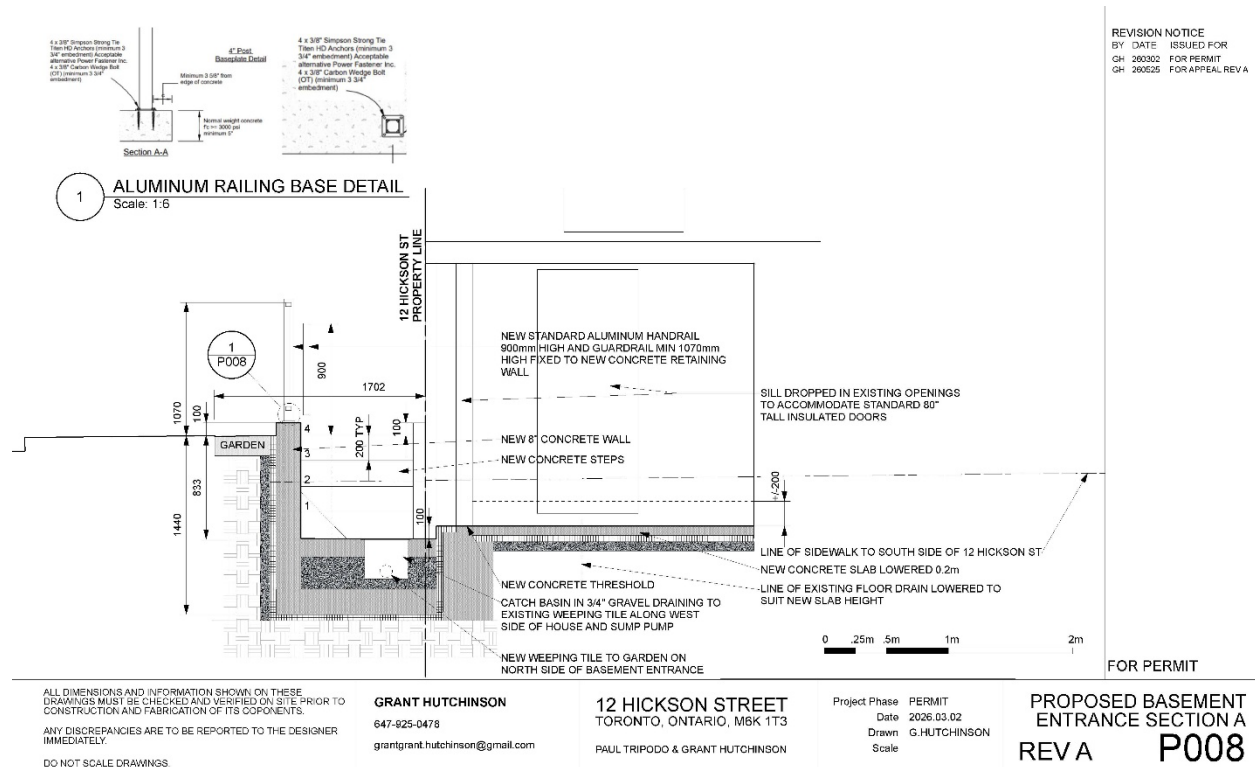


Attachment 2: Proposed South & West Elevation - 12 Hickson Street.

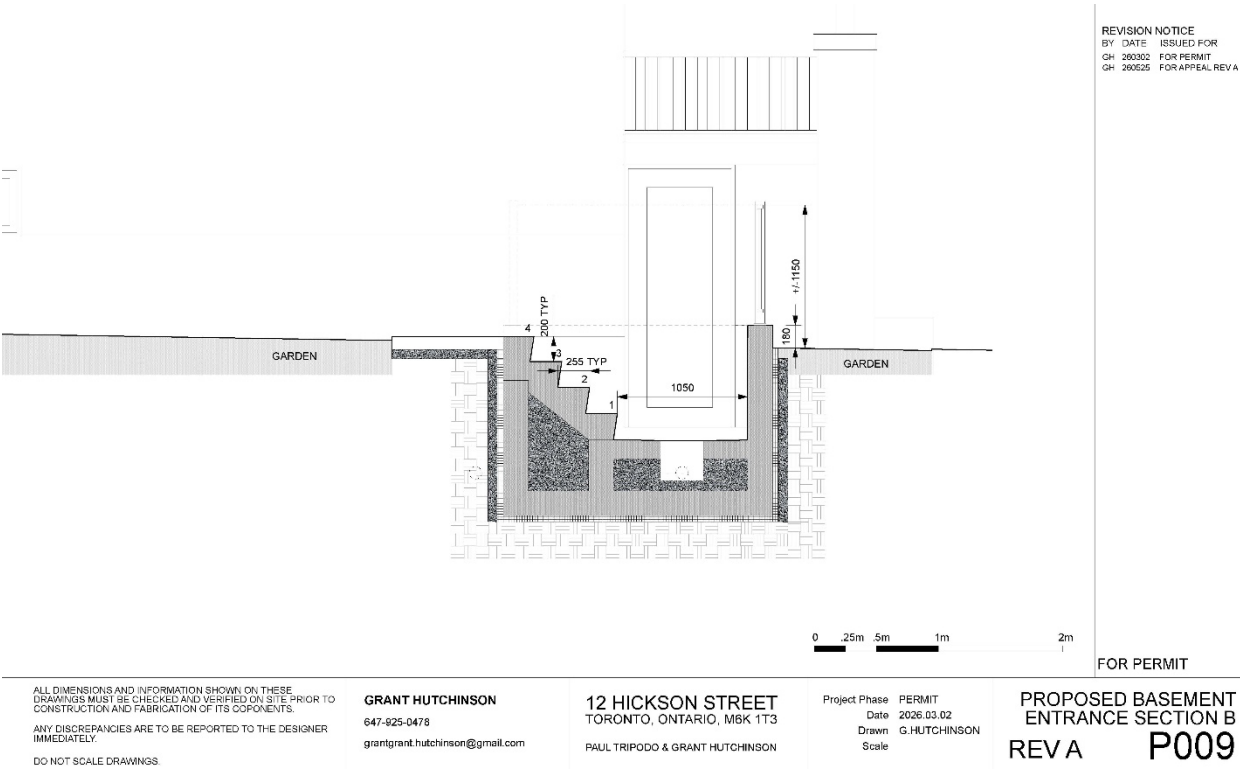


Attachment 3: P007 Proposed Basement Entrance Plan - 12 Hickson Street.





Attachment 5: P009- Proposed Basement Entrance Section B - 12 Hickson Street.



Attachment 6: Photos of Existing Condition – 12 Hickson Street



Looking east at 12 Hickson Street.



Looking North at 12 Hickson Street.