

---

## MANAGEMENT REPORT

**Date:** June 28, 2023  
**To:** Infrastructure, Transportation and Safety Sub-committee  
**From:** Tatiana Dafoe, City Clerk  
**Report #:** ITS23-019  
**Attachments:** Survey of 30 Queensland Road

---

**Title:** Encroachment Application for 30 Queensland Road

**Objective:** To consider a request to enter into an Encroachment Agreement with the owner of 30 Queensland Road. The purpose of the Encroachment Agreement is to permit the installation of hard (concrete) surfacing to the barrier free entrance to the building to encroach onto the Queensland Road allowance.

**Background:** An encroachment agreement is a formal agreement signed between the City and a property owner, approved by by-law and registered on title against the property that is benefited by the agreement (not the municipal property). The intent of the encroachment agreement is to formally recognize the encroachment and clearly establish the terms and conditions specific to the encroachment if it is permitted to remain.

The City adopted an Encroachment Policy P.3.2 (the Policy) which states:

“It is the policy of the City of Stratford that there shall be no unauthorized encroachments onto road allowances or municipal property, including park property. A property owner shall seek prior permission from the City to encroach onto a road allowance or municipal property and subject to Council approval, enter into an encroachment agreement with the City and pay the required fees.

Where an encroachment exists without City approval, the owner shall be required to remove the encroachment at their own expense or seek permission from the City for the encroachment to remain.

No new encroachments onto park property will be permitted.”

The Policy further states:

“7. When Encroachments will not be granted

It is the policy of the City of Stratford that approval for the following will not be granted:

- new encroachments onto park property;
- additions to existing buildings or other structures that would encroach or do encroach onto municipal property or road allowances;
- the encroachment poses a danger to the public;
- when construction has commenced prior to the issuance of a required permit from the City.”

**Analysis:** The 30 Queensland property is the site of a significant development and was required to complete a Site Plan. As part of the internal review of the submitted Site Plan application it was identified that the developer had included the installation of hard (concrete) surfacing which would connect to the walkway leading to the barrier free entrance to the building. If approved, the hard concrete surfacing would encroach onto the Queensland Road allowance. On August 17, 2022, the following comments were provided by the Site Plan Review Committee:

**“Entries and Amenity Area Enlargements – L1.2 – rev. 3**

3.20. Typically, the City does not permit hard surfaces to be placed on City right of way. The extension of hard surfacing at the entrance will require the development to enter into an encroachment agreement with the City.”

In accordance with the Policy, the encroachment application was submitted for review to the following divisions: Planning, Engineering, and Building. Their comments are summarized below.

**Planning Services**

Planning Services advised that they have no concerns with this application and are supportive of the request.

**Building Services**

Building Services advised they have no concerns regarding the application.

**Engineering Division**

The Engineering Division advised they do not have any comments or concerns with this encroachment application.

## **Financial Implications:**

### **Financial impact to current year operating budget:**

If the encroachment agreement is approved as recommended, the annual fee of \$50.00, adjusted yearly by the CPI, would be added to the property tax bill for this property for the encroachment agreement. The annual fee is based on the size of the encroachment and is calculated by taking the current property tax times the size of the encroachment (area) divided by the total area of the owned property.

### **Financial impact on future year operating budget:**

If approved as recommended, the annual fee of \$50.00, adjusted yearly by the CPI, would be added to the property tax bill annually until the agreement is terminated or the encroachment is removed.

## **Alignment with Strategic Priorities:**

**Not applicable:** The encroachment policy is a service offered by the City to permit existing building or structures to encroach onto municipal property. The City will exercise its right to require an encroachment agreement if the City intends to allow the encroachment to remain under certain terms and conditions.

## **Alignment with One Planet Principles:**

**Not applicable:** The encroachment policy is a service offered by the City to permit existing building or structures to encroach onto municipal property. The City will exercise its right to require an encroachment agreement if the City intends to allow the encroachment to remain under certain terms and conditions.

**Staff Recommendation: THAT the encroachment application for 30 Queensland Road to permit the installation of a hard concrete surface to encroach onto the Queensland Road allowance for a total encroachment area of 154.45 sq. ft, be approved;**

**THAT the annual fee of \$50.00 adjusted yearly by the CPI, be added to the property tax bill for 30 Queensland Road;**

**AND THAT the City Clerk be directed to prepare a by-law authorizing the encroachment at 30 Queensland Road for consideration at a future Regular Council meeting.**

**Prepared by:**

**Recommended by:**

Tatiana Dafoe, City Clerk

Karmen Krueger, CPA, CA, Director of Corporate Services

Kim McElroy, Director of Social Services/Acting CAO