



MANAGEMENT REPORT

Date: September 9, 2024
To: Mayor and Council
From: Tatiana Dafoe, City Clerk
Report Number: COU24-093
Attachments: Encroachment Sketch of 96 Huron Street

Title: Encroachment Application for 96 Huron Street

Objective: To consider a request to enter into an Encroachment Agreement with the owner of 96 Huron Street. The purpose of the Encroachment Agreement is to permit the existing concrete steps, sidewalk, and handrail to encroach onto the Huron Street road allowance.

Background: The purpose of this report is to consider entering into an encroachment agreement for the existing concrete steps, sidewalk and handrail ("the encroachments") at 96 Huron Street which if approved would encroach onto the Huron Street road allowance.

During the reconstruction of Huron Street, the encroachments were identified by staff and the property owner was notified.

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:

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 advised that they have no concerns with this application.
- Building Services advised they have no concerns regarding the application. Building Services noted that the existing steps are currently being proposed as changing under a Building Permit Application. The area of the steps are not increasing. There are slight changes to the design of the stairs and new hand railing are being installed.
- Engineering Division advised they do not have any comments or concerns with this encroachment application.

Staff recommend approving the entering into of an encroachment agreement for the encroachments.

Request for Fee Waiver:

The owner has requested that the encroachment fee of \$50.00, adjusted yearly by the CPI be waived. The Encroachment Policy states that an annual fee will not be charged for encroachments in institutional zones. The subject property is zoned R2(1)/MUR.

The Tax Department has confirmed the portion of the property which operates as a church is exempt from municipal taxes as it is an institution. The residential portion of the property is subject to municipal taxes. The encroachments are located on the residential portion of the property and therefore fees would be applicable. To exempt the annual encroachment fee, Council would need to approve an exemption to Encroachment Policy P.3.2.

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 96 Huron Street to permit the existing concrete steps, sidewalk and handrail to encroach onto the Huron Street road allowance for a total encroachment area of 47.17m², be approved;

THAT Council provide direction on the annual fee of \$50.00 adjusted yearly by the CPI, to be added to the property tax bill for 96 Huron Street;

AND THAT the City Clerk be directed to prepare a by-law authorizing the encroachment at 96 Huron Street for consideration at a future Regular Council meeting.

Prepared by:

Tatiana Dafoe, City Clerk

Recommended by:

Karmen Krueger, CPA, CA, Director of Corporate Services

Joan Thomson, Chief Administrative Officer