



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council  
**Prepared by:** Domenic Dadalt, Legal Counsel  
**Department:** Administration  
**Date of Report:** July 17, 2020  
**Report Number:** AD-05-2020  
**Subject:** Encroachment Agreement – 1370 Hazel Street

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### **Recommendation**

That the report of the Legal Counsel of LaSalle dated July 17, 2020 (AD-05-2020) regarding the Town entering into an Encroachment onto an Easement Agreement with the owners of 1370 Hazel Street be RECEIVED and to APPROVE Administration to take the steps necessary to complete the said Encroachment onto an Easement Agreement with the said owners.

### **Report**

The Town of LaSalle has a municipal easement reserved over the lands legally described as Part of Kensington Blvd, Registered Plan 847 Sandwich West (aka Kenwood St) now designated as Part 10 on Reference Plan 12R-26325 (see Figure 1, attached), which said easement is registered as Instrument No. CE691236. The stated purpose of this easement is for installing, maintaining, replacing, altering, cleaning, repairing, providing and operating municipal utilities and services, including all appurtenances necessary or incidental thereto. Specifically, there is currently a sanitary sewer main line that runs underground.

As seen in Figure 1, there are a number of items that have been constructed upon the easement. In the rearyard, there is a privacy fence, a shed and concrete located on top of the easement. In the front yard, there is a small wooden fence used to delineate the property line with the southerly neighbour located at 1380 Hazel Street, as well as some landscaping. Additionally, there is some landscaping within the Town right-of-way alongside the southerly neighbour's driveway. Through communications with both property owners, it is clear that there is significant tension between the neighbours. The

southerly neighbour has raised issues with alleged flooding, standing pools of water, prevalence of insects and the visual appearance.

After meeting with the owners of 1370 Hazel Street, Administration feels that the most equitable approach going forward is to recognize the situation as it currently stands within the easement itself while directing the said owners to remove any landscaping or fencing within the Hazel Street right-of-way. For clarity, this will allow the rearyard to remain in its current state, until the time where the Town needs to perform repairs on the sanitary line. With respect to the front yard, only the items located within the easement area may remain, while the mulch and other landscaping in the right-of-way will be removed. There is a significant amount of mulch that immediately abuts the southerly neighbour's driveway, which will help to alleviate at least some, but not all of, the concerns.

The permitted use will expire when the structures or concrete areas are removed, either voluntarily by the owner or if the Town requires access to the sanitary sewer and requires their removal. Any such removal will be completed solely at the cost of the owners.

Given the above information, Administration feels that the most equitable course of action going forward is to recognize what exists within the easement and clearing up the area within the Hazel Street right-of-way and seeks Council's approval to complete an Encroachment onto an Easement Agreement to accomplish this goal.

## **Consultations**

Jonathan Osborne, Manager of Engineering

Allen Burgess, Supervisor of Planning

## **Financial Implications**

None.

## **Prepared By:**



Legal Counsel

Domenic Dadalt

## Link to Strategic Goals

	Enhancing organizational excellence
	Sustain strong public services and infrastructure
	Strengthen the community's engagement with the Town
	Grow and diversify the local economy
	Build on our high-quality of life

## Communications

yes	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

## Notifications

Name	Address	Email
David and Melanie Wilson		
Richard Conte and Jessica Spiteri		

**Report Approval Details**

Document Title:	AD-05-2020 - Encroachment Agreement 1370 Hazel Street.docx
Attachments:	- Figure 1 - Easement.pdf
Final Approval Date:	Jul 21, 2020

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



Chief Administrative Officer

Joe Milicia