

COMMITTEE OF THE WHOLE APRIL 7, 2003

**ENCROACHMENT AGREEMENT
10477 ISLINGTON AVENUE, KLEINBURG**

Recommendation

The Director of Legal Services recommends that a by-law be enacted to authorize the Mayor and Clerk to execute an encroachment agreement with Wendy Baril to allow for the continued maintenance and use of an existing porch located at 10477 Islington Avenue, Kleinburg.

Purpose

To obtain the requisite authority to enter into an encroachment agreement with Wendy Baril for the purposes of maintaining an existing porch located at 10477 Islington Avenue, Kleinburg, which encroaches onto the road allowance.

Background - Analysis and Options

Wendy Baril is the owner of the property located at 10477 Islington Avenue in Kleinburg. A local business, Rock of Ages, is located at this address. A porch located at the front of the building, located on the lands encroaches onto the road allowance. The property owner has advised that the porch has existed in its current location for more than 80 years. A sketch showing the encroachment has been attached as Schedule "A".

Various repairs are required to the front porch, including the repair and replacement of windows, which require the removal of the porch's canopy. This work requires a building permit, and the Owner has applied for same. While reviewing the building permit application the Building Standards Department noted the encroachment, and did not issue the permit.

Prior to the issuance of a building permit, and to allow the property owner to proceed with the necessary repairs, the owner must enter into an encroachment agreement with the City, allowing for the continued encroachment onto the right of way, and naming the City as an insured on the owners policy of insurance (thereby protecting the City in the event that an accident occurs on the porch). A draft encroachment agreement has been forwarded to the property owner, and she is prepared to execute same.

Upon execution and registration of the encroachment agreement, the Building Standards Department may issue the appropriate permit, and the property owner may then finish the necessary repairs.

Conclusion

Entering into an encroachment agreement with the owner will allow for the repair and maintenance of the property and porch located thereon, which has existed in its current location for over 80 years.

Attachments

Schedule "A" - Survey

Report prepared by:

John Zingaro

Respectfully submitted,

Heather A. Wilson
Director of Legal Services

Schedule "A"

COPY OF SURVEY FROM PROPERTY FILE

ISLINGTON AVENUE
(FORMERLY KING ROAD)
YORK REGION ROAD NO. 7
N32°42'10"W (REFERENCE BEARING)



BUILDING L₁
LOT 4, REG.
TOWN OF VAUGHAN
REGIONAL MUNI₁

SURV
I (CERT)
THE P
PLAN
SEPT

METF
DISTAN
METRES
DIVIDING

NOTE
BEARIN
REFER
1.5' x 1.5'
N. 32° 42'
4. STEEL
PROJECT

PROJECT NO. 8