

Streets By-law

S-1 - Consolidated May 23, 2001

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**OFFICE CONSOLIDATION
UP TO AND INCLUDING AMENDMENT S-1-99005 (December 6, 1999)**

STREETS

By-law S-1

**A by-law to provide for the
REGULATION OF STREETS**

BY-LAW INDEX

**Part 1
DEFINITIONS**

- 1.1 Definitions
 - Bicycle path - defined
 - City Engineer - defined
 - Private entrance - defined
 - Roadway - defined
 - Road works - defined
 - Sidewalk - defined
 - Snow - defined
 - Street - defined
 - Street line - defined
 - Sales by retail - defined

**Part 2
PROHIBITED MATTERS**

- 2.1 Street - obstructing - encumbering - injuring - fouling
- 2.2 Excavation - upon street - prohibited
- 2.3 Structure - on - over - under street
- 2.4 Dirt - rubbish - snow - refuse - dumping - on street
- 2.5 Plants - earth - material - removal - from street
- 2.6 Public nuisance - upon street
- 2.7 Gate - door - opening - over street
- 2.8 Public travel - use - interference

- 2.9 Notices - placards - posting - on street - prohibited
- 2.10 Sale - on street - on vacant land adjacent to
- 2.11 Motor vehicle - operation - on bicycle path - exception
- 2.12 Motor vehicle - bicycle - on sidewalk - exceptions
- 2.13 Crane - other - operation - above street

Part 3
RETAIL SALES - NEAR CENOTAPH - PROHIBITED

- 3.1 Retail sales - prohibited - area - described

Part 4
DEPOSIT AGAINST DAMAGE

Repealed by By-law S-1-94001

Part 5
REMOVAL OF OBSTRUCTIONS

- 5.1 Projections - over street - unlawful - removal by owner
- 5.2 Fence - structure - obstructing travel - removal

Part 6
PERMITTED ACTIVITIES

- 6.1 Grass area - abutting street - planting - maintenance
- 6.2 Private entrances - requirements - Schedule 'A'
- 6.3 Various works - permit issued - Schedule 'B'
- 6.4 Sales - on streets - refreshment vehicles - licensed
- 6.5 Sales - on streets - vending stand - requirements
- 6.6 Street use - authorized - statute - by-law - agreement
- 6.7 Liability - requirements - City indemnified
- 6.8 Exception - City forces - agents - contractors

Part 7
TEMPORARY CLOSING - REPAIRS

- 7.1 Engineer - authority - alternative route - provided
- 7.2 Engineer - authority - signs - barricades - requirements
- 7.3. Use - closed street - at own risk
- 7.4 Use - closed street - deemed offence

Part 8
SNOW - ICE - REMOVAL
FROM SIDEWALKS - BUILDINGS

- 8.1 Snow - removed - by 10 a.m. - areas - Schedule 'C'
- 8.2 Snow - ice - deposit - on road - sidewalk - prohibited
- 8.3 Snow - ice - to boulevard - prohibited
- 8.4 Snow - ice - on sidewalk - where no street allowance
- 8.5 Snow - ice - on road - sidewalk - Engineer's direction
- 8.6 Snow - ice - removal - from building - where hazard

Part 9
ENFORCEMENT

- 9.1 Fine - for contravention
- 9.2 Continuation - repetition - prohibited - by order

Part 10
REPEAL - ENACTMENT

- 10.1 By-law - previous
- 10.2 Effective date

SCHEDULE

Schedule 'A' - Private Entrance Regulations

- A.1 Construction - maintenance - restricted
- A.2 Location - design - approved - by Engineer
- A.3 Construction - permitted - conditions
- A.4 Damage - to road - drainage - by driveway - prohibited
- A.5 Entrance size - multiple entrances
- A.6 Distance from sidewalk - parallel to lateral edge
- A.7 Distance from intersection - requirements
- A.8 Private entrance - location - utilities
- A.9 Private entrance - location - tree
- A.10 Depressed access - required - roadways with curbs
- A.11 Depressed access - owner's expense - deposit - required
- A.12 Relocation - poles - other road works - requests
- A.13 Non-compliance - remedied - by owner

Schedule 'B' - Public Street - Work Approval Permit

- B.1 Application - to Engineer - conditions - set out
- B.2 Fee - paid - for approval - inspection
- B.3 Work - described - in writing - drawings
- B.4 Purpose - lawful
- B.5 Obstruction - street - abutting owner's consent
- B.6 Insurance - indemnification of City - requirements
- B.7 Deposit - required - estimate by Engineer
- B.8 Deposit - balance - refunded - additional costs - paid
- B.9 Addition costs - unpaid - collected as taxes
- B.10 Permit - invalidated - work - methods - unapproved
- B.11 Permit - invalidated - work - time - unauthorized
- B.12 Permit - invalidated - conditions - not observed
- B.13 Permit - invalidated - work deemed dangerous
- B.14 Flagmen - police - warning devices - may be required
- B.15 Work site - constant supervision - may be required
- B.16 Barricade - protection of public - may be required
- B.17 Other conditions - compliance - may be required

Schedule 'C' - Sidewalks - Clearing Required

The Municipal Council of The Corporation of the City of Humber Bay enacts as follows:

SHORT TITLE STREETS BY-LAW

Part 1 DEFINITIONS

1.1 Definitions

In this by-law:

Bicycle path - defined

"bicycle path" shall mean a surfaced path for the use of bicycles marked as such by a sign or bicycle emblem.

City Engineer - defined

"City Engineer" shall mean the person appointed by the Council to the position of City Engineer and any employee of the City of Humber Bay who acts at the direction of the City Engineer.

Private entrance - defined

"private entrance" shall mean the portion of a street which is improved to permit the passage of persons or vehicles from a roadway or sidewalk to abutting property.

Roadway - defined

"roadway" shall mean the portion of a street which is improved for the travel of motor vehicles.

Road works - defined

"road works" shall mean the physical improvements which have been made to a street including pavement, curbs, signs, gutters, trees, culverts, treated and graded surfaces, walls, sidewalks, utility apparatus, ditches and swales.

Sidewalk - defined

"sidewalk" shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway.

Snow - defined

"snow" includes ice and slush.

Street - defined

"street" shall mean a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of Humber Bay and this term includes all road works and appurtenant to municipal land.

Street line - defined

"street line" shall mean the boundary between the street and the abutting land.

Sales by retail - defined

"sales by retail" includes but is not limited to sales conducted from a refreshment vehicle, vending box, cart or stand.

**Part 2
PROHIBITED MATTERS**

2.1 Street - obstructing - encumbering - injuring - fouling

No person shall, (either by himself or by permitting others) without lawful authority, obstruct, encumber, injure, or foul or cause or permit the obstruction, encumbering, injuring or fouling of any street.

2.2 Excavation - upon street - prohibited

No person shall, (either by himself or by permitting others) without lawful authority, make any excavation upon a street.

2.3 Structure - on - over - under street

No person shall, (either by himself or by permitting others) without lawful authority, place, construct, or maintain any object or structure upon, under or over a street.

2.4 Dirt - rubbish - snow - refuse - dumping - on street

No person shall, (either by himself or by permitting others) without lawful authority, throw, place or deposit any dirt, rubbish, snow or refuse upon a street.

2.5 Plants - earth - material - removal - from street

No person shall, (either by himself or by permitting others) without lawful authority, remove any plant, earth or material from a street.

2.6 Public nuisance - upon street

No person shall, (either by himself or by permitting others) without lawful authority, cause a public nuisance in or upon a street, by fire, water, vapour, noise or any means whatsoever.

2.7 Gate - door - opening - over street

No person shall, (either by himself or by permitting others) without lawful authority, construct or maintain a gate or door which opens or swings over a street.

2.8 Public travel - use - interference

No person shall, (either by himself or by permitting others) without lawful authority, conduct any

activity which interferes with public travel or use of a street.

2.9 Notices - placards - posting - on street - prohibited

No person shall, (either by himself or by permitting others) without lawful authority, post a notice, sticker, placard or advertisement in or upon a street.

2.10 Sale - on street - on vacant land adjacent to

No person shall, (either by himself or by permitting others) without lawful authority, sell, display or offer for sale any goods in or upon a street or from any vacant land adjacent to a street.

2.11 Motor vehicle - operation - on bicycle path - exception

No person shall, (either by himself or by permitting others) without lawful authority, operate a motor vehicle other than a motorized wheelchair along a bicycle path.

2.12 Motor vehicle - bicycle - on sidewalk - exceptions

No person shall, (either by himself or by permitting others) without lawful authority, operate a motor vehicle or bicycle along a sidewalk except that:

- (a) a motorized wheelchair shall be permitted;
- (b) a motor vehicle or bicycle may be operated across that portion of a sidewalk which intersects with a lawful private entrance; and
- (c) a cyclist may use that portion of a sidewalk which connects a bicycle path with a roadway.

2.13 Crane - other - operation - above street

No person shall, (either by himself or by permitting others) without lawful authority, operate a crane, boom or other equipment above a street.

Part 3

RETAIL SALES - NEAR CENOTAPH - PROHIBITED

3.1 Retail sales - prohibited - area - described

Notwithstanding any other section of this by-law or any other by-law of The Corporation of the City of Humber Bay, no person shall carry on sales by retail within the vicinity of the Cenotaph, more particularly described as that portion of the northerly half of the road allowance for Dufferin Avenue lying 40 metres west of the centre line of the road allowance for Wellington Street and that portion of the westerly half of the road allowance for Wellington Street lying 40 metres north of the centre line of the road allowance for Dufferin Avenue.

Part 4

DEPOSIT AGAINST DAMAGE

Repealed by By-law S-1-94001

Part 5

REMOVAL OF OBSTRUCTIONS

5.1 Projections - over street - unlawful - removal by owner

Any structure or thing which projects into or over a street without lawful authority shall be removed by the owner of the land in connection with which it exists.

5.2 Fence - structure - obstructing travel - removal

Any fence, barricade or other thing which obstructs a street or interferes with public travel on it shall be removed by the person by whom the same has been built, maintained, placed or deposited.

Part 6
PERMITTED ACTIVITIES

6.1 Grass area - abutting street - planting - maintenance

It shall be lawful for an owner or occupant to plant and maintain a grassed area upon the portion of the street which abuts his premises that is not occupied by road works.

6.2 Private entrances - requirements - Schedule 'A'

It shall be lawful for an owner or occupant to construct and maintain at his own risk and expense a private entrance to his premises which conforms to the requirements of Schedule 'A' of this by-law or to the written direction of the City Engineer.

6.3 Various works - permit issued - Schedule 'B'

It shall be lawful for works to be done under, upon or over a street pursuant to a permit issued by the City Engineer in accordance with Schedule 'B' of this by-law.

6.4 Sales - on streets - refreshment vehicles - licensed

It shall be lawful for goods to be sold upon a street (subject to the requirements of other laws) from a refreshment vehicle licensed by the City of Humber Bay (confined to the sale of refreshments).

6.5 Sales - on streets - vending stand - requirements

It shall be lawful for goods to be sold upon a street (subject to the requirements of other laws) from a cart, vending box or stand approved as to location by the City Engineer upon the payment in advance of such annual fee as may be prescribed by the Council from time to time, and upon the delivery of proof of insurance in a form and amount satisfactory to the City Treasurer, and a pledge to indemnify and save harmless the City of Humber Bay from all claims and judgments arising from such use of the street.

6.6 Street use - authorized - statute - by-law - agreement

It shall be lawful for use to be made of a street pursuant to permission granted under a statute, by the Council under a by-law, resolution or agreement, or as may be authorized in writing by the Chief of Police or the City Engineer.

6.7 Liability - requirements - City indemnified

All authority conferred under this by-law is subject to the condition that each person who exercises a right to use a street in the manner provided is liable to any person who consequently suffers injury or loss and shall indemnify The Corporation of the City of Humber Bay from all such claims and actions.

6.8 Exception - City forces - agents - contractors

The provisions of this by-law shall not apply to works undertaken by City forces, or by any agents or contractors employed by the City, acting under the direction of the City Engineer.

Part 7
TEMPORARY CLOSING - REPAIRS

7.1 Engineer - authority - alternative route - provided

The City Engineer may close any street to public travel for the purpose of repairing or improving it, or for the purpose of installing road works if a reasonable temporary alternative route for traffic and local access is provided.

7.2 Engineer - authority - signs - barricades - requirements

The City Engineer may close any street to public travel for the purpose of repairing or improving it, or for the purpose of installing road works if, at each end of the portion of the street closed, there is erected and maintained:

- (a) a detour sign;
- (b) a barricade;
- (c) a notice that the street is closed to traffic; and
- (d) a warning device which is in good working order for use between sunset and sunrise.

7.3 Use - closed street - at own risk

Every person who uses a street, or portion of a street so closed to traffic does so at his own risk.

7.4 Use - closed street - deemed offence

Every person who without lawful authority uses a street, or portion of a street which has been closed to traffic in the manner provided above, or who removes or defaces any barricade, device, detour sign or notice, is guilty of an offence and is also liable for any damage or injury occasioned by such wrongful use, removal or defacement.

Part 8 SNOW - ICE - REMOVAL FROM SIDEWALKS - BUILDINGS

8.1 Snow - removed - by 10 a.m. - areas - Schedule 'C'

Any snow which is found on a sidewalk on a portion of street listed in Schedule 'C' of this by-law after 10:00 a.m. on any day which is not a holiday as defined in the Retail Business Holidays Act may be cleared, treated or removed at the direction of the City Engineer without notice to and at the expense of the owner of the abutting land and such expense may be recovered by action or in like manner as municipal taxes.

8.2 Snow - ice - deposit - on road - sidewalk - prohibited

No person shall deposit, or cause to be deposited, snow or ice upon a sidewalk or the roadway.

8.3 Snow - ice - removal - to boulevard - prohibited

No person shall move, or cause to be moved, snow or ice from privately-owned lands to a boulevard.

8.4 Snow - ice - on sidewalk - where no street allowance

Notwithstanding sections 8.2 and 8.3 of this by-law, where an owner is required to clear away and remove snow and ice from a sidewalk in accordance with this Part, and there is no land within the street allowance which is not being used for the purposes of sidewalk or roadway, such snow and ice may be deposited upon so much of the sidewalk nearest to the street as is reasonably necessary for the purpose.

8.5 Snow - ice - on road - sidewalk - Engineer's direction

Notwithstanding sections 8.2 and 8.3 of this by-law, a person who is directed by the City Engineer to clear snow or ice may deposit snow or ice upon a sidewalk or the roadway in a manner directed by the City Engineer.

8.6 Snow - ice - removal - from building - where hazard

The owner of a lot which has a building or structure situated on it in such a manner as to present a hazard from ice or snow which may fall from it onto the street shall remove such ice or snow from the building or structure.

Part 9 ENFORCEMENT

9.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

9.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part 10 REPEAL - ENACTMENT

10.1 By-law - previous

By-law S.-3471-194 and all of its amendments are hereby repealed.

10.2 Effective date

This by-law comes into force on May 15, 1994.

PASSED in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993

SCHEDULE 'A'
Private Entrance Regulations

A.1 Construction - maintenance - restricted

No private entrance shall be constructed or maintained upon a portion of the street which is occupied by road works.

A.2 Location - design - approved - by Engineer

No private entrance shall be constructed or maintained before approval by the City Engineer of its location and design.

A.3 Construction - permitted - conditions

No private entrance shall be constructed or maintained except to connect with:

- a) a parking space legally established on private property; or
- b) a parking space established under a City of Humber Bay boulevard parking agreement; or
- c) a walkway.

A.4 Damage - to road - drainage - by driveway - prohibited

No damage shall be done to road works or drainage through the installation or maintenance of a private entrance, nor shall gravel or dirt be permitted to spill or track onto road works.

A.5 Entrance size - multiple entrances

Unless otherwise approved by the City Engineer in writing, each private entrance shall be perpendicular to the street and:

- a) For single, semi-detached, duplex, or converted two unit dwelling, private entrances to permit the passage of vehicles shall not be less than 2.7 metres (8.8 feet) in width;

The combined total of all private entrances to permit the passage of vehicles may exceed 2.7 metres (8.8 feet) to a lot maximum of 6.0 metres (19.7 feet) in width or 40% of the street line of the lot whichever is less;

The width of a private entrance to permit the passage of vehicles shall be measured parallel to the said street, at any point between the street line and the roadway excluding the radii at the curb which are not to exceed 1.8 metres (6.0 feet);

It shall be further provided that no lot shall have more than two private entrances to permit the passage of vehicles for the first 30 metres (98.7 feet) of street line.

- b) For uses other than those described in Section A.5(a) above, private entrances to permit the passage of vehicles shall have a minimum unobstructed width of 6.7 metres (21.9 feet) where two-way traffic is permitted and a minimum of 3.0 metres (9.8 feet) where only one-way traffic is permitted and is clearly indicated by signs, pavement markings or both;

The width of a private entrance to permit the passage of vehicles shall be measured parallel to the said street, at any point between the street line and the roadway excluding the radii at the curb which shall not exceed 3.0 metres (9.8 feet);

The City shall consider each private entrance to permit the passage of vehicles on its own merit. Need must be demonstrated or substantiated where multiple private entrances are requested. Careful consideration must be afforded to the internal circulation, layout and frontage with a view to minimizing the disruption of roadway traffic while achieving optimum spacing between points of intersection with City roads;

- c) 1.5 metres (5 feet) at any point for a walkway.

A.6 Distance from sidewalk - parallel to lateral edge

No private entrance shall be located within 1.5 metres (5 feet) of a sidewalk which runs parallel to the lateral edge of the private entrance.

A.7 Distance from intersection - requirements

Where two or more streets intersect, no private entrance shall be located within the area defined as the sight triangle in the Zoning By-law Z-1 as amended from time to time. In no case shall the entrance be located within the roadways' edge radii.

A.8 Private entrance - location - utilities

Where a private entrance is to be located within the minimum distance to a utility as described in Table 2 below, then written approval must be obtained by the applicant from the appropriate authority and provided to the City Engineer prior to the issuance of a work approval permit.

TABLE 2

<u>UTILITY</u>	<u>MINIMUM DISTANCE OF PRIVATE ENTRANCE TO UTILITY</u>
Hydro pole/signal poles/light standards	1.5 metres (5.0 feet)
Fire Hydrant	1.5 metres (5.0 feet)
T.V. Cable Pedestal	2.0 metres (6.5 feet)
Bell Pedestal	2.0 metres (6.5 feet)

A.9 Private entrance - location - tree

Where a private entrance is to be located within 6.0 metres (20.0 feet) of a tree located on City property, written approval must be obtained by the applicant from the Parks and Recreation Department and provided to the City Engineer prior to the issuance of a work approval permit.

A.10 Depressed access - required - roadways with curbs

No private entrance shall be constructed or maintained from a roadway having curbs except at a point where a depressed access is provided.

A.11 Depressed access - owner's expense - deposit - required

A depressed access to an existing curb may be constructed by the City Engineer if:

- a) the owner or occupant of the premises to be served requested in writing (on a form provided by the City Engineer) that such work be done at his expense for the purpose of a private entrance; and
- b) a deposit equal to the estimated cost of such work, based on the fees established by Council from time to time, is paid to the City of Humber Bay by the person requesting the work before any such work is done.

A.12 Relocation - poles - other road works - requests

Requests to relocate poles, hydrants, manholes, signs and other road works to facilitate a private entrance shall be dealt with by the City Engineer on the same basis as set out in section A.11 of this Schedule.

A.13 Non-compliance - remedied - by owner

Any private entrance which does not conform to the requirements of this Schedule or the written direction of the City Engineer shall be made to comply by the owner of the land in connection with which it exists.

SCHEDULE 'B'
Public Street - Work Approval Permit

B.1 Application - to Engineer - conditions - set out

Upon application, a permit may be issued by the City Engineer for work to be carried out in, over or under a City street, subject to the conditions set out in sections B.2 to B.9 inclusive of this Schedule and such other conditions as the City Engineer may impose.

B.2 Fee - paid - for approval - inspection

The applicant shall pay such fees as are imposed by the City Engineer (to cover costs of approval and inspection).

B.3 Work - described - in writing - drawings

The work shall be fully described in writing, complete with drawings.

B.4 Purpose - lawful

The purpose of the work shall be lawful.

B.5 Obstruction - street - abutting owner's consent

In the case of work for the sole benefit of privately-owned land, where the work cannot practicably be carried out without obstructing the street, the owner of the abutting land which is to benefit from such work must consent to the obstruction.

B.6 Insurance - indemnification of City - requirements

Proof of insurance in a form and amount satisfactory to the City Treasurer and a pledge to indemnify and save harmless the City of Humber Bay from all claims and judgements respecting any aspect of such work shall be provided.

B.7 Deposit - required - estimate by Engineer

The applicant shall pay by security and/or deposits to the City of Humber Bay in an amount calculated by the City Engineer based upon his estimate of the cost which will be incurred to reinstate the street and for other services provided by the City.

B.8 Deposit - balance - refunded - additional costs - paid

Upon satisfactory completion of the work and following such warranty period as may be deemed appropriate by the City Engineer, the amount of security and/or deposit which exceeds the cost incurred by the City will be returned to the applicant, or in the case where the costs exceed the security, and/or deposit, the applicant shall pay the amount invoiced within 30 days of receipt of the invoice.

B.9 Addition costs - unpaid - collected as taxes

Any amount owing to the City after 30 days may be recovered in like manner as municipal taxes from the owner of the abutting land who has consented to the performance of such work or by action.

B.10 Permit - invalidated - work - methods - unapproved

A permit issued in accordance with this Schedule is invalidated if the work authorized by the permit is conducted in a manner other than as approved by the City Engineer.

B.11 Permit - invalidated - work - time - unauthorized

A permit issued in accordance with this Schedule is invalidated if the work is conducted at a time other than authorized.

B.12 Permit - invalidated - conditions - not observed

A permit issued in accordance with this Schedule is invalidated if a condition stated herein, or such other condition as may be imposed by the City Engineer, is not observed to his satisfaction.

B.13 Permit - invalidated - work deemed dangerous

A permit issued in accordance with this Schedule is invalidated if the work for whatever reason constitutes a danger in the opinion of the City Engineer.

B.14 Flagmen - police - warning devices - may be required

The City Engineer may require as a condition to a permit that flagmen, uniformed police officers and traffic warning devices be provided.

B.15 Work site - constant supervision - may be required

The City Engineer may require as a condition to a permit that the work site be constantly attended and supervised.

B.16 Barricade - protection of public - may be required

The City Engineer may require as a condition to a permit that barricades, platforms or other structures be erected for the protection of the public .

B.17 Other conditions - compliance - may be required

The City Engineer may require, as a condition to a permit, compliance with any other condition as in his opinion is reasonably necessary for the protection of the public safety and right to travel along the street.

SCHEDULE 'C'
Sidewalks - Clearing Required

Central Business District - Sidewalks to be cleared of ice and snow at the expense of owner of the property which abuts the sidewalk.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Carling Street	Richmond Street	Talbot Street
Clarence Street	York Street	Kent Street
Colborne Street	York Street	Dundas Street
Covent Market Place	Talbot Street	King Street
Dufferin Avenue	Wellington Street	Ridout Street North
Dundas Street	Rectory Street	Ridout Street North
Fullarton Street	Ridout Street North	Richmond Street
Kent Street	Clarence Street	Richmond Street
King Street	Colborne Street	Ridout Street North
Queens Avenue	Waterloo Street	Ridout Street North
Richmond Street	York Street	Oxford Street
Ridout Street North	York Street	Dufferin Avenue
Talbot Street	Dufferin Avenue	York Street
Waterloo Street	York Street	Queens Avenue
Wellington Street	York Street	Dufferin Avenue
York Street	Colborne Street	Ridout Street North