Request for an Encroachment Agreement
Construction of Noise Barrier at
1563 Birchmount Road
(Ward 15 - Scarborough City Centre)

(City Council on April 11, 12 and 13, 2000, adopted this Clause, without amendment.)

The Scarborough Community Council recommends the adoption the following report (March 9, 2000) from the Commissioner of Corporate Services:

Purpose:

To seek authority for an encroachment agreement, which will permit the construction of a noise barrier over a portion of City-owned land which contains an enclosed storm sewer.

Financial Implications and Impact Statement:

Annual revenue of $500.00 plus G.S.T. during the term of the encroachment agreement. In addition an administration fee of $350.00 will be credited to Legal Services, Corporate Services Department.

Recommendations:

It is recommended that:

(1) the City enter into an encroachment/licence agreement with Birchmount Boarding Kennels Limited to permit the construction of a sound barrier wall which encroaches up to 2.4 metres onto a City-owned storm sewer property, subject to the terms and conditions herein;

(2) the City Solicitor be authorized and directed to take the appropriate action to complete this transaction on behalf of the City of Toronto; and

(3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Birchmount Boarding Kennels Limited has operated as a veterinary clinic and boarding kennel at 1563 Birchmount Road for a number of years. More recently the Kennels purchased a portion of the adjoining hydro corridor for future expansion.

In response to noise complaints from the residential community to the northeast, the Kennel owners are proposing to redevelop some of their outside dog runs by constructing a noise barrier

consisting of an acoustical fence and a roof structure over the dog runs along the east property limit.

Comments:

To provide an effective barrier system, the owners have requested permission to construct the barrier fence in a straight line from the existing building over a portion of City-owned lands, which contain a storm sewer. After consultation with Works and Emergency Services staff, the location of the proposed barrier has been sited to not impact on the operation and maintenance of the storm sewer.

The encroachment policy of the former City of Scarborough considered the proposed encroachment as a "commercial encroachment", subject to a one time administrative charge of $350.00 plus an annual fee of $500.00 for encroachments which are minor in area. The area of the proposed encroachment is approximately 25 square metres (270 square feet).

The encroachment area is shown on Schedule "A" attached and will be subject to:

(a) the owner providing proof of insurance satisfactory to the City's Manager of Risk and Insurance;
(b) the owner agreeing to construct and maintain the fence in good condition;
(c) the owner paying the standard $350.00 administration fee plus disbursements and G.S.T. and an annual fee of $500.00 plus G.S.T. during the term of the encroachment agreement for the encroachment/licence agreement;
(d) the agreement may not be assigned or transferred; in the event the property is sold, the agreement will terminate; and
(e) the encroachment will be removed or relocated at the expense of the owner upon receiving a written request from the Commissioner of Works and Emergency Services to do so.

Conclusions:

The proposed encroachment and noise barrier poses no problem to the operation and maintenance of the storm sewer. The redevelopment of the outdoor dog runs will ameliorate a community noise problem that has escalated in recent years. Authority for the proposed encroachment is therefore recommended.

Contact:

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Insert Table/Map No. 1
Schedule "A"
Proposed Encroachment Birchmount Kennels