

Section 1.8. Street Regulations

1.8.1. Encroachments

1.8.1.1. Encroachment Defined

1) In this Section an encroachment means a *building*, or a *building* appurtenance or fixture, including an existing areaway, a new or existing ornamental projection, awning, canopy, mechanical apparatus, or emergency *exit* apparatus, projecting in a *street*, whether above, at or below ground level.

1.8.1.2. Measurement of Encroachment

1) An encroachment shall be measured at right angles from a theoretical vertical plane located at the property line, to the outermost point of the encroachment in the *street*.

1.8.1.3. No Encroachment without Permission

1) No encroachment shall project into a *street*, unless permission has first been granted by the *City*.

1.8.1.4. Maintenance and Repair of Encroachment

1) Encroachments shall be repaired and maintained to the satisfaction of the *City Engineer* and the *Chief Building Official*.

1.8.1.5. Prohibited Encroachments

- 1) An encroachment shall not obstruct or interfere with
- a) public utility poles or equipment,
 - b) firefighting equipment or fire rescue operations,
 - c) *street* trees or lamp standards, or
 - d) *street* furniture.

1.8.1.6. Compliance with Encroachment By-law

1) The *Chief Building Official* shall not issue a *permit* to construct an encroachment unless the encroachment complies with this By-law and with the Encroachment By-law.

1.8.2. Existing Encroachments

1.8.2.1. Existing Encroachments

1) An existing encroachment which complies with the Encroachment By-law and does not conform with this By-law may be continued if the encroachment is not altered.

1.8.2.2. Damage to Existing Encroachment

- 1) Subject to the provisions in Sentence (2), an existing encroachment which is damaged may be repaired.
- 2) Despite the provisions of Sentence (1) if the cost of the repair to an existing encroachment is more than 50 per cent of the current replacement cost of the damaged encroachment, the repair shall constitute a new encroachment and shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.2.3. Alteration to Existing Encroachment

1) Except for signs permitted by the Sign By-law, any enlargement or *alteration* of an existing encroachment shall constitute a new encroachment and shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.2.4. Signs

1) Signs permitted by the Sign By-law which encroach in a *street* shall comply with this By-law.

1.8.2.5. Door Swings

1) Except as provided in Subsection 1.8.11., doors, security gates and other moveable barriers, whether open or closed, shall not encroach in a *street*.

1.8.3. New Encroachments**1.8.3.1. Application**

- 1) This Section applies to
 - a) new encroachments, and
 - b) *alterations* to existing encroachments which do not comply with the provisions of Subsection 1.8.2.

1.8.3.2. Dimensions and Clearances

1) Unless otherwise provided in this By-law, all new encroachments shall comply with the applicable *construction*, clearance and dimension requirements in Subsections 1.8.5. to 1.8.10.

1.8.3.3. Design and Construction of New Encroachments

1) A new encroachment shall be designed and constructed so that, in the event of its removal from the *building*, the *building* will comply with the provisions of this By-law.

1.8.3.4. Compliance with By-laws

- 1) A new encroachment shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.3.5. Encroachments in Narrow Streets

1) Unless otherwise permitted by this Section, new encroachments or encroachments which do not comply with the provisions of Subsection 1.8.2. are not permitted in a *street* which is 10 m or less in width.

1.8.4. Repair or Removal of Encroachment**1.8.4.1. Removal or Repair by Owner**

- 1) The *owner* of a *building* which encroaches in a *street* shall repair, alter or remove the encroachment if so ordered
 - a) by the *Chief Building Official*, in accordance with this By-law, or
 - b) by the *City Engineer*, in accordance with the Encroachment By-law.

1.8.4.2. Repair of Building after Removal of Encroachment

1) Upon removal of an encroachment from a *building*, the *owner* shall promptly repair the *building* and shall ensure that the *building* complies with this By-law.

1.8.4.3. Repair of Building at Owner's Expense

- 1) If the *Chief Building Official* has issued an order in accordance with Article 1.8.4.1. and an *owner* has failed to comply with that order, the *Chief Building Official* may
 - a) authorize *demolition* or removal of an encroachment, posting of security guards or fire wardens, or enclosure of such encroachment, *building*, *construction*, excavation or part thereof, at the expense of the *owner*,
 - b) recover such expense in the manner set out in this By-law, and
 - c) take such other measures as may be necessary to protect the public.

1.8.5. Areaways

1.8.5.1. Areaway Defined

1) In this Subsection an areaway means an existing underground *building* or *building* appurtenance, which encroaches in a *street* and forms part of or serves an adjacent *building*.

1.8.5.2. Design and Structural Requirements

1) The *Chief Building Official* shall refuse to issue a *permit* for *alteration* of an areaway unless the design has been first approved by the *City Engineer*.

2) Areaways shall be constructed with reinforced concrete walls and roofs which are capable of supporting the *street* surface, any superimposed *live loads*, surcharge loads and seismic loads, to the satisfaction of the *City Engineer*.

3) Notwithstanding Sentences (1) and (2), the provisions of Part 4, Division B, Book I of this By-law apply to the *construction* of an areaway.

1.8.5.3. Surface Construction Requirements

1) If any part of an areaway interfaces with the *street* surface, the areaway shall be

- a) *noncombustible construction*,
- b) constructed with solid non slip surfaces at the *street* surface interface, and
- c) level with the *street* surface at the *street* surface interface.

1.8.5.4. Removal of Areaway

1) A person who wishes to remove an areaway shall

- a) apply for and obtain all necessary *permits*,
- b) install a cut-off wall integral to the *building*, to the satisfaction of the *Chief Building Official*,
- c) waterproof the cut-off wall, to the satisfaction of the *Chief Building Official*, and
- d) backfill and restore the *street* surface in accordance with the Encroachment By-law, to the satisfaction of the *City Engineer*.

1.8.6. Ornamental Projections and Existing Windows

1.8.6.1. Ornamental Projections Defined

1) In this Subsection, ornamental projections mean new and *existing building* appurtenances and fixtures which encroach in a *street*, and include

- a) cornices,
- b) copings, and
- c) belt courses and other minor architectural trim such as water tables, column capitals and bases.

1.8.6.2. Construction

1) Except as permitted in Sentence (2), all ornamental projections, including their connections and supports, which encroach in a *street*, shall be *noncombustible construction*, and if constructed of metal, shall be no less than 0.56 mm in thickness.

2) Where roof *construction* is permitted to be of wood, the *Chief Building Official* may also permit a cornice to be of *combustible* materials, if

- a) the cornice only consists of roof members cantilevered over the *street* and covered by a roof deck, and
- b) the underside of the cornice is exposed, without a boxed-in soffit.

1.8.6.3. Ornamental Projections in Streets

1) For the purposes of this Article 1.8.6.3., the height of an ornamental projection shall be determined by vertical measurement from the lowest point of the encroachment to the *street* level immediately below.

2) Subject to the provisions of Sentence 1.8.6.3.(3), an ornamental projection may encroach into a *street* which is at least 10 m wide, no more than:

- a) 75mm for a projection located below 2.75m above the *street*,
- b) 500mm for a projection located between 2.75m and 5.2m above the *street*,
- c) 915mm for a projection located between 5.2m and 7.62m above the *street*, and
- d) 1370mm for a projection located more than 7.62m above the *street*.

3) The provisions of Sentence 1.8.6.3.(2) do not apply to an existing encroaching ornamental projection which is designated by by-law as protected heritage property or is the subject of a heritage revitalization agreement.

4) An ornamental projection may encroach in a *street* which is less than 10 m wide, if

- a) it is located no less than 7.62 m above the *street*,
- b) it does not encroach more than 915 mm beyond the property line, and
- c) it does not interfere with overhead public utilities.

1.8.6.4. Existing Encroaching Windows

1) An oriel or bay window shall not encroach in a *street* except that *alterations* may be made to an existing oriel or bay window if

- a) it encroaches no more than 600 mm beyond the property line,
- b) it is located no less than 5.2 m above the *street*, and
- c) the *street* is no less than 10 m in width.

2) The provisions of Sentence (1) do not apply to an existing encroaching oriel or bay window which is designated in accordance with a heritage designation by-law or is the subject of a heritage revitalization agreement with the *City*.

1.8.7. Awnings

1.8.7.1. Awning Defined

1) In this Subsection, an awning means a light detachable structure which encroaches in a *street* and which consists of a covering of fabric, sheet metal or other relatively flexible material on a fixed or retractable structural frame attached to and entirely supported by a *building*.

1.8.7.2. Attachments

1) No electrical wiring, illuminated device, electrical equipment or apparatus shall be attached to or incorporated in an awning, except that drive mechanisms and attachments to the structural frame required for the operation of collapsible awnings may be permitted by the *Chief Building Official*.

1.8.7.3. Structural Design

1) Except as permitted in Sentence (3), the structural frame of an awning and its connections to the supporting *building* shall be designed in conformance with Part 4 of Division B of Book I (General) of this By-law.

2) The structural frame of an awning and its connections to the supporting *building* shall be *noncombustible*.

3) A fabric covered retractable awning shall be designed to withstand wind, rain, snow, and seismic design loads applied to the closed awning.

1.8.7.4. Clearances

1) The horizontal distance from the outer edge of an awning measured to the outer face of the *street* curb shall be no less than 600 mm.

2) No portion of an awning shall be less than 2.75 m above the level of the street surface or established *building* grade, except that if the *street* surface or established building grade below the awning slopes more than 0.1 m over the length of the awning, the vertical clearance may be no less than 2.6 m, except that a soft fringe attached to the awning and made of canvas or cloth may have a clearance of no less than 2.3 m.

1.8.7.5. Combustible Material Requirements

- 1) *Combustible* materials used in awnings shall conform to the appropriate requirements for resistance to fire as set out in CAN/ULC-S109, “Flame Tests of Flame-Resistant Fabrics and Films”, or NFPA 701, “Standard Method of Fire Tests for Flame Propagation of Textiles and Films.”
- 2) *Combustible* materials shall not be used in an awning which is above the second *storey* of a *building*.
- 3) *Combustible* materials shall not be used in an awning which is attached to an exterior wall required to be of *noncombustible construction*.

1.8.7.6. Vertical Height

- 1) The vertical dimensions of the front and sides of an awning shall not exceed 3.65 m at any point, unless otherwise permitted by the *Chief Building Official*.

1.8.7.7. Awning Not To Span Unprotected Openings

- 1) An awning shall not span *unprotected openings* in separate *fire compartments*.

1.8.8. Canopies**1.8.8.1. Canopy Defined**

- 1) In this Subsection, a canopy means a structure encroaching in a *street* that provides pedestrian weather protection and has a covering of glass, metal or other rigid material on a fixed detachable rigid frame that is attached to and entirely supported by a *building*.

1.8.8.2. Requirements for Materials

- 1) A canopy shall be
 - a) constructed of *noncombustible* materials, except as provided in Sentence (2) and Clause (3)(c),
 - b) supported entirely by the *building* to which the canopy is attached, and
 - c) constructed so that its removal conforms to Sentence 1.8.3.3.(1).
- 2) Despite Clause (1)(a), if the *building* or the exterior wall to which the canopy is attached is of *combustible construction*, a canopy may be constructed of *combustible* materials.
- 3) The deck and roof of a canopy shall be constructed of
 - a) wired or laminated safety glass,
 - b) metal no less than 0.56 mm in thickness, or
 - c) wood plank no less than 60 mm in thickness, sheathed on the top and the soffit with metal or other *noncombustible* material, and constructed and fire stopped to the satisfaction of the *Chief Building Official*.

1.8.8.3. Clearances

- 1) The vertical distance from the lowest point of a canopy to the *street* surface shall be no less than 2.75 m.
- 2) The horizontal distance from the outer edge of a canopy to the outer face of the *street* curb shall be no less than 750 mm.
- 3) A canopy shall be no less than 600 mm from an adjoining property line or from the production of the property line into the *street*, unless the canopy is constructed entirely of *noncombustible* materials.
- 4) Despite the provisions of Sentence (3), if a property line is adjacent to a *lane*, a canopy shall be located no less than 600 mm from the production of the property line into the *street*.
- 5) A canopy shall be no less than 600 mm from a utility pole or lamp standard.

1.8.8.4. Vertical Dimensions of Canopy

- 1) Unless otherwise accepted by the *Chief Building Official*, the vertical dimensions of the front and sides of a canopy shall not exceed 3.65 m at any point.

1.8.8.5. Canopy Not to Span Unprotected Openings

- 1) A canopy shall not span *unprotected openings* in separate *fire compartments*.

1.8.8.6. Canopy Drainage System

- 1) Unless otherwise permitted by the *Chief Building Official*, a canopy roof shall be provided with a drainage system conforming to Part 2 of Division B of Book II (Plumbing Systems) of this By-law and connected to the *building storm water* system.
- 2) Downpipes for canopies shall not encroach more than 75 mm in the *street*.

1.8.8.7. Structural Design of Canopies

- 1) A canopy shall be designed to
 - a) support the expected loads due to weather, and
 - b) withstand seismic design loads

1.8.9. Solar Shading Device**1.8.9.1. Solar Shading Device Defined**

- 1) In this Subsection, a solar shading device means a structure encroaching in a *street*, that prevents solar heat gain through windows and has a fixed detachable rigid frame that is attached to and entirely supported by a *building*.

1.8.9.2. Requirements for Materials

- 1) A solar shading device shall be
 - a) constructed of *noncombustible* materials, except as provided in Sentence (2) and Clause (3)(c),
 - b) supported entirely by the *building* to which the solar shading device is attached, and
 - c) constructed so that its removal conforms to Sentence 1.8.3.3.(1).
- 2) Despite Clause (1)(a), if the *building* or the exterior wall to which the solar shading device is attached is of *combustible construction*, a solar shading device may be constructed of *combustible* materials.
- 3) The solar shading device shall
 - a) if constructed of glass, use wired or laminated safety glass,
 - b) if constructed of metal, shall be no less than 0.56 mm in thickness, or
 - c) if constructed of wood plank, shall be no less than 60 mm in thickness, sheathed on the top and the soffit with metal or other *noncombustible* material, and constructed and fire stopped to the satisfaction of the *Chief Building Official*.
- 4) Solar shading devices shall be of *noncombustible* construction where installed on an exposing wall face required to be *noncombustible* in accordance with Division B, Subsection 3.2.3.7.

1.8.9.3. Clearances

- 1) The horizontal distance from the outer edge of a solar shading device to the outer face of the *street* curb shall be no less than 600 mm.
- 2) For the purposes of this Article 1.8.9.3., the height of a solar shading device shall be determined by vertical measurement from the lowest point of the encroachment to the *street* level immediately below.
- 3) The maximum projection of a solar shading device into a *street* which is at least 10 m wide, shall be
 - a) 500 mm for a solar shading device located between 2.75 and 5.2m above the *street*,
 - b) 915 mm for a solar shading device located between 5.2m and 7.62m above the *street*, and
 - c) 1370 mm for a solar shading device located more than 7.62m above the *street* except that a solar shading device must also conform to the requirements of Sentence 1.8.9.3.(1).

- 4) A solar shading device may encroach in a *street* which is less than 10 m wide, if
 - a) it is located no less than 7.62 m above the *street*,
 - b) it does not encroach more than 915 mm beyond the property line, and
 - c) it does not interfere with overhead public utilities.

5) A solar shading device shall be no less than 600 mm from an adjoining property line or from the production of the property line into the *street*, unless the solar shading device is constructed entirely of *noncombustible* materials.

6) Despite the provisions of Sentence (5), if a property line is adjacent to a *lane*, a solar shading device shall be located no less than 600 mm from the production of the property line into the *street*.

1.8.9.4. Solar Shading Device Not to Span Unprotected Openings

- 1) A solar shading device shall not span *unprotected openings* in separate *fire compartments*.

1.8.9.5. Structural Design of Solar Shading Device

- 1) A solar shading device shall be designed to
 - a) support the expected loads due to weather,
 - b) withstand seismic design loads, and
 - c) shed snow and ice in a manner that minimizes risk to persons and property below.

1.8.10. Mechanical Apparatus

1.8.10.1. Clearances

1) Exterior hose connections for fire-fighting equipment, ventilation intakes and outlets, *chimneys* and air conditioning units shall not encroach in a *street* unless permitted by the *City Engineer*.

2) Fire alarm bells and fire gongs may encroach up to 300 mm in a *street*, except that such encroachments shall be located no less than 2.6 m above the *street* surface or established *building* grade.

1.8.11. Emergency Exits

1.8.11.1. Stairways and Fire Escapes

1) The *Chief Building Official* may permit stairways and balconies for fire escapes to encroach in a *street*, except that the lowest part of such stairways and balconies shall be no less than 5.2 m above the *street* surface.

1.8.11.2. Emergency Exit Doors

- 1) Emergency *exit* doors may encroach no more than 300 mm in a *street* which is no less than 10 m in width.
- 2) Despite Sentence (1), the *City Engineer* may permit an emergency *exit* door to encroach in a *street* which is less than 10 m in width, provided that such door does not encroach more than 300 mm in the *street*.