

MANAGEMENT REPORT

Date: October 15, 2024
To: Mayor and Council
From: Tatiana Dafoe, City Clerk
Report Number: COU24-119
Attachments: Draft Plan of 370 Ontario Street

Title: Encroachment Application for 370 Ontario Street

Objective: To consider a request to enter into an Encroachment Agreement with the owner of 370 Ontario Street to permit several items to encroach onto the Ontario Street 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.”

In 2024, Consent Application B01-24 was approved which permitted the severing of 370 Ontario Street from 380-396 after the parcels had merged on title. A condition of approval was that a road widening and daylight triangle be provided along Ontario Street. As a result of the road widening and daylight triangle, existing structures are now located on City property, thus requiring this encroachment agreement application.

The encroachment application submitted by the Owner requested the following items be permitted to encroach onto the municipal road allowance:

- porch,
- stairs,
- concrete pad,
- sidewalk,
- parking space.

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

Planning Services

Planning Services advised that they have no concerns with this application. The Director of Building and Planning noted that the parking space could remain subject to an encroachment agreement with the City up until such time that there is any redevelopment of the site. At which point the property owner would need to remove and reconfigure the parking space to not encroach and to comply with all City By-laws and requirements.

Building Services

Building Services advised that they have no concerns with the encroachments. It was noted that the building proposed to be demolished for 380-396 Ontario Street will need

to be completed under a demolition permit which will be completed through the re-development of the site and is not required to be addressed under this encroachment agreement.

Engineering Division

The Engineering Division advised they do not have any concerns with this encroachment application. It was recommended the following additional structures be included in the encroachment agreement: gravel walkway, bushes/garden and existing sign.

Financial Implications:

The annual fee for the encroachments is adjusted yearly by the CPI and added to the property tax bill for the property. 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 to current year operating budget:

If the encroachment agreement is approved as recommended, the annual fee of \$414.91, adjusted yearly by the CPI, would be added to the property tax bill for this property.

Financial impact on future year operating budget:

If approved as recommended, the annual fee of \$414.91, 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 370 Ontario Street to permit the existing asphalt parking space, concrete walkway, concrete pad with stairs, covered porch, gravel walkway, garden/bushes and sign to encroach onto the Ontario Street road allowance for a total encroachment area of 55.69m², be approved;

THAT the annual fee of \$414.91 adjusted yearly by the CPI, be added to the property tax bill for 370 Ontario Street;

AND THAT the City Clerk be directed to prepare a by-law authorizing the encroachment at 370 Ontario Street.

Prepared by: Tatiana Dafoe, City Clerk

Recommended by: Karmen Krueger, CPA, CA, Director of Corporate Services
Joan Thomson, Chief Administrative Officer