



**BY-LAW NUMBER XXX-2025
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to authorize the entering into and execution of an encroachment agreement with Bruce Whitaker and Thomas Atlee to permit the existing retaining wall and parking pad to encroach onto the Daly Avenue municipal road allowance at 40 Daly Avenue.

WHEREAS Section 8.(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, ("the Municipal Act, 2001"), provides that the powers of a municipality under this or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10(1) of the Municipal Act, 2001, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS The Corporation of the City of Stratford is the registered owner of the municipal property known as the Daly Avenue road allowance;

AND WHEREAS an application was made to The Corporation of the City of Stratford to permit the the existing retaining wall and parking pad to encroach onto the Daly Avenue municipal road allowance at 40 Daly Avenue;

AND WHEREAS the Parties hereto agree to enter into an Agreement to permit the encroachment permit the existing retaining wall and parking pad, for a total encroachment of 14.12m², to encroach onto the Daly Avenue municipal road allowance at 40 Daly Avenue as shown on Schedule "B" to the Agreement, to continue under certain terms and conditions as set out in the said Agreement;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That the Encroachment Agreement between The Corporation of the City of Stratford and Bruce Whitaker and Thomas Atlee to permit the existing retaining wall and parking pad for a total encroachment of 14.12m², to encroach onto the Daly Avenue municipal road allowances at 40 Daly Avenue, be entered into and the Mayor and Clerk, or their respective delegates, be and the same are hereby authorized to execute the said agreement on behalf of and for this Corporation and to affix the corporate seal thereto.
2. The Encroachment Agreement applies to the property known municipally as the Daly Avenue municipal road allowance at 40 Daly Avenue, and more particularly described as:
 - Daly Avenue, Plan 74, Stratford, PIN 53140-0107 (LT)
3. The City Solicitor is authorized to register the Encroachment Agreement referred to in Paragraph 1 herein, in the appropriate Land Registry office.
4. This By-law comes into force and takes upon final passage.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 11th day of August, 2024.

Mayor – Martin Ritsma

Clerk – Tatiana Dafoe