

# TORONTO STAFF REPORT

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May 26, 2006

To: Toronto and East York Community Council

From: Manager, Right of Way Management, Transportation Services  
Toronto and East York District

Subject: Maintenance of Security Gates, Window Ledges and a Planter –  
822-828 Richmond Street West  
(Trinity-Spadina - Ward 19)

Purpose:

To report on a request for permission to maintain security gates, two window ledges and a planter which encroach within the public right of way at 822-828 Richmond Street West. As the former City of Toronto Municipal Code does not make provisions for these type of encroachments, we are required to report on this matter.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council approve the maintenance of security gates and two window ledges that encroach over a portion of the laneway at the rear of the property and a planter that encroaches within the public right of way fronting 822-828 Richmond Street West, subject to the property owner entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
  - (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 and providing an insurance policy for such liability for the lifetime of the Agreements in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$2,000,000.00 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- (b) maintain the security gates, window ledges and planter at his/her 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) remove the security gates, window ledges and planter upon receiving 90 days written notice to do so; and
  - (d) accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
- (2) in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services be authorised to extend the Encroachment Agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and
- (3) Legal Services be requested to prepare and execute the Encroachment Agreement.

Comments:

Correspondence has been submitted on behalf of the property owner requesting permission to maintain two sets of security gates and two window ledges that encroach within the laneway and a concrete planter that encroaches within the public right of way fronting 822-828 Richmond Street West. A copy of the property data map is shown on Appendix 'A'. Photos of the encroachments are shown on Appendix 'B'.

As there are no provisions in Chapter 313 of the former City of Toronto Municipal Code for the maintenance of security gates and window ledges that encroach within the public lane, we are required to report on this matter.

Staff have conducted a site inspection and have determined that the maintenance of the security gates, window ledges and the planter do not negatively impact on the public right of way. The security gates were installed to the rear service doors as a security measure to prevent break-ins and they are composed of wire mesh framed with iron poles. They encroach 0.95 m within the laneway when open. The window ledges encroach a minimal amount of 0.02 m over the lane allowance.

The property owner will be required to enter into an encroachment agreement to be registered on title for the ongoing maintenance of the security gates and window ledges located in the laneway at the rear of the property and the planter that is existing at the front of the property.

Encroachment agreements currently exist for a door, canopy and for the building facade, at this location.

Details of the encroachments are on file with this Division.

Conclusions:

As the security gates, window ledges and planter do not impact negatively on the public right of way, their ongoing maintenance should be permitted, subject to the property owner entering into an encroachment agreement that will be registered on title.

Contact:

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Manager  
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List of Attachments:

Attachment No. 1 - Appendix 'A' - property data map  
Attachment No. 2 - Appendix 'B' - photos