



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: Erin O'Donnell, Paralegal

Department: Administration

Date of Report: January 3, 2025

Report Number: AD-2025-01

Subject: Encroachments Policy Updates

Recommendation

That the report of the Paralegal dated January 3, 2025, (AD-2025-01) regarding updates to the Encroachment Policy be received;

And that, the current Encroachments Policy be repealed;

And that, the new and updated Encroachment Policy be adopted.

Report

On July 10, 2007 the Encroachments Policy was adopted by Council, which is currently in force. To achieve the intent of the policy, updates and additional provisions are required. Consequently, Administration seeks to repeal and replace the existing Encroachments Policy.

Historically, encroachments existed on Town-owned land for a variety of purposes such as fences or pools. The proposed Policy highlights that future encroachments will only exist for vehicular driveway access, after all other avenues have been explored. This will decrease risks associated with use of Town-owned land and mitigate interference with future strategic plans.

The updated Encroachment Policy ("Policy"), attached as Schedule "A", clarifies the procedures and processes in place to maintain a valid encroachment agreement, as well as enforcement measures necessary for regulatory compliance and public safety. The Policy will also ensure that all current, proposed, and unknown encroachments are subject to the Policy.

This report will outline the high-level fundamental changes to the Policy through additional provisions.

Outline of the proposed changes:

- Section 3: definitions were added for clarity of language used throughout the Policy;
- Section 4: Policy
 - paragraph 4.1: added to outline the responsibilities of each department to streamline the process for consistency;
 - paragraph 4.2: Encroachment Application and Implementation Process summarizes the steps required for administration to review an application for an encroachment agreement. This section includes the implementation process if the application is accepted, or the potential review process with Council if the application is rejected by administration;
 - Paragraph 4.3: outlines the insurance requirements to maintain a valid encroachment agreement;
 - Paragraph 4.4: details the process to enter into an authorized encroachment agreement if administration discovers an unauthorized encroachment onto Town-owned land;
- Section 4.5: General
 - Paragraph 4.5.1: included to affirm that use of Town-owned Land through an encroachment agreement does not create a vested right to the Owner of the property encroaching;
 - Paragraph 4.5.2: confirms that existing Authorized Encroachments in compliance with required terms will be permitted to continue use of the encroachment;
- Section 4.6: the Enforcement section was added to provide enforcement measures if encroachments are non-compliant with requirements detailed in the Policy or agreement. This includes removal of the encroachment and reimbursement to the Town for costs associated with performance of work for the removal of the encroachment. This section also speaks to reinstatements of encroachments if the owner is able to comply with requirements after suspension of use. Additionally, this section emphasizes that Administration or their delegate may enter onto the encroachment at any reasonable time to determine compliance;
- Section 4.7: this section outlines fees associated with the application process, encroachment fee, reinstatement fee, and termination and release of authorized encroachment fee. An additional fee option for consideration, as implemented by

a surrounding municipality, is an annual fee upon renewal of the encroachment agreement.

Administration is requesting that the existing Encroachments Policy be repealed and replaced with the proposed Encroachment Policy to enhance regulatory compliance with existing, new, and unknown encroachments onto Town-owned land. Streamlining the process ensures continuity throughout the application and implementation process. Additionally, it ensures the public adheres to the policy through clarity of the process and knowledge of enforcement resources available for compliance. Enforcement provisions are necessary for liability management, protection of infrastructure, strategic planning of land use, and public safety.

Consultations

Deputy Chief Administrative Officer

Director of Public Works

Director of Planning and Development

Legal Counsel

Financial Implications

Not applicable.

Prepared By:



Paralegal

Erin O'Donnell

Link to Strategic Goals

1. Enhancing organizational excellence - Not Applicable
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Not Applicable
4. Build on our high-quality of life - Not Applicable
5. Sustaining strong public services and infrastructure - Yes

Communications

Not applicable.

Report Approval Details

| | |
|----------------------|-----------------------------------|
| Document Title: | Encroachments Policy updates.docx |
| Attachments: | - Encroachment policy.pdf |
| Final Approval Date: | Jan 14, 2025 |

This report and all of its attachments were approved and signed as outlined below:



Legal Counsel

Domenic Dadalt



Chief Administrative Officer

Joe Milicia